

GOVERNOR'S VETO
AB 2483 (Bauer-Kahan)
As Enrolled August 31, 2020
2/3 vote

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.

Major Provisions:

- 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- 4) Provides that this section shall remain in effect only until January 1, 2028, and as of that date is repealed.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."

Governor's Veto Message:

This bill would require, from January 1, 2023 to January 1, 2027, the sheriff in each county to annually compile and submit the following data to the Board of State and Community Corrections: (1) data on each of the anti-recidivism programs they provide inmates in their county jail facilities; and (2) their success rates in reducing recidivism in each of those programs.

Data collection on recidivism is important. Unfortunately, the broad nature of this bill leaves too much discretion to local governments to decide what is and what is not a recidivism program, and it could lead to a significant and costly mandate. For this reason, I am unable to sign this bill.

COMMENTS:*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."

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.

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."

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 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."

FISCAL COMMENTS:

According to the Assembly Appropriations Committee, costs (GF (General Fund)), possibly between \$300,000 and \$500,000, beginning in 2023 and annually thereafter, for all 58 county sheriffs' departments in increased workload and infrastructure to track and compile data on the success rates of existing recidivism programs.

VOTES:**ASM PUBLIC SAFETY: 8-0-0**

YES: Jones-Sawyer, Lackey, Bauer-Kahan, Diep, Kamlager, Carrillo, Santiago, Wicks

ASM APPROPRIATIONS: 14-1-3

YES: Gonzalez, Bauer-Kahan, Bloom, Bonta, Calderon, Carrillo, Chau, Diep, Eggman, Gabriel, Eduardo Garcia, Petrie-Norris, McCarty, Robert Rivas

NO: Bigelow

ABS, ABST OR NV: Megan Dahle, Fong, Voepel

ASSEMBLY FLOOR: 70-0-9

YES: 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, O'Donnell, Obernolte, Petrie-Norris, Quirk-Silva, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon

ABS, ABST OR NV: Bigelow, Megan Dahle, Fong, Gallagher, Gray, Mayes, Patterson, Quirk, Ramos

SENATE FLOOR: 32-6-2

YES: Allen, Archuleta, Atkins, Beall, Bradford, Caballero, Chang, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Mitchell, Monning, Moorlach, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

NO: Bates, Dahle, Grove, Melendez, Morrell, Nielsen

ABS, ABST OR NV: Borgeas, Jones

UPDATED:

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