

Date of Hearing: May 3, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 304 (Holden) – As Introduced January 26, 2023

Policy Committee: Public Safety

Vote: 8 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill requires the Judicial Council to establish judicial domestic violence training programs for court personnel and transfers responsibility for overseeing court-ordered batterer's intervention programs from county probation departments to the Department of Justice (DOJ).

Specifically, this bill:

- 1) Requires the Judicial Council to establish judicial domestic violence training programs for judges, referees, commissioners, mediators, and others who perform duties on domestic violence matters.
- 2) Specifies topics the training programs must cover and a minimum number of hours of training that must be completed.
- 3) Requires the court to provide a defendant with certain information about the programs and fees associated with batterer's programs before the defendant agrees to the conditions of probation. The bill also requires the court to provide a defendant who must attend a batterer's intervention program with specified information about program fee waivers.
- 4) Requires the probation department to promptly notify each program in which the defendant is required to participate as a part of probation of all of the court-mandated programs in which the defendant is required to participate and all of the defendant's probation violations pertaining to a domestic violence offense.
- 5) Transfers the responsibility for approving batterer's intervention programs from probation departments to the DOJ.
- 6) Requires DOJ, beginning on April 1, 2024, to oversee the probation departments and program providers to ensure compliance with state law.
- 7) Requires DOJ to set program provider standards; approve, monitor, and renew approvals of program providers; conduct audits of probation departments and program providers; develop regulations that set statewide standards for program curricula and training; develop an assessment tool to determine whether a defendant has satisfactorily completed the requirements of the program; and analyze the effectiveness of programs using offender and program data.

- 8) Requires Judicial Council, by April 1, 2024, to establish guidelines and training for judges to ensure the consistent adjudication of probation violations.

FISCAL EFFECT:

- 1) Costs in the low millions annually (Trial Court Trust Fund, General Fund) to the Judicial Council to develop and administer the judicial domestic violence training required by this bill. Judicial Council estimates \$5.6 million in costs for the first year of implementation and \$3.3 million in annual, ongoing costs to create and implement the orientation and annual training, including funds for curriculum development and salaries for assigned judges. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a need for increased funding for courts from the General Fund. If funding is not provided for the new workload created by this bill, it may result in delays and prioritization of court cases.
- 2) Costs in the tens of millions annually (General Fund) to the DOJ to oversee batterer's programs as required by this bill. DOJ estimates costs of approximately \$17.3 million in FY 2023-24 and approximately \$30.3 million in annual ongoing costs. DOJ anticipates adding a new section to its Criminal Division requiring 126 new full-time supervisor, attorney, analyst, and secretary positions. The new section would design and implement an approval and renewal process for batterer's programs and counseling programs, conduct audits of probation departments and program providers, develop assessment tools, and use data to analyze the effectiveness of programs. Additionally, DOJ anticipates adding three positions within its Research Center and five managers within its Victim Services Unit to complete the workload created by this bill.
- 3) Costs of an uncertain but potentially significant amount (local costs, General Fund) to county probation departments. The bill requires probation departments to make additional notifications about defendants' participation in programs and probation violations. Probation departments may also incur additional costs in submitting their programs for approval by DOJ, updating their programs to meet standards established by DOJ, complying with DOJ audits, and providing data to DOJ for program evaluation. General Fund costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates. Counties may experience some savings to the extent that their existing batterers' program supervision responsibilities are transferred to DOJ by this bill.

COMMENTS:

- 1) **Author's Statement.** According to the author,

Despite its efforts over the last three decades, the California Legislature and other state agencies have struggled to implement effective domestic violence diversion tactics. An investigation by the California State Auditor of our batterer intervention programs has revealed a disparity in oversight on the part of probation departments and courts. This, coupled with the insufficient training for those involved in handling domestic violence incidents, has very real implications for domestic violence survivors. This widespread issue

affects more people than we realize. Between 2012 and 2021 approximately 1.6 million calls for domestic-violence related assistance were made in California. We already have the infrastructure to help, but are falling short in its oversight and implementation. It is pertinent we revise our batterer intervention system to make it more effective in protecting domestic violence survivors and rehabilitating domestic violence offenders. [footnotes omitted]

- 2) **Background. *Batterer's Intervention System.*** The network of government programs that attempt to prevent people convicted of domestic violence offenses from recidivating is known as the batterer's intervention system. The system is comprised of (a) courts, which sentence offenders and oversee informal probation; (b) county probation departments, which oversee formal probation and certify program providers; and (c) program providers, which administer certified batterer's intervention programs. If a court places a defendant on probation for a domestic violence crime, existing law requires the defendant to complete a batterer's intervention program that lasts at least one year, commonly referred to as a 52-week program. These are structured rehabilitative programs that typically include education, group discussion, and accountability strategies to address the defendant's use of violence in a relationship. The goal of a batterer's intervention system is to reduce the likelihood of further relationship violence by the defendant.

State Auditor's Report on Batterer's Intervention Programs. In 2022, the State Auditor released the results of its audit of batterer's intervention systems in five counties across the state. The results of the audit were dismal. The State Auditor concluded that the batterer's intervention systems it reviewed had limited impact in reducing domestic violence. Specifically, the report concluded that inadequate offender supervision undermined the effectiveness of batterers' programs in addressing domestic violence, probation departments did not fully perform their oversight responsibilities over batterers' programs, and state oversight was needed to improve the current system.

This bill would codify several recommendations made in the State Auditor's report. First, the bill requires courts and program providers better inform defendants about fee waivers, available batterer's intervention program providers, and sliding fee scales. Second, the bill requires prompt notification to program providers of defendants' probation violations. Third, the bill transfers oversight of the batterer's intervention system to DOJ, and provides DOJ with authority to actively monitor, audit, and evaluate program providers and the content of batterer's intervention programs. Finally, the bill requires Judicial Council to develop domestic violence training programs for court personnel and establish guidelines that encourage more consistent treatment of probation violations.

- 3) **Related Legislation.** AB 419 (Bauer-Kahan) requires Judicial Council to create and administer domestic violence training programs for court officers. AB 419 is currently pending hearing in this committee.

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