
THIRD READING

Bill No: AB 2483
Author: Bauer-Kahan (D)
Amended: 6/4/20 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 8/7/20
AYES: Skinner, Moorlach, Bradford, Jackson, Mitchell, Wiener
NO VOTE RECORDED: Morrell

SENATE APPROPRIATIONS COMMITTEE: 6-1, 8/20/20
AYES: Portantino, Bradford, Hill, Jones, Leyva, Wieckowski
NOES: Bates

ASSEMBLY FLOOR: 70-0, 6/10/20 - See last page for vote

SUBJECT: County jails: recidivism: reports

SOURCE: Author

DIGEST: This bill requires the sheriff in each county to compile and send data to the Board of State and Community Corrections (BSCC) on anti-recidivism programs and success rates in reducing recidivism.

ANALYSIS:

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 post release 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).)

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 anti-recidivism programs they provide inmates in their county jail facilities
 - b) The success rates in reducing recidivism in each of those programs.
- 2) States that for statistical purposes, any individual who completes an anti-recidivism 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, on or before July 1, 2023, and annually thereafter, the BSCC to compile a report based upon the findings and submit the report to the Legislature.
 - 4) Defines “recidivism” to mean a person has received a new felony or misdemeanor conviction or probation violation within three years from the offender’s previous criminal conviction.
 - 5) Sunsets January 1, 2028.

Background

Realignment and Recidivism in California Report

In 2017, the Public Policy Institute of California (PPIC) reported on the state's realignment effect on recidivism. 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 three 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.”¹ One key take away from this recidivism study was offenders receiving a jail term and no supervision had better recidivism outcomes, when compared with individuals released before realignment. The requirements surrounding supervision and the impact it can

¹ <https://www.ppic.org/publication/realignment-and-recidivism-in-california/>

have on an offender likeliness to recidivate is a “complex relationship” that should be further examined.

Data Collection

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. It is a complex challenge to create a uniform method of data collection on recidivism and a system of measurement that capture meaningful and comparable findings across counties.

As stated in the Senate Appropriations Committee analysis, “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.”

Comments

According to the author, “Through Realignment, the state has sent billions of dollars to local jurisdictions to manage larger and more complicated incarcerated populations in evidence-based ways that reduce recidivism. There is no data documenting the various counties approaches or programming. 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.”

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- 1) *BSCC*: The BSCC 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)

- 2) *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)

SUPPORT: (Verified 8/20/20)

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

OPPOSITION: (Verified 8/20/20)

California State Sheriffs' Association

ARGUMENTS 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.

ARGUMENTS 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 anti-recidivism 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.

ASSEMBLY FLOOR: 70-0, 6/10/20

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Chu, Cooley, Cooper, Cunningham, Daly, Diep, Eggman, Flora, Frazier, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Obernolte, O'Donnell, Petrie-Norris, Quirk-Silva, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon

NO VOTE RECORDED: Bigelow, Megan Dahle, Fong, Gallagher, Gray, Mayes, Patterson, Quirk, Ramos

Prepared by: Nikki Scott / PUB. S. /
8/21/20 17:42:46

**** END ****