



YOUTH LEADERSHIP INSTITUTE

Use Your Voice

June 15th, 2023

Senator Aisha Wahab
Chair, Senate Committee on Public Safety
1020 N Street, Room 545
Sacramento, CA 95814

Re: AB 958 (Santiago & Bonta) - SUPPORT

DEAR SENATOR WAHAB,

Youth Leadership Institute (yli) is a proud supporter of AB 958 (Santiago and Bonta), the Family Unit Act. AB 958 will strengthen connections between incarcerated people and their families and children to support their emotional health, improve in-custody conduct, and reduce recidivism.

yli partners with thousands of youth across the state, the majority of whom are low-income youth of color. Many of them bear the brunt of our state's harmful "justice" system, not least of which is the traumatizing experience of being separated from parents and caretakers.

The United States Supreme Court has recognized a constitutional right to maintain parent-child relationships absent a compelling government interest, such as protecting a child from an unfit parent. (*Santosky v. Kramer* (1982) 455 U.S. 745, 753). The United States Court of Appeals for the Ninth Circuit has recognized that this constitutional right logically encompasses a right to maintain a relationship with a life partner (*United States v. Wolf Child* (2012) 699 F.3d 1082, 1091).

In 2020, CDCR's budget proposal affirmed that "high quality visiting programs for inmates have been proven to reduce prison violence, maintain family bonds, break the intergenerational cycle of

incarceration and smooth the reentry process, thereby reducing recidivism rates.”¹

In 2009, the California Legislature passed Senate Concurrent Resolution 20, which endorsed the San Francisco Children of Incarcerated Parents Partnership Bill of Rights for children whose parents are incarcerated in state prisons, including the right to a lifelong relationship with one’s parents and the right to speak with, see, and touch one’s parents at visits.

Minimum prison standards of the American Bar Association and the United Nations similarly require regular access to visits and communication with friends and family members. Regular visits are critical to the mental health of incarcerated people, affecting their conduct in custody and their successful reentry once released.

As early as January 1972, a study by the California Department of Corrections Research Division identified its “central finding” as “the discovery of a strong and consistently positive relationship between parole success and the maintenance of strong family ties while in prison. . . .evidence suggests that the inmate's family should be viewed as the prime treatment agent and family contacts as a major correctional technique.” (Research Report No. 46, Explorations in Inmate-Family Relationships, in collaboration with the Research Division of the California Department of Corrections pp. 111-113).

Research shows that visits and family programming reduce disciplinary infractions, increase the chances of successful parole, and decrease recidivism rates upon release and reentry into the community. Many incarcerated people rely on their families immediately after release to overcome reentry obstacles, including unemployment, debt, and homelessness.

AB 958 would:

- Reverse a misguided and outdated punitive policy of the 1990s tough on crime era and restore an incarcerated person's right to

¹ [Budget Change Proposal, 5225-019-BCP-2020-GB](#) (Inmate Visitation Expansion to Three Days), Background/History.

receive personal visits in state prisons, a right that was part of California law from 1975 to 1997.


- Further the constitutionally protected right of a family member and intimate partner of an incarcerated person to maintain a relationship with and to visit that person unless the incarcerated person freely withholds consent or a restriction is narrowly tailored to further legitimate security interests.
- Fix the visiting application process by ending CDCR's practice of requiring applicants to remember every single law enforcement contact they've had, especially if such contacts are decades old. Instead, this bill would require CDCR to rely on its existing review the applicant's DOJ criminal background report to determine if the applicant is eligible to visit.
- Limit CDCR's discretion to restrict, suspend, or deny in-person contact visits to situations involving serious rule violations that occur during visiting, such as bringing contraband into the visiting area, engaging in any sexual conduct with a minor, engaging in sexual conduct with adults outside of a family visit, committing physical violence during a visit or the visitor screening process, escaping or aiding an escape, or attempting to commit these acts. Restrictions on visits are also allowed for persons housed in administrative-segregation or the Security Housing Unit, and for persons with specified convictions.
- Limit CDCR's discretion to deny visits based on the prospective visitors' history of criminal misconduct to situations where the conviction was for a serious violation of visiting rules.
- Codify a minimum of three (3) in-person visiting days a week. CDCR already receives ongoing funding specifically for this purpose.
- Apply retroactively to incarcerated persons whose visits were suspended or limited for disallowed reasons prior to enactment of AB 958 by restoring their visiting rights.

AB 958 would potentially save taxpayers millions of dollars. Restoring visiting as a right would strengthen family connections and foster a strong support system after release. These changes can save a significant amount of money for taxpayers by reducing recidivism

(avoiding costly reincarceration), improving in-custody conduct (reducing disciplinary and security costs in prisons), and supporting healthy development of children with incarcerated parents (lowering social service spending). Strong family connections can reduce intergenerational cycles of incarceration and create healthier and safer communities throughout California.

For these reasons, Youth Leadership Institute is honored to support AB 958 and respectfully requests your "Aye" vote. Thank you for your leadership on behalf of all Californians.

Sincerely,

A handwritten signature in black ink, appearing to be 'PB', with a long horizontal flourish extending to the right.

PATRICIA BARAHONA

CHIEF EXECUTIVE OFFICER

Youth Leadership Institute