

AMENDED IN ASSEMBLY JUNE 8, 2006

AMENDED IN SENATE APRIL 21, 2005

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 814**

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**Introduced by Senator Romero**

February 22, 2005

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An act to add Section 5072 to the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

SB 814, as amended, Romero. Prisons: segregation.

Existing law vests the supervision, management, and control of the state prisons in the ~~Director~~ *Secretary of the Department of Corrections and Rehabilitation* and he or she is responsible for prescribing the rules and regulations in the administration of the state prisons.

~~This bill would prohibit race or ethnicity from being the sole or primary consideration when assigning inmates to cells or housing within the Department of Corrections~~ *require the Department of Corrections and Rehabilitation to eliminate racial segregation for male and female inmates while ensuring the security of the inmates, the correctional facilities, and the public. The bill would require the department to educate staff regarding housing procedures, to develop a violence tracking system for reception centers and the general inmate population designed to record, track, and analyze violent incidents, and to develop a draft organizational plan addressing staff responsibilities and time frames for goals and implementation of the elements described above, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) The United States Supreme Court struck down racial  
4 segregation in *Brown v. Board of Education* in 1954, finding that  
5 separate but equal was inherently unequal and had no place in the  
6 fabric of American society.

7 (b) Fifty years later, Garrison Johnson, an inmate of the  
8 California Department of Corrections, filed suit against the State  
9 of California for its practice of racially segregating inmates in  
10 California prisons for 60 days upon arrival at the reception  
11 center, and for 15 days upon transfer to another facility.

12 (c) The United States Supreme Court, on February 23, 2005,  
13 declared that prisons may not temporarily segregate inmates by  
14 skin color except under the most extraordinary circumstances.

15 (d) Because receiving and housing inmates is not an  
16 extraordinary circumstance, but a daily aspect of prison life,  
17 racial classifications should not be used on inmates. This bill  
18 demonstrates the continued desire of the State of California to  
19 move to an integrated society in which a person, whether or not  
20 he or she is an inmate, is judged on his or her record and not the  
21 color of his or her skin.

22 SEC. 2. Section 5072 is added to the Penal Code, to read:

23 5072. ~~Race and ethnicity shall not be the sole or primary~~  
24 ~~basis for cell or housing placement.~~*The Secretary of the*  
25 *Department of Corrections and Rehabilitation shall do the*  
26 *following to accomplish the goal of treating all male and female*  
27 *inmates without subjection to any form of racial segregation,*  
28 *while ensuring the security of the correctional facilities and the*  
29 *effectiveness of inmate treatment programs within the framework*  
30 *of security and safety:*

31 (a) (1) (A) *Integrate the department reception centers by*  
32 *creating a housing protocol that assigns inmates to reception*  
33 *center cells using several criteria, rather than race as a*  
34 *determinative factor, and that minimizes any potential impact*

1 upon inmates' safety and that of the institutions and personnel of  
2 the department and the public.

3 (B) Subject to modifications required to minimize any such  
4 impact upon inmates' safety and that of the institutions and  
5 personnel of the department and the public, under the reception  
6 housing protocol the department staff shall utilize all available  
7 information in assigning incoming inmates to cells in reception  
8 centers to ensure that each inmate is appropriately housed in the  
9 reception center, including information contained in documents  
10 accompanying an inmate, including but not limited to, abstract of  
11 judgment, probation report, and presentencing report, inmates'  
12 central files, and existing electronic databases, including, but not  
13 limited to, the Offender Based Information System. The  
14 department shall use all available and cost-effective information  
15 technology to assist staff in accessing the information and  
16 making reception center housing decisions.

17 (2) The department shall integrate the general inmate  
18 population by creating a general population housing protocol  
19 that assigns inmates to cells using several criteria, rather than  
20 race as a determinative factor, and that minimizes any potential  
21 impact upon inmates' safety and that of the institutions,  
22 department personnel, and the public. The department may  
23 incorporate relevant policies and procedures developed by the  
24 department during the implementation of the reception center  
25 housing protocol described in paragraph (1).

26 (b) Educate staff regarding housing procedures, including, but  
27 not limited to, how to access and use the information developed  
28 under subparagraph (B) of paragraph (1) of subdivision (a).

29 (c) (1) Develop a violence tracking system within reception  
30 centers and the general inmate population designed to record,  
31 track, and analyze violent incidents.

32 (2) The department shall use all available and cost-effective  
33 information technology as part of this violence tracking system.

34 (3) A component of the violence tracking system shall be to  
35 determine whether violent incidents in reception centers are  
36 racially motivated.

37 (d) The department shall develop a confidential draft  
38 organizational plan addressing staff responsibilities and time

- 1 *frames for goals and implementation of the elements described in*
- 2 *subdivisions (a) and (b).*

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