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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

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**Bill No:** AB 2040                      **Hearing Date:** June 25, 2024  
**Author:** Waldron  
**Version:** February 1, 2024  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** SJ

**Subject:** *Prison and parole: California Reentry Officer*

### HISTORY

Source: Author

Prior Legislation: AB 428 (Waldron), held in Assembly Appropriations 2023  
AB 1104 (Bonta), Ch. 560, Stats. 2023  
SB 903 (Hertzberg), Ch. 821, Stats. 2022  
AB 2250 (Bonta), held in the Assembly Appropriations 2022  
AB 2730 (Villapudua), vetoed in 2022  
AB 620 (Holden), held Assembly Appropriations in 2017  
AB 2129 (Jones-Sawyer), held in the Assembly Appropriations in 2014  
AB 900 (Solorio), Ch. 7, Stats. 2007

Support: ACLU California Action; California Public Defenders Association; Ella Baker Center for Human Rights; Secure Justice

Opposition: None known

Assembly Floor Vote: 73 - 0

### PURPOSE

***The purpose of this bill is to establish the position of the independent California Reentry Officer, appointed by the Governor, to provide statewide leadership, coordination, and technical assistance to promote effective efforts to ensure successful reentry services are provided to incarcerated individuals.***

*Existing law* provides that the primary objective of adult incarceration in California Department of Corrections and Rehabilitation (CDCR) is to facilitate the successful reintegration of incarcerated individuals back to their communities equipped with the tools to be drug-free, healthy, and employable members of society by providing education, treatment, and rehabilitative and restorative justice programs, all in a safe and humane environment. (Pen. Code, § 5000, subd. (b).)

*Existing law* reaffirms a commitment to reducing recidivism among criminal offenders by reinvesting criminal justice resources to support community-based corrections programs and evidence-based practices. (Pen. Code, § 17.5, subd. (a)(1), (a)(4).)

*Existing law* provides that strategies such as standardized risk and needs assessments, transitional housing, treatment, medical and mental health services, and employment, have been demonstrated to significantly reduce recidivism among offenders in other states. Provides that improving outcomes among offenders reentering the community after serving time in a correctional facility will promote public safety and will reduce California's prison and jail populations. (Pen. Code, § 17.7, subs. (a) & (b).)

*Existing law* provides that the purpose of sentencing is public safety achieved through punishment, rehabilitation, and restorative justice. (Pen. Code, § 1170, subd. (a)(1).)

*Existing law* provides that incarcerated persons should have educational, rehabilitative, and restorative justice programs available to promote behavioral change and to prepare for successful reentry into the community. (Pen. Code, § 1170, subd. (a)(2).)

*Existing law* requires CDCR to develop and implement a plan to obtain rehabilitation and treatment services for incarcerated individuals and individuals on parole. (Pen. Code, § 2062.)

*Existing law* requires CDCR to implement evidence-based gender specific rehabilitative programs, including wraparound educational, health care, mental health, vocational, substance abuse and trauma treatment programs that are designed to reduce female offender recidivism. Requires that these programs include, but are not limited to educational programs that include academic preparation in the areas of verbal communication skills, reading, writing, arithmetic, and the acquisition of high school diplomas and GEDs, and vocational preparation, including counseling and training in marketable skills, and job placement information. (Pen. Code, § 3430, subd. (g).)

*Existing law* establishes the California Rehabilitation Oversight Board (C-ROB) within the Office of the Inspector General. (Pen. Code, § 6140.)

*Existing law* requires C-ROB to regularly examine the various mental health, substance abuse, educational, and employment programs operated by CDCR for incarcerated individuals and individuals on parole. (Pen. Code, § 6141.)

*Existing law* requires C-ROB to report to the Governor and the Legislature annually on its findings on the effectiveness of treatment efforts, rehabilitation needs of offenders, gaps in rehabilitation services, and levels of participation and success in CDCR's rehabilitative programs. (Pen. Code, § 6141.)

*This bill* establishes the position of the California Reentry Officer, independent of CDCR. Provides that this position is appointed by the Governor and subject to Senate confirmation. Requires the officer to exercise all duties and functions necessary to ensure that the responsibilities of their office are successfully discharged.

*This bill* states that the mission of the officer is to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships with California's criminal justice system to ensure successful reentry services are provided to incarcerated individuals preparing for release and within community supervision and parole. Requires the officer to carry out their mission in a way that reflects the principle of aligning fiscal policy and

correctional practices, including, but not limited to, programs, interventions, individualized educational pathways, reentry planning and execution, and transition to housing and workforce training to promote a 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.

