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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

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**Bill No:** SB 379                      **Hearing Date:** January 9, 2024  
**Author:** Umberg  
**Version:** January 3, 2024  
**Urgency:** No                                      **Fiscal:** No  
**Consultant:** SJ

**Subject:** *Prisons: Accountability Letter Bank*

## HISTORY

**Source:** Author  
**Prior Legislation:** None  
**Support:** Unknown  
**Opposition:** None known

## PURPOSE

*The purpose of this bill is to require the California Department of Corrections and Rehabilitation (CDCR) to establish an Accountability Letter Bank program, as specified.*

*Existing law* establishes CDCR to administer the state prison system under the direction of the Secretary. (Pen. Code, § 5000 et seq.)

*Existing law* provides that the Secretary of CDCR may prescribe and amend the rules and regulations for the administration of the prisons. (Pen. Code, § 5058.)

*This bill* requires CDCR to establish an Accountability Letter Bank program.

*This bill* states that the goals of the program are: 1) to allow incarcerated individuals to reach out to individuals who they have harmed and be accountable for the crime they have committed; 2) to encourage interested incarcerated individuals to express remorse, develop empathy, and accept full responsibility for the harm caused to the victim and their family; 3) to allow a safe place for victims, survivors, and next of kin to receive the letter of accountability from the incarcerated person, and allow the victim, survivor, or next of kin to control when and if they receive the letter; and 4) to reduce the likelihood of possible re-victimization.

*This bill* requires that all submitted letters be reviewed to ensure that they are not harmful to the victim, survivor, or next of kin. Also requires all letters are reviewed to ensure that the letters demonstrate and emphasize the person's acceptance of responsibility, understanding of the impact and harm of the crime, development of empathy for the victim, and learning of skills to prevent the reoccurrence of criminal behavior.

*This bill* requires the department make the letter available via email or mail if a victim, survivor, or next of kin wishes to receive the letter.

## COMMENTS

### 1. Need for This Bill

According to the author:

Restorative justice is a response to crime that prioritizes repairing harm and recognizes that maintaining positive relationships with others is a core human need. By bringing the involved parties together in a safe and voluntary dialogue with well-trained facilitators, restorative justice creates an opportunity for those human needs following crime to be met. In order to facilitate this pursuit of justice, this bill would provide the Department of Corrections and Rehabilitation statutory authority for an Accountability Letter Bank program, with the goal of providing an opportunity for incarcerated persons to be accountable for the harm they have caused and to express remorse to those they have harmed. This letter bank allows for an escrow of letters which can be accessed by victims should they want to view the accountability letter of the incarcerated person. The program would require the letters to be reviewed to ensure they are not harmful to the victim, survivor, or next of kin and would make the letters available to the victim, survivor, or next of kin, if they wish to receive the letter, by mail or email.

### 2. CDCR Accountability Letter Bank

Prior to 2013, CDCR operated an informal program through which incarcerated individuals could submit letters of remorse to the department's Office of Victim and Survivor Rights and Services (OVSRS). This informal process ended due to the lack of appropriate resources and review. After receiving feedback from groups representing victims and offenders indicating a desire to revive an apology letter process, CDCR established a formal apology letter program overseen by OVSRS, the Accountability Letter Bank, in 2019. Incarcerated individuals began submitting letters to OVSRS in 2022.

According to the department, the program is intended to provide an opportunity for an incarcerated person to write a thoughtful, appropriate apology letter to their victim or victim's family with the assistance of approved program facilitators. (CDCR, *Accountability Letter Bank* <<https://www.cdcr.ca.gov/victim-services/alb/>>) Incarcerated individuals are discouraged by the department from corresponding directly or through a third party with their victim or victim's family. The Accountability Letter Bank recognizes that "[a]pology letters are an important part of the restorative justice process and can serve a vital role in the healing of the victims, as well as the rehabilitation of the offender. ... Accountability and remorse can help those incarcerated accept responsibility and gain a true understanding of the emotional, physical and financial losses caused by the offense." (*Ibid.*)

The stated goals of the program are to:

- Allow the incarcerated population to reach out through a qualifying program to those they have harmed and be accountable for the crime they have committed.

- Encourage interested incarcerated individuals to express remorse, develop empathy and accept full responsibility for the harm caused to the victim and the victim's family.
- Allow a safe place for the victim, survivor, or next of kin to receive the letter of accountability from the incarcerated person, including deciding when and if they may want to receive the letter.
- Reduce the likelihood of possible re-victimization.  
(*Ibid.*)

Department policy requires that all accountability letters submitted to the Accountability Letter Bank be reviewed by the facilitators of approved victim impact programs through which incarcerated individuals have written letters to ensure that they are not harmful to the victim or victims. (*Ibid.*) All approved accountability letters from qualifying programs must be sent to OVSRS which will then notify the victim and victim's family members that a letter addressed to them has been received. (*Ibid.*) The victim, survivor, or next of kin will choose if and when to receive the accountability letter from OVSRS. (*Ibid.*) The victim or victim's family member may choose whether to receive the letter via mail or email, and OVSRS will scan the letter and keep an electronic copy on file in the event the victim or victim's family member decides to receive the letter at a later date or requests another copy of the letter. (*Ibid.*) If there is an active restraining order against the incarcerated person to protect the victim, survivor, or next of kin, OVSRS will not reach out to the individual and will store the letter instead.

This bill codifies the existing Accountability Letter Bank Program, its goals, and the general process of review by the department and contact with the victim or next of kin. Notably, the department's existing policy specifies that one of the goals of the program is to allow the incarcerated population to reach out *through a qualifying program* to those they have harmed, making explicit in the stated program goals that all communication with the victim or next of kin is through the department. This language is absent in the stated goals provision of the bill.

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