YOUTH LEADERSHIP INSTITUTE
Use Your Voice

March 25th, 2024

The Honorable Senator Wahab
Chair, Senate Public Safety
1021 O Street, Suita 7330
Sacramento, CA 95814

RE: Opposition Letter for SB 1262 (Archuleta)

Dear Chair Wahab:

On behalf of Youth Leadership Institute, I write in respectful opposition to Senate Bill 1262 (Archuleta), which would require the Board of Parole Hearings to consider a person's entire criminal history when making parole decisions and require supervising county agencies to seek revocation of Post-release Community Supervision (PRCS) upon someone's third violation of supervision terms. This bill is redundant of existing law and regulations and threatens to further aggravate racial disparities in the criminal legal system.

yli partners with thousands of youth across the state, the majority of whom are low-income youth of color. We witness first hand the brutal impacts of our state's harmful "justice" system on their lives, and are staunch advocates of measures that will reduce the criminalization and incarceration of our communities.

<u>Parole Suitability</u>
SB 1262 is unnecessary because the governing statute and regulations, as well as the Board's own Structured Decision Making Framework, already

require the Board to consider past criminal history.[1] California Penal Code §3041(b)(1) explicitly directs the Board to consider the "timing and gravity of current or past convicted offense or offenses" in addition to the "gravity of the current convicted offense or offenses" in making its decision to grant parole. California Code of Regulations, Title 15, Section 2281 also explicitly names "past criminal history" as a factor that the Board shall consider in determining parole suitability. Finally, the Board implemented a Structured Decision Making Framework in 2019, which instructs Commissioners to rate several key factors before determining parole suitability. "Criminal and Parole History" is the first of seven primary factors included in this framework. This factor is so deeply embedded in the Board's decision-making practice that commissioners routinely consider records of previous arrests that did not lead to a conviction.

Creating an additional requirement to consider criminal history in the statute is redundant and wholly unnecessary. Furthermore, it represents an outdated, punitive attitude that departs from current best practices in parole release as well as the Board's statutory mandate to normally grant parole unless one poses a ***current*** risk to public safety. Criminal history is a static, unchangeable factor from one's past; for most people going through the parole hearing process, decades have elapsed since their last conviction. The evidence on risk and recidivism clearly demonstrates that criminal history — compared to recent and dynamic factors like demonstration of rehabilitation, post-release plans, and conduct in prison — lacks relevance to a person's current risk of committing violence. Therefore, this factor should not be emphasized more than it already is.

Post-release Community Supervision

Similar to the parole suitability provision of this bill, the post-release community supervision provision is also unnecessary and undermines public safety. Under California Penal Code § 3455 as currently written, each supervising county agency has full authority and discretion to impose intermediate sanctions (including flash incarceration) as well as to petition

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[1]Cal. Penal Code §3041(b)(1); Cal. Code Regs. Tit. 15, § 2281; https://www.cdcr.ca.gov/bph/appendix-d/

the court to revoke and terminate post-release community supervision if it determines that intermediate sanctions are insufficient. SB 1262 undermines this jurisdiction by requiring the supervising agency to impose the most severe penalty upon a third release violation, despite the fact that most probation violations are technical violations rather than new criminal offenses. These kinds of “technical violations'' — for infractions as minor as missing an appointment with a supervision officer — account for over a quarter of all admissions to state and federal prisons.[2]

Revocation almost always results in additional incarceration, and in people receiving more severe sentences than those not on probation or other forms of supervision would have received. Furthermore, studies show that Black people are disproportionately likely to have their probation revoked, and are over 4 times more likely than white people to be admitted to prison for a probation revocation.[3] SB 1262 will lead to the disproportionate rearrests of Black and Brown people under community supervision and increased numbers of people in prison for technical violations of supervision conditions, reversing hard-earned progress in California towards decarceration and racial equity in our justice system. We need to invest in smart, supportive re-entry solutions instead of repeating punitive approaches to community supervision that are proven to be costly, harmful, and ineffective.

For these reasons, Youth Leadership Institute must respectfully oppose SB 1262.

Sincerely,

PATRICIA BARAHONA
CHIEF EXECUTIVE OFFICER
Youth Leadership Institute

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[2] Bureau of Justice Statistics. (2023.) *Probation and Parole in the United States, 2021.* U.S. Department of Justice

[3] Jesse Jannetta, Justin Breaux, Helen Ho, and Jeremy Porter, *Examining Racial and Ethnic Disparities in Probation Revocation* (Washington, DC: Urban Institute, 2014)