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September 2, 2020

Board of State and Community Corrections
2590 Venture Oaks Way
Sacramento, CA 95833

Re: Strengthening Facilities Inspection Process by Board of State and Community Corrections

Dear Board Members,

We write to express our serious concerns regarding the Board of State and Community Corrections' (BSCC) flawed process of inspecting local juvenile and adult correctional facilities and the delayed development of a revised inspections process. The BSCC is responsible for conducting biannual inspections of California county facilities on their compliance with Adult and Juvenile Title 15 and 24 Facility Regulations. The BSCC fails to protect Californians confined in local facilities and falls short of its critical responsibilities.

Our long-standing concerns have intensified as recent news highlighted the horrific conditions maintained under BSCC's watch. Last November, The Sacramento Bee and ProPublica reported on BSCC's failure to address neglect in these facilities or even adequately document the findings by agency field inspectors.^[1] However, the BSCC has yet to take action on these urgent issues. This agency needs to move swiftly to address abuse and neglect within local adult and juvenile facilities. We highlight the following recommendations to protect all Californians confined in these facilities.

The BSCC must update the public on the agency's revised inspections process.

On February 13, 2020, the BSCC Board directed staff “to develop a work plan and report back to the Board at the June 2020 meeting for final approval of an enhanced process for regular reporting and follow up on both adult and juvenile detention facilities to the Board.”^[2] Unfortunately, the agency has not updated the public on this matter since that time. We ask that BSCC add this as an agenda item at the BSCC Board meeting on September 10, 2020.

Community engagement and public forums are necessary to strengthen the facility inspections process.

The public has not had adequate opportunities to guide this revision process. Given the COVID-19 pandemic, BSCC cancelled in-person community forums planned for Kern County and Los Angeles County. To address these cancellations, agency staff should organize accessible forums via Zoom that are sufficiently advertised to the general public, scheduled at reasonable hours, and accommodating of many ways to provide comment (e.g., verbal comments, written comments in chat feature).

The BSCC's revised facility inspections must establish a transparent oversight process to ensure protections and rebuild trust with California's communities.

The BSCC's news inspections process must report facility compliance with Title 15 and 24 Regulations in an accessible manner. Previously, the agency's reporting on this issue has not met this standard. For example, the 2016–2018 inspections report to the legislature only notes the titles of the standards violated by the noncompliant Kern County facility (e.g. Standard 1272, Article Bedding & Linens).^[3] This fails to accurately communicate how Kern County's jail required individuals to use yoga mats when sleeping on floors over many days in safety rooms. Instead, the BSCC must use clear language in their reporting so California can better understand the condition of these facilities.

The revised inspections process needs to include a shorter timeline for how the agency responds to county noncompliance with facility standards. The BSCC's February 2020 proposal allows incarcerated individuals in non-compliant counties to languish before staff present this matter to the board. Past harms caused by the BSCC's failed facility inspections have sowed public distrust for the agency's ability and willingness to protect people in county care.

We hope that the BSCC will use our recommendations to strengthen this important process for protecting justice-involved Californians and provide an update on its revisions at the September 10, 2020 Board meeting

Sincerely,

Marc A. Philpart, Principal Coordinator
Alliance for Boys and Men of Color

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Dominique Nong, Director of Youth Justice Policy
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Vonya Quarles, Executive Director
Starting Over Inc.

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Dr. Rhonda Renfro, Founder & Executive Officer
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Youth ALIVE!

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^[1] Pohl, Jason and Ryan Gabrielson. A Jail Increased Extreme Isolation to Stop Suicides. More People Killed Themselves. ProPublica and The Sacramento Bee. November 5, 2019. At: <https://www.propublica.org/article/a-jail-increased-extreme-isolation-to-stop-suicides-more-people-killed-themselves>.

^[2] February 13, 2020 Board of State and Community Corrections Agenda Item: C Facilities Standards & Operations Jail Inspection Process Changes: Requesting Approval. At: <https://www.bscc.ca.gov/events/bscc-board-meeting-february-13-2020/>.

^[3] Board of State and Community Corrections. Community Corrections in California: A Report on the 2016-2018 Biennial Inspection Cycle. At: <https://www.bscc.ca.gov/wp-content/uploads/2016-18-BSCC-PC-6031-2-Final-12-19-2018.pdf>.