*This bill* requires the officer to regularly engage and work with a balanced range of stakeholders and subject matter experts on issues pertaining to adult corrections and reentry strategies relevant to the officer's mission. Requires the officer to seek to ensure that their efforts meet all of the following requirements:

- Are systematically informed by experts and stakeholders with the most specific knowledge concerning the subject matter.
- Include the participation of those required to implement programs.
- Promote collaboration and innovative problem solving consistent with the mission of the officer.

*This bill* requires the California Reentry Officer to do all of the following:

- Focus on developing and implementing reentry programs from state prisons in coordination with the Department of Corrections and Rehabilitation to ensure successful restorative results upon entry back into society.
- Facilitate the smooth transition of individuals from prison to release and postrelease while under supervision by addressing a range of subjects, including, but not limited to, education, career workforce training, mental health and substance use treatment and counseling, assistance with transition to housing, attaining necessary documentation, and maintaining work and housing.
- Seek various grants to service the needs of reentry, including, but not limited to, housing rent subsidies, food vouchers, workforce training assistance, career technical education, and scholarships.
- Raise awareness of continuity of care for incarcerated people with mental health, physical health, and substance use disorders during community supervision and parole by making information available through various sources, including, without limitation, informational websites, nonprofit entities, social media platforms, and public awareness campaigns.
- Focus specifically on recommending programming through the period of incarceration that supports successful reentry to society based on individual needs.
- Work closely with various state departments, including, but not limited to, CDCR, the Department of Housing and Community Development, the State Department of Public Health, the California Workforce Development Board, and the State Department of Health Care Services as necessary to perform the functions of the office.

*This bill* provides that the California Reentry Officer is appointed by the Governor for a term of four years and serves at the will of the Governor.

*This bill* provides that the officer be compensated for their service and may be reimbursed for actual, preapproved expenses incurred in connection with their duties.

*This bill* requires the officer to seek federal or private grant funding to defray the cost of their compensation.

*This bill* provides that the officer has the powers and authority necessary to carry out the duties imposed, including all of the following:

- To employ administrative, technical, and other personnel as may be necessary for the performance of the powers and duties of the office. Specifies that any personnel employed is exempt from civil service.
- To hold hearings, make and sign agreements, and perform acts necessary to carry out the purposes of this chapter.
- To engage with advisers or advisory committees from time to time when the officer determines that the experience or expertise of advisers or advisory committees is needed. The officer shall not have the authority to employ or provide compensation to any such adviser or advisory committee.
- To accept any federal funds granted by an act of Congress or by executive order for the purposes of this chapter.
- To accept any gifts, donations, grants, or bequests for the purposes of this chapter.

*This bill* requires the officer to prepare an annual report that summarizes feedback from public engagement, provides data on reentry disparities and on roadblocks and successes in the state, and recommends best practices on tools, methodologies, and opportunities for successful reentry programs.

*This bill* requires the report to be submitted, on or before December 1, 2027, and annually thereafter, to the Governor and the Legislature and requires the report to be posted publicly.

*This bill* includes a severability provision.

## COMMENTS

### 1. Need For This Bill

According to the author:

Consistently high recidivism rates have fluctuated between 44.6% and 46.1% since 2012. With nearly half of the released individuals returning to the system within three years, a cycle of re-offending and re-incarceration is perpetuated. While CDCR's current system encourages participation in job training and educational programs via incentives, a lack of individualization and leadership in these support systems limits their effectiveness. There is a gap in reentry strategies that support individuals transitioning from incarceration to society. The unique challenges faced by these individuals emphasize the importance of specialized programs to reduce recidivism and foster safer communities for all Californians. Current efforts for reentry support are disjointed, and this inefficiency is the result of California's lacking a coordinated approach that is tailored to the individuals themselves. Someone dedicated to these outcomes is why a reentry officer position is crucial.

## 2. Rehabilitation and Reentry Programs

In recent years, CDCR has expanded rehabilitation and reentry programs to ensure that academic education, career and technical education, cognitive behavioral interventions, and rehabilitative programs are operational in all prisons. The goal of these increased investments is to create a safer and more rehabilitative-focused system, to improve post-release outcomes for incarcerated individuals, and to reduce recidivism. (Governor Newsom, *Governor's Budget Summary 2023-2024*, pp. 84-85 <<https://ebudget.ca.gov/2023-24/pdf/BudgetSummary/CriminalJustice.pdf>>.)

