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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

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**Bill No:** AB 943                      **Hearing Date:** June 27, 2023  
**Author:** Kalra  
**Version:** June 19, 2023  
**Urgency:** No                              **Fiscal:** Yes  
**Consultant:** SJ

**Subject:** *Corrections: population data*

## HISTORY

**Source:** Asian Americans Advancing Justice, Southern California

**Prior Legislation:** AB 1726 (Bonta), Ch. 607, Stats. 2016  
AB 1088 (Eng), Ch. 689, Stats. 2011

**Support:** ACLU California Action; Asian Prisoners Support Committee; California Immigrant Policy Center; California Pan-Ethnic Health Network; California Public Defenders Association; California Rural Legal Assistance Foundation; Ella Baker Center for Human Rights; San Francisco Public Defender; Southeast Asia Resource Action Center

**Opposition:** None known

**Assembly Floor Vote:** 80 - 0

## PURPOSE

***The purpose of this bill is to require the California Department of Corrections and Rehabilitation (CDCR), in preparing monthly demographic data pertaining to the race or ethnic origin of people admitted, in custody, released, and paroled, to disaggregate and publish the data by several Asian and Pacific Islander ethnicities, as specified.***

*Existing law* requires any state agency, board, or commission that collects demographic data as to the ancestry or ethnic origin of Californians to use separate categories for each major Asian and Pacific Islander group such as Chinese, Japanese, Korean, Cambodian, Hawaiian, and others. (Gov. Code, § 8310.5.)

*Existing law* requires the Department of Industrial Relations, the Civil Rights Department, and in some cases, the State Department of Public Health, to collect and tabulate data for each major Asian and Pacific Islander group, as specified. (Gov. Code, § 8310.7.)

*This bill* requires CDCR, in preparing monthly demographic data pertaining to the race or ethnic origin of people admitted, in custody, and released and paroled, to prepare and publish the data disaggregated by race and ethnicity, including, but not limited to, American Indian/Alaskan Native, Black, Cambodian, Chinese, Colombian, Cuban, Filipino, Guamanian, or Chamorro, Guatemalan, Native Hawaiian, Other Hispanic Not Listed, Indian, Jamaican, Japanese, Korean,

Laotian, Mexican, Nicaraguan, Other, Other Asian Not Listed, Other Pacific Islander Not Listed, Puerto Rican, Salvadorian, Samoan, Thai, Unknown, Vietnamese, White, Tongan, Fijian, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, and Taiwanese.

*This bill* requires CDCR to use separate collection categories and tabulations for American Indian, Alaska Native, and each major Asian and Pacific Islander group, including, but not limited to, Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Laotian, Cambodian, Native Hawaiian, Guamanian or Chamorro, Samoan, Tongan, Fijian, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, and Thai when collecting voluntary self-identification information pertaining to the race or ethnic origin of people admitted, in custody, and released and paroled.

*This bill* requires the data, except for personal identifying information that is deemed confidential, to be publically available on CDCR's website.

*This bill* requires CDCR, if population number of any race or ethnicity category is under 50, to only reference those numbers as "less than 50" in order to protect personal identifiable information.

## COMMENTS

### 1. Need For This Bill

According to the author:

AB 943 ensures a better understanding of the needs of all incarcerated and formerly incarcerated people by requiring CDCR to publish data disaggregated by race and ethnicity with specific categories for each major Asian and Pacific Islander group and Indigenous people. CDCR's current aggregation and literal "othering" of such a large, diverse number of ethnicities as one category further perpetuates existing biases and systemic inequities. With accurate data, this bill ensures the community and state can provide more well-rounded, culturally competent services to ensure all community members thrive.

### 2. CDCR Population Data

CDCR currently publishes monthly data regarding incarcerated individuals who are in custody, have been admitted to the department's custody, have been released onto any type of supervision, and who are on parole. Some of those data points include age, gender, offense category, sentence type, and ethnicity, among other things. Regarding ethnicity, CDCR has indicated that ethnicity is self-reported by individuals who choose from a list of 28 ethnicity types. When publicly reporting data related to ethnicity, CDCR divides it into four categories: White, Black, Hispanic, and "Others."

This bill requires CDCR, in preparing its monthly demographic data pertaining to race or ethnicity, to include several specified racial and ethnic categories. Specifically, this bill takes the existing ethnic categories used internally by CDCR, adds nine Asian and Pacific Islander ethnicities, and makes minor changes to the names of generic ethnic categories such as changing "Other Asian" to "Other Asian Not Listed."

This bill also requires CDCR to use separate collection categories and tabulations for 23 specified Asian and Pacific Islander groups when collecting voluntary self-identification information pertaining to the race or ethnic origin of people admitted, in custody, and released and paroled. If the total number of any race or ethnicity category is fewer than 50 people, this bill requires CDCR to reference those numbers as “less than 50” in order to protect personal identifiable information.

### **3. Argument in Support**

The ACLU California Action writes:

Incarcerated individuals are deprived of liberty, separated from family and social supports, and report experiencing a loss of self-worth and high levels of uncertainty and fear. ... In a recent statewide survey conducted by the Asian Prisoner Support Committee, a majority of more than 500 respondents indicated war as being the main cause for displacement from their country of origin. It cannot be denied that any post-traumatic stress that these individuals may be experiencing deserves culturally competent and sensitive in-person and reentry programs.

CDCR is funded and expected to provide opportunities for individuals to voluntarily prepare themselves for successful reentry. Because AB 943 requires disaggregation of data for Indigenous people, and additional Asian, Native Hawaiian, and Pacific Islander ethnic groups, it will improve understanding of the needs and experiences of these different communities.

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