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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

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**Bill No:** SB 359                      **Hearing Date:** April 18, 2023  
**Author:** Umberg  
**Version:** March 13, 2023  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** HM

**Subject:** *Prisons: credits: recidivism report*

## HISTORY

**Source:** Author

**Prior Legislation:** AB 1688 (Calderon), Vetoed 2019  
AB 561 (Burke), failed Assembly Public Safety, 2019  
AB 1929 (Lackey), failed Assembly Appropriations  
Proposition 57, approved by California voters on November 8, 2016  
AB 900 (Solorio), Ch. 7, Stats. 2007

**Support:** Peace Officers Research Association of California (PORAC)

**Opposition:** None known

## PURPOSE

*The purpose of this bill is to require the Department of Corrections and Rehabilitation to compile data regarding the relationship between the awarding of credits and the recidivism rates of inmates and to submit an annual report to the Legislature on or before January 1, 2025.*

*Existing law* enacts provisions to enhance public safety, improve rehabilitation, and avoid the release of prisoners by federal court order. (Cal. Cons. Art. I, § 32 (a).)

*Existing law* outlines parole considerations as any person convicted of a nonviolent felony offense and sentenced to state prison shall be eligible for parole consideration after completing the full term for his or her primary offense. (Cal. Cons. Art. I, § 32 (a)(1).)

*Existing law* defines “full term for the primary offense” as the longest term of imprisonment imposed by the court for any offense, excluding the imposition of an enhancement, consecutive sentence, or alternative sentence. (Cal. Cons. Art. I, § 32 (a)(1)(A).)

*Existing law* outlines credit earning by stating that the Department of Corrections and Rehabilitation shall have authority to award credits earned for good behavior and approved rehabilitative or education achievements. (Cal. Cons. Art. I, § 32 (a)(2).)

*Existing law* states that Department of Corrections and Rehabilitation shall adopt regulations in furtherance of these provisions, and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety. (Cal. Cons. Art. I, § 32 (b).)

*This bill* provides that it is the intent of the legislature to require the Department of Corrections and Rehabilitation to compile and analyze data and report that data to the Legislature for the purpose of understanding how credits awarded to inmates during incarceration for participation and achievement in activities and programs, including, but not limited to, firefighting, library services, and postsecondary education relate to postrelease recidivism.

*This bill* adds section 2940 to the Penal Code for the purposes of this bill.

*This bill* states that on or before January 1, 2025, and annually thereafter, the department shall compile data related to credits awarded to inmates pursuant to this article or paragraph (2) of subdivision (a) of Section 32 of Article I of the Constitution and the relationship between the award of each category of credits and the recidivism rates of inmates who received those credits, and shall prepare a report on its findings to the Assembly and Senate Committees on Public Safety.

*This bill* requires that the report be submitted to the legislature pursuant to Section 9795 of the Government Code.

## COMMENTS

### 1. Need for This Bill

According to the author:

In 2016, Proposition 57 authorized the Department of Corrections and Rehabilitation to award credits to prisoners earned for good behavior and approved rehabilitative or educational achievements. Credits can be awarded for various reasons. They range from completing post-secondary and trade courses, to participating in drug and counseling programs. Credits can also be awarded for generalized good behavior.

There is some confusion surrounding how credits are awarded and how to quantify the benefits they provide. One of the best ways to determine the merit of credits awarded is how they affect the rates of recidivism. Programs offered to those incarcerated vary depending on where an individual has been assigned to serve their sentence. Some facilities offer classes in underwater welding, while others may acquire greater access to educational recourses. All of these programs can be exceedingly beneficial for rehabilitation but can leave policymakers and CDCR in the dark regarding which programs contribute to the lowest rates of recidivism. Studying which credits correlate to the highest and lowest rates of recidivism would provide valuable insight for those seeking out these programs and the policymakers who fund them. California should continue to support and expand the most effective programs in the rehabilitation process.

SB 359 will help ensure that we support the most valuable rehabilitative programs in our correctional system by studying and determining which early release credits contribute to the lowest rates of recidivism.

## 2. Credit-Earning and Recidivism

The Department of Corrections and Rehabilitation (CDCR) is responsible for creating rules and regulations concerning the implementation of credit-earning systems. It lists them on its website under Proposition 57 Credit-Earning Opportunities<sup>1</sup>. Awarding credits is based on several different eligibilities including Good Conduct, Milestone Completion, Rehabilitative Achievement, Educational Merit, and Extraordinary Conduct. The author notes that by highlighting the relationship between these credit awarding systems and recidivism rates, policymakers could better support and expand effective programs.

