

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: May 15, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations Committee

FROM: Gerry F. Miller *Gerry F. Miller For* Council Files: 13-0002-S45
Chief Legislative Analyst Assignment No.: 13-04-0248

SUBJECT: Resolution to support **AB** 810 to examine the feasibility of an inter-county criminal offender database

CLA RECOMMENDATION: Adopt Resolution (Buscaino – Englander) to include in the City’s 2013-2014 State Legislative Program SUPPORT of AB 810 (Muratsuchi) which would examine the feasibility of an inter-county criminal offender database that would be accessible to local law enforcement agencies.

SUMMARY

On April 2, 2013, Resolution (Buscaino – Englander) was introduced in support of AB 810 (Muratsuchi) which would examine the feasibility of an inter-county criminal offender database that would be accessible to local law enforcement agencies. The Resolution states that the passage of AB 109 in California shifted approximately 34,000 non-serious/non-violent inmates from state facilities and supervision to county detention centers and post-release supervision programs. Before this shift occurred, the state did not make provisions to create a central database to track prisoners being release to county custody and supervision. County and local law enforcement officials have expressed concerns over the lack of shared data on inmates shifted to their oversight, and they have noted that these inmates are unlikely to remain in the original county of release. The Resolution also states that the creation of a centralized database of inmate records shared among all of California’s 58 counties would be a critical tool for law enforcement to monitor the status of inmates transferred out of state control to local control. AB 810 would require the State Attorney General to examine the feasibility of an inter-county criminal database that would be accessible to local law enforcement agencies. The Resolution, therefore, seeks an official City position to support this legislation.

BACKGROUND

In 2011, Governor Brown signed AB 109 and AB 117, which are collectively known as the 2011 Public Safety Realignment (“Realignment”). Realignment is the result of the State of California’s attempt to reduce its prison population, as the United States Supreme Court ruled that California’s prisons are unconstitutionally overcrowded. To help meet this mandate, Realignment shifts responsibility for the supervision of offenders whose most recent convictions are non-serious, non-violent, and non-sexual (“N3” or non-non-non offenders) from the State to the counties. These offenders are also known as “post supervised persons” (PSPs).

Under current state law, the State Attorney General is responsible for maintaining criminal offender record information. However, for PSPs released from incarceration into county supervision programs, there is no centralized database on offender information for county and local law enforcement to access. This gap is problematic because PSPs are assigned to counties based on their last registered home address. In the event a local law enforcement agency makes contact with a PSP who is registered in a different county, that agency is not able to directly determine whether the PSP is under supervision in the other county. The database proposed by AB 810 would address this gap and help ensure that local law enforcement can continue to provide effective public safety.

The Los Angeles Police Department (LAPD) reports that the database system proposed by AB 810 would be a beneficial tool for the new monitoring responsibilities delegated to LAPD under Realignment. In coordination with the Los Angeles County Probation Department, LAPD is responsible for periodic monitoring of PSPs within Los Angeles. LAPD uses the Los Angeles County Probation Department's Adult Probation System (APS) for monitoring PSPs and conducting compliance checks with the Probation Department. The database proposed by AB 810 would also benefit coordination within Los Angeles city limits since PSP monitoring occurs at the Area Station level, and LAPD does not have a database that integrates all Area Stations.


To determine the feasibility of establishing the database, the bill directs the State Attorney General to consult with the California Police Chiefs Association, the California District Attorneys Association, the California State Sheriffs Association, the California Peace Officers Association, the Los Angeles County Sheriff's Department, the Department of Corrections and Rehabilitation, the Governor's Office, the Board of State and Community Corrections, the Chief Probation Officers of California, and the League of California Cities.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

2/21/2013	Introduced in State Assembly
3/21/2013	Amended by Com. on PUB. S.
4/17/2013	Passed by Com. on PUB. S.
4/17/2013	Referred to Com. on APPR.


Jon Dearing
Analyst

GM:MF:jd

Attachment: AB 810 (Muratsuchi) Bill Text, as amended on March 21, 2013

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11082 is added to the Penal Code , to read:

11082. (a) The Attorney General, in consultation with the California Police Chiefs Association, the California District Attorneys Association, the California State Sheriffs Association, the California Peace Officers Association, the Los Angeles County Sheriff's Department, the Department of Corrections and Rehabilitation, the Governor's Office, the Board of State and Community Corrections, the Chief Probation Officers of California, and the League of California Cities, shall examine the feasibility of an intercounty criminal offender database to be accessible to local law enforcement agencies, including municipal police departments, for the purpose of facilitating and enhancing local law enforcement operations by ensuring readily available information on criminal offenders.

(b) The Attorney General shall report the findings of the examination conducted pursuant to subdivision (a) to the Assembly Committee on Public Safety and the Senate Committee on Public Safety by July 1, 2014.

(c) The requirement for submitting a report imposed under subdivision (b) is inoperative on July 1, 2018, pursuant to Section 10231.5 of the Government Code.

~~SECTION 1. It is the intent of the Legislature to enact legislation to ensure that appropriate methods are devised to allow law enforcement agencies to share data, including providing accurate, timely information on ex-offenders from existing databases within state and county agencies to local law enforcement entities to facilitate their ability to monitor, and if necessary apprehend, ex-offenders released into their communities.~~

BILL NUMBER: AB 810 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY MARCH 21, 2013

INTRODUCED BY Assembly Member Muratsuchi

FEBRUARY 21, 2013

An act to add Section 11082 to the Penal Code,
relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 810, as amended, Muratsuchi. Law enforcement: data sharing.

Existing law requires the Department of Justice to maintain state summary criminal history information, which is the master record of information compiled by the Attorney General pertaining to the identification and criminal history of any person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, and similar data. Existing law requires the Attorney General to furnish state summary criminal history information to specified entities, including state courts, peace officers, district attorneys and public defenders, city attorneys, and probation and parole officers, among others.

This bill would require the Attorney General to examine the feasibility of an intercounty criminal offender database that would be accessible to local law enforcement agencies, including municipal police departments, for the purpose of facilitating and enhancing local law enforcement operations by ensuring readily available information on criminal offenders. The bill would require the Attorney General to consult with specified entities. The bill would require the Attorney General to report its findings by July 1, 2014, as provided.

~~Existing law requires all basic information stored in state or local criminal offender record information systems to be recorded in a prescribed form. For each arrest made, existing law requires the reporting agency to report to the Department of Justice concerning each arrest, the applicable identification and arrest data, and fingerprints.~~

~~This bill would state that it is the intent of the Legislature to enact legislation to ensure that appropriate methods are devised to allow law enforcement agencies to share data, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
yes . State-mandated local program: no.