Despite these efforts, the recidivism rate has remained high, averaging around 50 percent over the past decade. (State Auditor, *California Department of Corrections and Rehabilitation: Several Poor Administrative Practices Have Hindered Reductions in Recidivism and Denied Inmates Access to In-Prison Rehabilitation Programs*, Report 2018-113 (Jan. 2019), p. 1 <<https://information.auditor.ca.gov/pdfs/reports/2018-113.pdf>>.) As outlined in the State Auditor's report, the high recidivism rate may be due, in part, to several shortcomings of CDCR's rehabilitation programs. (*Id.* at pp. 1-3.) The report concluded that CDCR's staffing shortfalls, failure to contract with vendors who use evidence-based curricula for programs, and failure to properly identify and address rehabilitative needs are all factors leading to little change in the recidivism rate. (*Id.* at pp. 1, 19, 23.)

C-ROB was created in 2007 and is housed within the Office of the Inspector General. C-ROB is a multidisciplinary board that examines the mental health, substance abuse, educational, and employment programs provided by CDCR to incarcerated individuals and individuals on parole. C-ROB's annual report includes findings concerning the effectiveness of treatment efforts, rehabilitation needs of offenders, gaps in offender rehabilitation services, and levels of offender participation and success in the programs. In short, C-ROB's goal is to reduce recidivism when incarcerated persons are released. (C-ROB, *About C-ROB* <<https://crob.ca.gov/about/>>.)

In its most recent annual report, C-ROB reported the following regarding individuals released from prison during the 2017-2018 fiscal year:

The three-year reconviction rate of 35,447 released individuals was reported as 44.6 percent, a three-percentage point decrease compared with the cohort released in fiscal year 2016-17. This is the same rate as it was for the cohort released in fiscal year 2015-16. The three-year arrest rate was 68.4 percent, which is the same as it was for cohorts in fiscal year 2015-16. The return-to-prison rate for this cohort is at its lowest at 19.8 percent. Recidivism rates for those with CSRA [California Static Risk Assessment] scores continued a pattern seen in previous recidivism reports, with three-year conviction rates higher for individuals who scored high on the CSRA (61.1 percent) compared with moderate (43.1 percent) and low (20.8 percent) scores. This supports the general effectiveness of the CSRA as a predictor of recidivism. Rates were higher for individuals who were part of the MHSDS [Mental Health Services Delivery System] prior to release (ranging from 48.3 to 59.6 percent) compared with individuals who were not in the MHSDS (43.1 percent). As noted above, this reinforces the importance of increased postrelease assistance, due to with the array of needs this population has, including access to mental health care, employment, and housing services.

(C-ROB, *September 15, 2023 C-ROB Report*, p. 57 <<https://crob.ca.gov/wp-content/uploads/2023/09/2023-C-ROB-Annual-Report.pdf>> [CDCR developed a validated risk assessment instrument, the CSRA, to determine an incarcerated person's risk of reoffending].)

This bill establishes the California Reentry Officer, independent of CDCR, to provide statewide leadership, coordination, and technical assistance to ensure successful reentry services are provided to incarcerated individuals preparing for release and within community supervision and parole. It requires the Reentry Officer to coordinate with CDCR as well as various other state departments to carry out this mission. The bill also requires the Reentry Officer to seek grants to service the needs of reentry and to raise awareness of continuity of care for incarcerated people with mental health, physical health, and substance use disorders during community supervision and parole by making information available through different sources, such as websites, nonprofit entities, social media platforms, and public awareness campaigns. In doing so, this bill seeks to reduce recidivism and ensure incarcerated persons succeed upon reentry.

### 3. Argument in Support

Ella Baker Center for Human Rights writes:

AB 2040 creates a new position, the California Re-Entry Officer, responsible for assisting people leaving prison to access available services, housing, and training. This position will provide much-needed statewide coordination and technical assistance for those transitioning out of incarceration and is independent of CDCR, serving at the will of the Governor. This bill presents a commendable initiative aiming to enhance the reintegration process for individuals leaving prison. By establishing this new position, this bill fosters a supportive environment for currently incarcerated individuals transitioning back into their communities. This proactive approach not only promotes public safety by reducing recidivism rates but also demonstrates a commitment to the well-being and successful reintegration of formerly incarcerated individuals, ultimately contributing to stronger and more resilient communities.

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