

Date of Hearing: April 2, 2024

Counsel: Liah Burnley

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Kevin McCarty, Chair

AB 2818 (Mathis) – As Amended March 12, 2024

CORRECTED

As Proposed to be Amended in Committee

SUMMARY: Requires county jails to provide incarcerated individuals contact information for social services upon release. Specifically, **this bill**:

- 1) Requires, commencing January 1, 2026, county jails to, at a minimum, provide each incarcerated person the contact information for all of the following:
 - a) The local social services agency;
 - b) A local alcohol or drug abuse resource;
 - c) Local homeless shelters;
 - d) Local mental health resources for counseling or therapy; and,
 - e) The State Department of Social Services (DSS).
- 2) Requires the information to be provided on paper or other physical document, unless the person provides necessary contact information to allow the information to be provided by email or text message.

EXISTING LAW:

- 1) Allows the sheriff to temporarily release a person incarcerated in county jail to prepare for their return to the community for a period of not more than three days. (Pen. Code, § 4018.6.)
- 2) Provides that the sheriff may discharge any incarcerated person from the county jail on the last day the person may be confined, as the sheriff shall consider to be in the best interests of the person. (Pen. Code, § 4024, subd. (a).)
- 3) Allows the sheriff to offer a voluntary program to a person incarcerated in county jail upon completion of their sentence that would allow them to stay in the custody for up to 16 additional hours so that they can be discharged to a treatment center or during daytime hours. (Pen. Code, § 4024, subd. (b)(1).)
- 4) Allows the sheriff or other official in charge of county correctional facilities to provide for the vocational training and rehabilitation of incarcerated persons confined in the county jail.

(Pen. Code, § 4018.5.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author’s Statement:** According to the author, “It is time for California to seriously address the issue of crime, and the reasons our citizens are committing these crimes. We must take this step forward together to support Californians struggling to stay out of the justice system in finding a better a life.”
- 2) **Need for this Bill:** According to the National Institute of Corrections (NIC), individuals incarcerated in jails have diverse risks and complex human service needs. Many people released from jails lack community connections to treatment and organizations to address their reintegration issues. (NIC, *Transition from Jail to Community*. Available at: <<https://nicic.gov/resources/resources-topics-and-roles/topics/transition-jail-community-tjc>>[as of March 25, 2024].) Justice-involved individuals who have spent time in jails are at higher risk for poor health outcomes, injury, and death than the general public. They disproportionately risk trauma, violence, overdose, and suicide. (California Department of Health Care Services, *Transformation of Medi-Cal: Justice-Involved*. Available at: <https://www.dhcs.ca.gov/CalAIM/Documents/CalAIM-JI-a11y.pdf>> [as of March 25, 2023].)

The Steinberg Institute recently reported that, “Too many Californians with significant behavioral health needs find themselves languishing in our jails while their illness is left untreated. Counties report that 53 percent of people in county jails have an open mental health case, a figure that has more than doubled since 2010. While state-level information on substance use disorder prevalence is limited, national estimates find that over 60 percent of incarcerated people have a substance use disorder. These figures likely underestimate the true prevalence of behavioral health conditions among incarcerated individuals due to a lack of standardization in data tracking and reporting.” (The Steinburg Institute, *Misaligned: California’s Local Public Safety Funding Doesn’t Meet Today’s Needs*. Available at: <<https://steinberginstitute.org/misaligned-californias-local-public-safety-funding-doesnt-meet-todays-needs/>> [as of March 25, 2023].)

Reducing recidivism and improving reentry outcomes require that jails collaborate with local organizations to meet the needs of incarcerated individuals upon their release. The NIC claims that it is imperative that jurisdictions “use an effective case management process that includes a strong community handoff component, particularly at the moment of release, and that ensures continuity of care between in-jail and community-based programs and services.” (NIC, *Case Management Strategies for Successful Jail Reentry*. Available at <<https://s3.amazonaws.com/static.nicic.gov/Library/026912.pdf>>[as of March 25, 2023].)

Consistent with these recommendations, this bill would require county jails to provide each incarcerated person the contact information for the local social services agency, an alcohol or drug abuse resource, local homeless shelters, local mental health resources for counseling or therapy, and DSS.

- 3) **Argument in Support:** According to the *Transformative in-Prison Workgroup (TPW)*, “While recidivism most outwardly negatively affects both those committing harm and their families in a deep and destructive way, it also costs the State billions of dollars. A 2021-22 Legislative Analyst’s Office report found that it costs an average of \$106,131 per incarcerated person per year. Given the State’s current budget deficit, the state cannot afford to continue on its current track and must make every attempt possible to keep Californians out of prisons and jails.

“From our perspective, this is a bill long overdue. It is simple commonsense to provide released individuals with all of the available information to assist them in their reentry back into society. Many of our member organizations also provide services to their former in-prison participants, and we have come to learn of the lack of information provided. Rehabilitation is a process that continues after the person is released, and we strongly encourage the State to make every effort to enhance the likelihood of success. It is in everyone’s best interests.”

4) **Related Legislation:**

- a) AB 2142 (Haney) would establish a mental health pilot program at the California Department of Corrections and Rehabilitation (CDCR), that, among other things, would require CDCR to provide program participants with information about community-based treatment programs upon release from prison. AB 2142 is being head by this Committee today.
- b) AB 2040 (Waldron) would establish the California Reentry Officer, independent of CDCR, to promote state and local efforts to ensure successful reentry services are provided to incarcerated individuals. AB 2040 is pending in Assembly Appropriations Committee.
- c) SB 1254 (Becker) would require DSS to partner with CDCR and county jails to enroll applicants in the CalFresh program so that their benefits may begin before the reentry into the community from the state prison or county jail. SB 1254 is pending in Assembly Human Services Committee.

5) **Prior Legislation:**

- a) AB 857 (Ortega), Chapter 857, Statues of 2023, requires CDCR to provide each incarcerated person, upon release, informational materials about vocational rehabilitation services and independent living programs offered by the Department of Rehabilitation.
- b) AB 3073 (Wicks), Chapter 225, Statutes of 2020, required DSS to issue an all-county letter with methods for county human services agencies to partner with CDCR and county jails to enroll incarcerated persons in the CalFresh program.
- c) AB 683 (E. Garcia), Chapter 45, Statutes of 2017, authorized specified counties to implement pilot programs to provide reentry services for individuals scheduled to be released from county jail.

- d) SB 833 (Liu), Chapter 90, Statutes of 2014, authorizes the sheriff to offer a voluntary program to a prisoner, upon completion of a sentence served or a release ordered by the court to be effected the same day, that would allow the prisoner to stay in the custody facility for up to 16 additional hours or until normal business hours, in order to offer the prisoner the ability to be discharged to a treatment center or during daytime hours.
- e) AB 720 (Skinner), Chapter 646, Statutes of 2013, authorizes boards of supervisors, in consultation with county sheriffs, to designate entities to assist county jail inmates to apply for a health insurance affordability program.

REGISTERED SUPPORT / OPPOSITION:**Support**

Defy Ventures
Transformative Programming Works (TPW)

Opposition

None submitted.

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