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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair  
2019 - 2020 Regular

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**Bill No:** SB 620                      **Hearing Date:** April 23, 2019  
**Author:** Portantino  
**Version:** March 27, 2019  
**Urgency:** No                              **Fiscal:** Yes  
**Consultant:** MK

**Subject:** *Criminal Offender Record Information: Referral of Persons on Supervised Release*

### HISTORY

**Source:** Pasadena Police Department

**Prior Legislation:** None

**Support:** Unknown

**Opposition:** American Civil Liberties Union; Chief Probation Officers of California

### PURPOSE

*The purpose of this bill is to allow local law enforcement to release the name and address of people on supervised release to local service providers.*

*Existing law* requires the Department of Justice (DOJ) to maintain state summary criminal history information. (Penal Code § 11105(a).)

*Existing law* authorizes any local criminal justice agency as defined to compile local summary criminal history information and requires the local criminal justice agency to furnish this information to any of the following specified entities:

- The courts of California;
- Peace officers, as defined;
- District attorneys of California;
- Prosecuting city attorneys;
- City attorneys pursuing civil gang injunctions or drug abatement actions;
- Probation officers of California;
- Parole officers of California;
- A public defender or attorney of record when representing a person in proceedings upon a petition for a certificate of rehabilitation and pardon;
- A public defender or attorney of record when representing a person in a criminal case, or a parole, mandatory supervision, or postrelease community supervision revocation or revocation extension proceeding, and if authorized access by statutory or decisional law;
- Any agency, officer, or official of the state if the criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and

contains requirements or exclusions, or both, expressly based upon that specified criminal conduct;

- Any city or county, city and county, district, or any officer or official thereof if access is needed in order to assist that agency, officer, or official in fulfilling employment, certification, or licensing duties, and if the access is specifically authorized by the city council, board of supervisors, or governing board of the city, county, or district if the criminal history information is required to implement a statute, ordinance, or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct;
- The subject of the state summary criminal history information;
- Any person or entity when access is expressly authorized by statute if the criminal history information is required to implement a statute or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct;
- Health officers of a city, county, city and county, or district when in the performance of their official duties preventing the spread of communicable diseases;
- Any managing or supervising correctional officer of a county jail or other county correctional facility;
- Local child support agencies;
- County child welfare agency personnel who have been delegated the authority of county Probation officers to access state summary criminal history information for the specified purposes;
- A humane officer for the purposes of performing their duties. (Penal Code § 13300(b).)

*Existing law* further permits the release of local summary criminal history information, upon a showing of a compelling need, to the following provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility or any entity, in fulfilling, employment, certification or licensing duties:

- A peace officer of the state not otherwise listed.
- An animal control officer, for the purposes of performing his or her official duties.
- A peace officer of another country.
- To public officers, other than peace officers.
- Any person when disclosure is requested by a probation, parole or peace officer with the consent of the subject of the information.
- Federal courts or courts of other states.
- Any individual who is the subject of the record requested when needed in conjunction with an application to enter the United States or any foreign country.
- Any public utility.
- Any city, county, city and county or district or any officer or official thereof, if a written request is made to a local law enforcement agency and the information is needed to assist in the screening of a prospective concessionaire.
- A public agency for the purpose of oversight and enforcement with respect to its contracted providers (Penal Code § 13300(c).)

*This bill* provides that notwithstanding any other provision of law, a municipal police department or county sheriff's department may, subject to the requirements of this article, provide information obtained from the supervised release file of CLETS or other confidential sources, about persons on supervised release that are residing within the jurisdiction of that department to service providers within that jurisdiction.

*This bill* provides that the information that may be released is limited to the name and address of the person on supervised release.

*This bill* defines "person on supervised release" as a person on parole from state prison, post release community supervision, mandatory supervision or supervised probation. It does not include a person on federal probation or any other type of supervised release from federal custody.

*This bill* defines "service provider" means a nonprofit organization that provides transitional services to persons of supervised release, including but not limited to, assistance with housing, job training or placement and counseling or mentoring.

