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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair  
2019 - 2020 Regular Session

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### AB 2483 (Bauer-Kahan) - County jails: recidivism: reports

**Version:** June 4, 2020

**Urgency:** No

**Hearing Date:** August 17, 2020

**Policy Vote:** PUB. S. 6 - 0

**Mandate:** Yes

**Consultant:** Shaun Naidu

**Bill Summary:** AB 2483 would require the sheriff in each county to compile and submit data to the Board of State and Community Corrections (BSCC) on the county's anti-recidivism programs and success rates in reducing recidivism.

#### **Fiscal Impact:**

- **BSCC:** The board reports one-time costs of \$200,000 to develop an IT solution for data collection and management and ongoing annual personnel costs for the operative period of the measure of approximately \$128,000 for 0.5 Research Data Specialist II, 0.15 Research Data Manager, and 0.2 IT Specialist I to manage the workload involved. (General Fund)
- **Sheriffs:** Unknown, potentially-significant costs in the aggregate to collect and report data to BSCC. These costs likely would be reimbursable by the state if they surpass the threshold amount required to file a state mandate claim. Actual new costs to each sheriff would depend on their office's current practices related to the collection of recidivism data. Regardless, however, of if a local agency, at its own option, incurs costs for practices that later are mandated by the state, the state is required to reimburse the agency for those costs once the mandate becomes operative. The extent of the reimbursement would be determined by the Commission on State Mandates. If the duties imposed by this measure costs each sheriff at least \$15,000, costs to comply with this measure could be in the hundreds of thousands of dollars to low millions of dollars in the aggregate. (General Fund, local funds)

**Background:** Existing law establishes BSCC, which, among other things, is responsible for 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. According to the Legislative Analyst's Office (LAO):

Chapter 36, Statutes of 2011 (SB 92, Committee on Budget and Fiscal Review), established the BSCC, effective July 1, 2012. From 2005 through 2012, BSCC was the Correction Standards Authority, a division of [the Department of Corrections and Rehabilitation]. Prior to that it was the Board of Corrections, an independent state department. The BSCC is responsible for administering various criminal justice grant programs and ensuring compliance with state and federal standards in the operation of local correctional facilities. It is also responsible for providing technical assistance to local authorities and collecting data related to the outcomes of criminal justice policies and practices.

In creating BSCC, the Legislature added two responsibilities to the board's

core mission: (1) assisting local entities to adopt best practices to improve criminal justice outcomes and (2) collecting and analyzing data related to criminal justice outcomes in the state.

(LAO, The 2013-14 Budget: The Governor's Criminal Justice Proposals, p. 44-45 (Feb. 15, 2013).)

**Proposed Law:** This bill would, from January 1, 2023, to January 1, 2027, require the sheriff in each county to compile and submit specified data annually to BSCC on their anti-recidivism programs and success rates in reducing recidivism. It turn, it would require the board to compile a report based upon those findings and submit the report to the Legislature annual.

**Related Legislation:** AB 152 (Gallagher, 2017-2018 Reg. Sess.) would have required 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 the Suspense File of the Assembly Committee on Appropriations.

AB 1050 (Dickinson, Ch. 270, Stats. 2014, required BSCC to develop definitions relevant to data collection and evidence-based programs and practices, as specified.

AB 2521 (Hagman, 2013-2014 Reg. Sess.) would have required data collection on recidivism rates to include, as it becomes available, recidivism rates for individuals one, two, and three years after their release into the community. AB 2521 was held on Suspense File of this Committee.

**Staff Comments:** While AB 2483 would require each sheriff to compile and report data on, among other things, “anti-recidivism programs” offered in jails, this term is not defined. Without a uniform understanding of what information is to be collected and reported, this measure may result in the reporting of disparate information (e.g., one sheriff might consider religious services as an anti-recidivism program while another may not) and may not lead to the reporting of data that the author desires. Additionally, AB 2483 would require sheriffs to track if an individual incarcerated in their facilities recidivates within three years from the person’s previous criminal convictions. It does not appear that sheriffs currently track this information, let alone on a statewide scale. Doing so would appear to be a costly endeavor.

Of relevance to this bill, in 2017, the Public Policy Institute of California reported its first findings in an ongoing study on the effects of the 2011 Realignment Legislation on recidivism, specifically analyzing data from a cross section of counties. As stated in the analysis of this measure by the Senate Committee on Public Safety:

They used data from 12 counties examining rearrest and reconviction rates from offenders on post-release community supervision (PRCS) and those sentenced under penal code section 1170(h). Their data varied extensively across those two offender groups and counties. They found an overall small increase of recidivism (2.4%) for individuals on PRCS, however nine counties saw a decrease. This indicates that the overall finding was driven by 3 counties. The study also found inconsistent effects on recidivism for individuals sentenced under 1770(h). The study states

“county variation in recidivism outcomes is likely linked to demographic, economic, and geographic differences, as well as the range of county capacity and experiences providing evidence-based interventions before realignment. However, some of this variation may be due to different intervention strategies, creating the potential for counties to learn from each other over time.” [Footnote omitted.]

**-- END --**