
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: AB 2080 **Hearing Date:** June 12, 2018
Author: Cervantes
Version: February 7, 2018
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Criminal Offender Record Information: Reporting*

HISTORY

Source: Attorney General's Office

Prior Legislation: SB 930 (Deukmejian), Ch. 152, Stats. of 1978
AB 135 (Crown), Ch. 992, Stats. of 1973

Support: Crime Victims United of California

Opposition: None known

Assembly Floor Vote: 68 - 0

PURPOSE

The purpose of this bill is to specify that detention facilities are required to report both inmate admissions and releases to the Department of Justice (DOJ) within 30 days of such an action.

Existing law provides that criminal justice agencies in the state require accurate and reasonably complete criminal offender record information to assist in the performance of their official duties. (Pen. Code, § 13100, subd. (a).)

Existing law defines criminal justice agencies as those agencies at all levels of government which perform as their principal functions, activities which either relate to the apprehension, prosecution, adjudication, incarceration, or correction of criminal offenders, or relate to the collection, storage, dissemination or usage of criminal offender record information. (Pen. Code, § 13101.)

Existing law defines criminal offender record information as records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release. (Pen. Code, § 13102.)

Existing law provides that criminal offender record information includes, among other things, the period and place of any confinement, including admission, release; and, where appropriate, readmission and rerelease dates. (Pen. Code, § 13102, subd. (e).)

Existing law requires that detention agencies report admissions or releases to the DOJ within 30 days of such action. (Pen. Code, § 13152.)

Existing law mandates that the Board of State and Community Corrections (BSCC) establish minimum standards for local correctional facilities. (Pen. Code, § 6030, subd. (a).)

Existing law requires the sheriff, chief of police, or other official in charge of operating the adult detention system in a county or city to maintain data regarding jail admissions of sentenced and unsentenced inmates, booking charge, date and time of booking, date and time of release. (Pen. Code, § 6031.2, subd. (d)(2).)

Existing law requires the California Department of Corrections and Rehabilitation (CDCR) to, among other things, keep a population estimate of the projected number of offenders as well as the actual number of offenders. (Pen. Code, § 5031, subs. (b)(2) & (3).)

This bill specifies that detention facilities are required to report both inmate admissions and releases to the DOJ within 30 days of such an action.

COMMENTS

1. Need for This Bill

According to the author:

Under current law, state prisons and local county jails are only required to provide the Department of Justice (DOJ) with information regarding either the admission or release of criminal offenders. This often leaves DOJ with incomplete data regarding admission and release of criminal offenders. AB 2080 will rectify this problem by requiring state prisons and local county jails to provide both admission and detention data to DOJ. Having this additional data will provide DOJ with the information it needs to help keep our communities safe.

2. Background

AB 135 (Crown, Chapter 992, Statutes of 1973) established various procedures for recording, reporting, storing, disseminating, and using criminal offender record information. The Legislative findings and declarations of AB 135 are codified in Penal Code section 13100 and provide, among other things, that “the criminal justice agencies in this state require, for the performance of their official duties, accurate and reasonably complete criminal offender record information” and “in order to achieve [this], the recording, reporting, storage, analysis, and dissemination of criminal offender record information in this state must be made more uniform and efficient, and better controlled and coordinated.”

Criminal offender record information is defined as “records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release.” (Pen. Code, § 13102.) Among the information considered to be criminal offender record information is “the period and place of any confinement, including admission, release; and, where appropriate, readmission and

rerelease dates.” (Pen. Code § 13102, subd. (e).) Although Penal Code section 13152 provides that “[a]dmissions or releases from detention facilities shall be reported by the detention agency to the Department of Justice within 30 days of such action,” it appears that the Legislature intended for detention facilities to submit both pieces of information to the DOJ in order to aid the department in carrying out its duties.

3. Current Population Accounting Practices of Detention Facilities

CDCR maintains a variety of inmate admission and release information including, among other things, the average daily prison population, the percentage of felons paroled who are returned to prison, and the average time served by felons. (CDCR Office of Research, *Offender Data Points (June 2017)*, <https://www.cdcr.ca.gov/Reports_Research/docs/Data-Points-Jun-2017.pdf>; CDCR Office of Research, *Population Reports*, <https://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Population_Reports.html>.)

Local detention facilities also maintain admissions and release data. Penal Code section 6031.2 requires the BSCC to submit an annual report to the Legislature that includes a variety of data, such as inmate accounting system data maintained by the sheriff, chief of police, or other official in charge of operating the adult detention system in a county or city. Inmate accounting system data includes the average daily population of sentenced and unsentenced inmates classified according to gender and juvenile status as well as jail admissions of sentenced and unsentenced inmates, booking charge, date and time of booking, and date and time of release. Local law enforcement agencies report this data to the BSCC which publishes this data in its Jail Profile Survey. The Jail Profile Survey data is searchable via an online database. (http://www.bscc.ca.gov/s_fsojailprofilesurvey.php)

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