

Date of Hearing: May 19, 2020
Counsel: Nikki Moore

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Reginald Byron Jones-Sawyer, Sr., Chair

AB 2483 (Bauer-Kahan) – As Amended May 11, 2020

SUMMARY: Requires the sheriff in each county to compile and send data to the Board of State and Community Corrections (BSCC) on antirecidivism programs and success rates in reducing recidivism, and report the data to the Legislature. Specifically, **this bill:**

- 1) States that on or before January 1, 2023, and annually thereafter, the sheriff in each county shall compile and submit the following data to the BSCC:
 - a) Data on each of the antirecidivism programs they provide inmates in their county jail facilities; and,
 - b) The success rates in reducing recidivism in each of those programs.
- 2) States that for statistical purposes, any individual who completes an antirecidivism program offered at the jail and recidivates shall be counted as part of the data collected about the success rate of that program.
- 3) Requires that, on or before July 1, 2023, and annually thereafter, the BSCC shall compile a report based upon the findings and submit the report to the Legislature.
- 4) Provides that this section shall remain in effect only until January 1, 2028, and as of that date is repealed.
- 5) Defines “recidivism” to mean “that a person received a new felony or misdemeanor conviction or probation violation within three years from the offender’s previous criminal conviction.”

EXISTING LAW:

- 1) Establishes, commencing July 1, 2012, BSCC and states that all references to the Board of Corrections or the Corrections Standards Authority shall refer to BSCC. (Pen. Code, § 6024, subd. (a).)
- 2) States that the mission of BSCC shall include providing statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California’s adult and juvenile criminal justice system, including addressing gang problems. This mission shall reflect the principle of aligning fiscal policy and correctional practices, including, but not limited to prevention, intervention, suppression, supervision, and incapacitation, to promote a justice investment strategy that fits each county and is consistent with the integrated statewide goal of improved public safety through cost-effective,

promising, and evidence-based strategies for managing criminal justice populations. (Pen. Code, § 6024, subd. (b).)

- 3) Provides that it shall be the duty of BSCC to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, including, but not limited to, prevention, intervention, suppression, supervision, and incapacitation, as they relate to both adult corrections, juvenile justice, and gang problems. The board shall seek to collect and make publicly available up-to-date data and information reflecting the impact of state and community correctional, juvenile justice, and gang-related policies and practices enacted in the state, as well as information and data concerning promising and evidence-based practices from other jurisdictions. (Pen. Code, § 6027, subd. (a).)
- 4) Requires, commencing on and after July 1, 2012, BSCC, in consultation with the Administrative Office of the Courts, the California State Association of Counties, the California State Sheriffs' Association, and the Chief Probation Officers of California, shall support the development and implementation of first phase baseline and ongoing data collection instruments to reflect the local impact of Public Safety Realignment, specifically related to dispositions for felony offenders and postrelease community supervision. The board shall make any data collected pursuant to this paragraph available on the board's Internet Web site. It is the intent of the Legislature that the board promotes collaboration and the reduction of duplication of data collection and reporting efforts where possible. (Pen. Code, § 6027, subd. (b)(12).)
- 5) Authorizes BSCC to do either of the following:
 - a) Collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of criminal justice in the state; or,
 - b) Perform other functions and duties as required by federal acts, rules, regulations, or guidelines in acting as the administrative office of the state planning agency for distribution of federal grants. (Pen. Code, § 6027, subd. (c).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "This bill will require county jail data collection aimed at understanding the spending and effectiveness of the county's rehabilitation programs. Counties have an outsized role in the criminal justice system, and understanding their rehabilitation programming, especially after realignment, should be a priority. This data will allow both state legislators and local government officials to craft better policy by creating a way to gauge what recidivism reduction programs are working."
- 2) **Purpose of This Bill:** According to the author, "AB 2483 will require county sheriffs statewide to compile and submit data on (1) offender recidivism programs provided to inmates in county jails and (2) success rates in reducing recidivism in those programs, to guide the Legislature and local government actors in making decisions on criminal justice policy."