*This bill* provides that a person on supervised release shall be notified that their name and address may be released to service providers in the community and shall be given the opportunity of declining to have their information released and before any information is released the law enforcement agency shall contact the person's parole or probation officer to determine whether or not the person has declined to have his or her information released.

## COMMENTS

### 1. Need for This Bill

According to the author:

When a subject is released from incarceration, they are returned to their city of residence without guidance or the needed resources to get their life back on track. Law enforcement officials have release data and the personal information of every parolee and Post Release Community Supervision probationer. However, they cannot connect these previously incarcerated community members to service providers or release this information. As they cannot connect those previously incarcerated with service providers that can help them, it is hard to break the cycle of recidivism.

By having direct contact information of those returning to society, service providers focusing their efforts and grant funds on previously incarcerated community members would help those individuals succeed. This bill will allow those leaving prison to have access to Case Management, Systems Navigation, Financial Literacy, Mental Health and Substance Abuse Treatment, and Workforce Development Services.

In Los Angeles County, 47% of community members who return from incarceration repeat offend and are re-incarcerated within three years. This results in predictable, preventable community violence and trauma in neighborhoods

where we raise our children. Pasadena began a program 12 years ago, called the Vision 20/20 Reintegration Initiative, which started a collaboration among over 30 community groups, including the Pasadena Police Department, to provide a safety net of support and services for community members returning home from incarceration.

The results of this program have been strong, showing that increased access to services upon release from incarceration can break the cycle of recidivism. The recidivism rate for the Fiscal Year 2017-18 was 7.5% as 92.5% of community members served did not repeat offend. The three-year recidivism rate was 15%, compared to 47% recidivism for the County of Los Angeles over-all. In summary, over three years, 85% of previously incarcerated community members served by the Vision 20/20 Network did not repeat offend.

## **2. Release of information to service providers**

This bill would permit local law enforcement to release the name and address of a person on supervised release—on parole, postrelease community supervision, mandatory supervision or supervised probation—to local service providers that provide transitional services to those on supervised release. A person shall be given the opportunity to opt-out of the release of the information.

Generally, parole and probation work with a person to find which types of program are appropriate for a person based on that individual needs. Some individuals may need a specific type of evidence based program or will benefit from a specific type of transitional housing while other programs and housing may not fit their needs.

If not all programs are appropriate for all people, is it appropriate to allow these service providers directly market to all individuals? Ex-offenders have expressed their dismay at having to decide what to eat off a long menu, are they going to be able to sift through information from providers and determine what type of program will help their transition? If the sponsor, or any local law enforcement agency, has a program they believe is working and should be supported, shouldn't they work with local probation and parole to see that more or the right people are sent to that program?

## **3. Argument in Opposition**

The ACLU opposes stating:

Although the bill allows people to opt out of sharing their information, this provision assumes that they have full knowledge of this option and will be able to make an informed decision about whether to protect their privacy. This puts an undue burden on those under correctional supervision, assuming that if a person does not respond, they wish their personal information to be shared. This is often not true. An opt-in system, requiring law enforcement to obtain permission before sharing sensitive information, is a more appropriate measure of the individual's desire to protect their privacy.

Further, there are no safeguards in this bill to protect the confidentiality of this sensitive information. Unfortunately, criminal convictions carry a significant stigma in our society. A list of the names and addresses of people who have been involved with the justice system could result in substantial harms if it got into the wrong hands.

Finally, while we appreciate the author's intent of connecting people with service providers, this bill does not take an effective approach. Services for people under correctional supervision need to be targeted: some people may need housing support or job training, others will need mentorship or counseling, and others a combination of services. Sharing people's names and addresses with a range of service providers may result in individuals receiving a large quantity of solicitations, requiring them to sort through irrelevant information to find the services they need. A better approach would provide for individualized referrals.

Should the bill provide for an opt-in instead of an opt-out? Should the bill provide for ways to safeguard the information once it is sent out?

**-- END --**