The California State Auditor in 2019 reported that the state of California and the CDCR lack the necessary tools to evaluate how rehabilitative programs directly linked to credit-earning opportunities impact recidivism rates. A significant concern outlined in the report is how the department has neither developed any performance measures for its rehabilitation programs, such as a target reduction in recidivism nor assessed program cost-effectiveness<sup>2</sup>. Moreover, the CDCR has refused to disclose credit calculations that lead to early inmate release, citing inmate privacy. The department has not disclosed how often those inmates are arrested for new crimes after release<sup>3</sup>. While the department has taken the initial steps to solve these concerns, the lack of reports calls for this bill to require the CDCR to analyze how rehabilitative programs and corresponding credit-earning systems influence recidivism. This bill also addresses privacy concerns by only requiring aggregate data in the reports that do not reveal inmate-identifying characteristics.

Despite department setbacks, available research does indicate a positive correlation between rehabilitation programs and reduced recidivism rates by changing inmates' behavior based on individual needs and risks. One of the most notable interventions, as cited by the author, is access to higher education opportunities in state prisons that equip inmates with the necessary tools to compete in the job market. Since 2015 all state prisons have partnered with community colleges for inmates to obtain an associate's degree. UC Irvine expanded on this idea by using empirical data to develop the Leveraging Inspiring Futures Through Educational Degrees (LIFTED) that offers bachelor's degrees programs. UC Irvine has been able to secure further legislative funding for five years as of 2021<sup>4</sup>.

Moreover, the California Prison Authority (CALPIA) recently held a graduation ceremony for inmates at the Avenal State Prison that received job certificates. Assistant general manager of the facility operations for CALPIA Nicole Collins states that "[w]e have poultry, egg production, general fabrication, furniture, laundry and healthcare facility maintenance, in addition we have

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<sup>1</sup> "Proposition 57," accessed April 5, 2023, <https://www.cdcr.ca.gov/proposition57/>

<sup>2</sup> "Several Poor Administrative Practices Have Hindered Reductions in Recidivism and Denied Inmates Access to In-Prison Rehabilitation Programs," accessed April 5, 2023, <https://www.auditor.ca.gov/pdfs/reports/2018-113.pdf>

<sup>3</sup> "Fifteen-thousand inmates got "advance release" with "enhanced credits" last year. Where's California's recidivism data?," accessed April 5, 2023, <https://www.cbsnews.com/sacramento/news/missing-cdcr-prop-57-recidivism-data/>

<sup>4</sup> "State awards \$1.8 million to expand UCI's in-prison B.A. program," accessed April 5, 2023, <https://news.uci.edu/2022/07/05/state-awards-1-8-million-to-expand-ucis-in-prison-b-a-program/>

administrative, warehouse and maintenance and repairs support functions here at Avenal.”<sup>5</sup> By allowing inmates to learn new trades and skill sets, they’ll also be able to better compete in the job market, similar to those in educational credit programs.

CALPIA also operates a dive school for inmates at the California Institute for Men in Chino. The program offers roughly 15 inmates, to learn dive medicine, physiology and physics. As the author mentions, hundreds of men who have graduated from the program over the years and have been trained in proper underwater tool handling, rigging and marine construction, welding and cutting. The school has proven to reduce recidivism rates below 6%, indicating that rehabilitative programs have a positively correlate to recidivism reductions.<sup>6</sup>

This bill seeks to address concerns from the state auditor and provide the legislature with the appropriate information concerning the relationship between awarded credits through various programs, such as those mentioned above, and recidivism rates for future program development in state prisons.

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

According to the Peace Officers Research Association of California:

Current constitutional provisions, enacted by Proposition 57 at the November 8, 2016, statewide general election, authorize the Department of Corrections and Rehabilitation to award credits to prisoners that are earned for good behavior and approved rehabilitative or educational achievements. This bill would require the department to compile data regarding the relationship between the awarding of credits and the recidivism rates of inmates who were awarded credits for good behavior and approved rehabilitative or educational achievements and to submit an annual report to the Legislature commencing on or before January 1, 2025.

PORAC supports compiling data regarding the relationship between the awarding of credits and the recidivism rates of inmates who were awarded prison credits. This data will be a barometer on Proposition 57 and its impact on our communities.

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<sup>5</sup> “Inmates at Avenal State Prison celebrate job certifications with CALPIA program,” accessed April 5, 2023, [https://hanfordsentinel.com/news/local/inmates-at-avenal-state-prison-celebrate-job-certifications-with-calpia-program/article\\_49742698-c828-539e-8c35-edc45f608f23.html](https://hanfordsentinel.com/news/local/inmates-at-avenal-state-prison-celebrate-job-certifications-with-calpia-program/article_49742698-c828-539e-8c35-edc45f608f23.html)

<sup>6</sup> “CALPIA Dive School offers military dive training to inmates at the California Institution for Men in Chino,” accessed April 5, 2023, <https://abc7.com/calpia-dive-school-chino-inmate-corrections/12910029/>