In describing the problem meant to be addressed with the bill, the author has explained, “Despite California allocating significant funding to counties for recidivism reduction programming, there has been no regular or consistent data collection on the part of the counties for evaluating programs’ success. Existing research shows variations in recidivism outcomes post-AB 109. The differences in counties’ success rates could be linked to variances in county capacity and experience providing recidivism reduction services. Additionally, some variation could be due to counties’ differences in recidivism reduction strategy. The differences in approach create the potential for counties to learn from each other over time. However, counties won’t be able to learn from each other or quantify the success or failures of their programming without having a mechanism to capture the data.”

According to the author, “AB 2483 will require that county sheriffs compile and supply data on recidivism reduction programs and program results so that this data can be reported to the Legislature for critical evaluation of these programs. Counties will benefit by being able to evaluate the effectiveness of their programs as compared to others in the state. In short, governments will obtain for the first time statewide data showing what is working and what is not working, in order to plan the best path forward in achieving successful recidivism reduction.”

- 3) **Data Collection Consideration:** This bill requires each sheriff department in the state to track recidivism rates of the individuals that each department arrests. However, it is unclear whether the data will provide a full picture of recidivism rates if sheriffs are not apprised of recidivism occurrences in other jurisdictions. The author may want to consider how to address this moving forward.
- 4) **Argument in Support:** According to the *Pacific Juvenile Defender Center*: “This bill will require local Sheriffs to report on the efficacy of the anti-recidivism programs administered in their local county jails to the California Board of State and Community Corrections. Furthermore, the BSCC must collect the data and submit a report to the Legislature. This bill supports the goals of realignment and hold officials accountable for the success of their programs. As the BSCC regulates many of the standards regarding juvenile incarceration, the youth will benefit from the reporting requirement.”
- 5) **Argument in Opposition:** According to the *California State Sheriffs’ Association*: “Sheriffs across the state provide meaningful rehabilitative programming to jail inmates with the desire to enhance formerly incarcerated persons’ re-entry into society and reduce the likelihood that people re-offend. Unfortunately, this bill imposes vague and burdensome data collection requirements without any guarantee of funding to cover the bill’s costs.

“AB 2483 requires sheriffs to report ‘data on each of the antirecidivism programs they provide inmates in their county jail facilities.’ The scope of what is sought by this language is unclear and is likely to yield disparate responses from the field. Additionally, the bill’s definition of ‘recidivism’ could be interpreted as requiring county jails to ascertain from courts, other jails, or state prisons, potentially including such entities in other states, information as to subsequent convictions. Requiring such would be very expensive; a problem exacerbated by the fact that the bill provides no funding for its requirements.

“Again, sheriffs and CSSA see the virtue in providing programming and reducing recidivism.

Unfortunately, due to the bill's ambiguous language and lack of funding, CSSA must respectfully oppose AB 2483."

6) Prior Legislation:

- a) AB 152 (Gallagher), of the 2017-2018 Legislative Session, would have required the Board of State and Community Corrections (BSCC) to collect and analyze data regarding recidivism rates of all persons who receive a felony sentence or who are placed on postrelease community supervision. AB 152 was held on suspense in the Assembly Appropriations Committee.
- b) AB 2521 (Hagman), of the 2013-2014 Legislative Session, would have required the data on recidivism rates to include, as it becomes available, recidivism rates for offenders one, two, and three years after their release in the community. AB 2521 was held on suspense in the Senate Appropriations Committee.
- c) AB 1050 (Dickinson), Chapter 270, Statutes of 2014, required the Board of State and Community Corrections (BSCC) to develop definitions relevant to data collection and evidence-based programs and practices, as specified.

REGISTERED SUPPORT / OPPOSITION:

Support

California Public Defenders Association
Ella Baker Center for Human Rights
Los Angeles County District Attorney's Office
Pacific Juvenile Defender Center
San Francisco Public Defender

Oppose

California State Sheriffs' Association

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