

Date of Hearing: April 27, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 2023 (Bennett) – As Amended March 16, 2022

Policy Committee: Public Safety

Vote: 7 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill requires a county sheriff's department to provide a person incarcerated in, or recently released from, a county jail access to up to three free telephone calls to plan for a safe and successful release. This bill also requires the sheriff to make the county jail's release standards, processes and schedules available to an incarcerated person following the determination to release of that person.

FISCAL EFFECT:

Costs (General Fund/Proposition 30) possibly in excess of \$150,000 in additional staff workload across all 58 counties for sheriff departments to provide three free phone calls to inmates being released and to provide release procedures to inmates prior to release. The Los Angeles County Sheriff's Department, for instance, releases dozens or even hundreds of inmates each day. It may require additional deputies to transport and supervise phone use for multiple people before release and to provide release procedures to each inmate when their release date is determined. If ten counties are each required to hire one new deputy or one civilian employee to comply with the requirements of this bill, at an average cost of \$65,000 annually, the cost statewide would be \$650,000. GF costs will depend on whether the Commission on State Mandates determines this bill imposes local reimbursable costs. Pursuant to Proposition 30 (November 2012), any legislation enacted after September 30, 2012, that has an overall effect of increasing costs already borne by a local agency for programs or levels of service mandated by realignment (including management of local jails, child welfare services and foster care) applies to local agencies only to the extent that the state provides annual funding for the cost increase. Proposition 30 has never been litigated and, as a result, it is unclear what constitutes a reimbursable state-mandated local program pursuant to Proposition 30.

COMMENTS:

1) Purpose. According to the author:

Many inmates suffering from mental illness receive health care services while incarcerated. However, justice system personnel, behavioral health and service practitioners, researchers, and policymakers agree that a continuum of care is needed to ensure successful treatment. ... AB 2023 will help ensure individuals released from county jails are given release information and access to free telephone calls.

- 2) **SB 42 (Skinner).** SB 42 (Skinner), of the 2020-21 Legislative Session, requires each county sheriff to develop comprehensive release standards to provide the safe release of a person from custody. Release standards included the right to receive a copy of the release procedures, the right to be released to a substance or alcohol abuse treatment center, the right to three free phone calls and the right to release during daylight hours. SB 42 was vetoed by the Governor. The Governor stated:

Jails should not be releasing people onto the streets during overnight hours. This is simply an unsafe practice, resulting in many tragic and preventable outcomes over the years. At a very minimum, facilities should absolutely provide a safe place to wait and arrange safe transportation when late night discharges do occur. However, this bill requires that individuals are permitted to stay in jail until morning if desired, therefore creating a significant state reimbursable mandate. The bill's intent can be accomplished through a more tailored approach that does not put the state treasury on the hook for local jail operations costs which are a local responsibility.

Unlike SB 42, this bill does not require a county to hold an inmate in custody until daylight hours if the inmate asks to wait. This bill may be viewed as a more tailored version of SB 42 in that this bill only requires a county sheriff department make release procedures available to an inmate and provide three free phone calls so the inmate can make travel arrangements.

- 3) **Safety Concerns.** When inmates are ordered released from county jail, it can often take several hours to process them out. As a result, inmates may be released late at night with no transportation or cell phone service. Many county jails are in remote or high crime areas. Current law permits, but does not require, county jails to provide a person released from jail a safe place to wait during evening and early morning hours. This discretionary framework was established in 2014. However, it is clear that not all counties participate in the program, nor do they always employ safe departure procedures.

- 4) **Argument in Support.** According to the Catholic Conference:

Upon release from jail or prison, many people with mental illness continue to lack access to services and, too often, become enmeshed in a cycle of costly justice system involvement. Enhanced system and individual outcomes depend upon effective coordination of the efforts of behavioral health, correctional, and community stakeholders. Jail inmates with physical health, mental health, and substance use problems experience more reintegration difficulties upon release. Maintaining treatment for these health problems may help improve post-release outcomes.