Essie Justice Group’s 2022 Legislative Agenda

Uplifting the Power of Women with Incarcerated Loved Ones in California

Introduction:
Essie Justice Group harnesses the collective power of women and gender nonconforming people with incarcerated loved ones to end mass incarceration’s harm to women and communities. We are the one in four women, and one in two Black women, who have an incarcerated loved one and we know what needs to change. In order to end mass incarceration’s harm, Essie focuses on three priority issue areas: 1.) Petri liberation, 2.) eliminating and reducing sentence enhancements, and 3.) jail and prison closure. By combining these three issues, we believe we can significantly reduce the number of people entering jails and prisons, ensure people are released back to their communities and loved ones, and reduce the reliance on jails and prisons to address harm. This paves the way for us to simultaneously and radically reimagine public safety and how to shift away from punishment paradigms and invest in community needs.

Our 2022 Legislative Agenda outlines five crucial bills from this legislative session that women and gender nonconforming people with incarcerated loved ones believe will have the biggest impact on their lives and toward building a Black feminist, abolitionist future. These are bills that we are committed to prioritizing our support for in order to make them law in California.

Our Legislative Agenda:

SB 1008 (Becker) — ACCESS TO OUR INCARCERATED LOVED ONES  
The Keep Families Connected Act
Pre-pandemic, 80% of women had not physically touched their loved one within the past month and a quarter of women (26%) had not physically touched their loved one in over a year. When the COVID-19 pandemic hit prisons and jails, it further strained women and gender nonconforming people’s connection to their incarcerated loved ones. Almost twelve percent (11.7%) of women with incarcerated loved ones were unable to contact their loved one at all during the pandemic. Nearly half (49%) said their visits with loved ones were canceled. SB 1008 would address the extreme isolation experienced by women with incarcerated loved ones by requiring state correctional facilities and juvenile halls to provide free phone calls to incarcerated individuals.

Co-sponsored by: Worth Rises, Western Center on Law and Poverty, Sister Warriors Freedom Coalition, Insight Center, Legal Services for Prisoners with Children, All of Us or None, Empowering Women Impacted by Incarceration, The San Francisco Financial Justice Project, Jesse’s Place, Pillars of the Community, and Pride in Truth.

SB 1139 (Kamlager) — ACCESS TO OUR INCARCERATED LOVED ONES  
Humane Healthcare
In the beginning of the COVID-19 pandemic, 30% of women with incarcerated loved ones reported that their loved one did not have any access to medical care. The lack of access to adequate medical care combined with the lack of access to incarcerated loved ones left many people in the dark about the wellbeing of their loved one(s). The extraordinary mental and emotional distress placed on women and gender nonconforming people at this time pushed Essie members to identify the need for SB 1139 in 2020 through our Lives on the Line COVID-19 Advocacy Platform.2 Our members demanded immediate notification to an incarcerated person’s designated emergency contact(s), via phone and email, if an incarcerated person isn’t feeling well, experiences a health emergency, or goes to the hospital. SB 1139 would realize this demand by requiring CDCR to arrange phone calls, including phone calls that can be initiated by an outside family member, when an incarcerated person is hospitalized with a serious medical condition and to provide emergency in-person visitations and video calls when the incarcerated individual is experiencing a critical or more serious medical emergency.

Co-sponsored by: Prison From the Inside Out, Just Advocate, Legal Services for Prisoners with Children, All of Us or None, Dee Hill Foundation, Jesse’s Place, Empowering Women Impacted by Incarceration, and Pride in Truth.

1Essie’s work toward liberation is rooted in our Black feminist politic— an understanding that anti-Black racism and sexism are root causes and ideologies that fuel incarceration.
2breatheact.org/learn-more/
4https://essiejjusticengroup.org/
AB 1670 (Bryan) — PRISON AND JAIL CLOSURE - This bill died in the Assembly Appropriations Committee on 5/19/22.

**Alternatives to Incarceration Commission**

Mass incarceration is a direct cause of significant to extreme psychological distress and trauma and a serious obstacle to the financial health and economic agency of women and gender nonconforming people with incarcerated loved ones. California’s continued reliance on, and deep investment in, incarceration further exacerbates the deterioration of women’s health, financial resources, and overall well being. AB 1670 would begin to reduce this harm on women and gender nonconforming people by establishing an Alternatives to Incarceration Commission in the Department of Health and Human Services Agency to make policy recommendations prioritizing alternatives to incarceration to the Legislature beginning in 2024. Additionally, the Commission would require at least five members to be representative of populations disproportionately impacted by incarceration, with a priority for people who are formerly incarcerated or who have an incarcerated loved one.

**Co-sponsored by:** Care First California Coalition and A New Way of Life. Essie Justice Group is a founding member and an active organizational member of the Care First California Coalition.

AB 2534 (Bryan) — PRETRIAL LIBERATION - This bill died in the Assembly Appropriations Committee on 5/19/22.

**Survivor Support and Harm Prevention Pilot Program Act**

Women and gender nonconforming people with incarcerated loved ones hold a myriad of identities, including for many, being survivors of many forms of violence, including intimate partner violence and sexual assault. Almost 90% of women with incarcerated loved ones who are formerly incarcerated themselves have experienced violence or danger to their physical safety. Women with incarcerated loved ones who are also survivors face multiple barriers to accessing survivor support services because these services are currently conditioned upon interactions and cooperation with police. AB 2534 (Bryan) would remove these barriers by establishing a pilot program in five counties in California that provides support services independent from law enforcement agencies. By doing so, this bill begins to build California’s infrastructure to address violence and harm in a way that meets the community’s needs, without relying on law enforcement.

This is exactly how this language was intended to spur change. In 2020 during the summer uprisings, Essie Justice Group co-drafted the Movement for Black Lives’ BREATHE Act, a visionary federal bill proposal that divests taxpayer dollars from brutal and discriminatory policing and invests in a new vision of public safety. AB 2534 (Bryan) draws language directly from the BREATHE Act and adapts it to a California context.

**Co-sponsored by:** Care First California Coalition. Essie Justice Group is a founding member and an active organizational member of this Coalition.

SB 300 (Cortese) — SENTENCING - This bill died on the Assembly Floor on 8/31/22.

**The Sentencing Reform Act**

Nationwide, one of every 15 women in prison — over 6,600 women — are serving an extreme sentence of either life with parole, life without parole, or a virtual life sentence of 50 years or more. The nearly 2,000 women serving life without parole (LWOP) sentences can expect to die in prison unless something changes. California’s felony murder special circumstance law mandates death by execution or life without parole (LWOP), even for those who did not cause or intend a person’s death. Each year in California, about 160 individuals are sentenced to life without parole and of those individuals, about 15 people fit the narrow description of individuals charged with felony murder special circumstances who did not cause or intend death. SB 300 would do the following to reform extreme sentences:

- Reform California’s felony murder special circumstances law to ensure that the death penalty and life without possibility of parole will not be imposed on people who did not intend or cause a death during the commission of a felony.
- Restore discretion to judges to impose a sentence of 25 years-to-life if they determine that an opportunity to earn parole would best serve the interest of justice in a case where a special circumstance has been charged.

**Co-sponsored by:** California Coalition for Women Prisoners, Californians United for a Responsible Budget, The Drop LWOP Coalition, Ella Baker Center for Human Rights, Families United to End LWOP (FUEL), Felony Murder Elimination Project, Silicon Valley De-Bug, Anti-Recidivism Coalition, and the Young Women’s Freedom Coalition.