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June 27, 2019

The Honorable Robert M. Hertzberg  
State Capitol, Room 313  
Sacramento, CA 95814

RE: **HOAC Supports SB 36**

Dear Senator Hertzberg:

The Health Officers Association of California (HOAC), which represents the physician health officers of California's sixty-one city and county jurisdictions, supports your SB 36, related to pretrial assessment data collection.

In an effort to remedy shortcomings in the state's pretrial release and detention system—shortcomings that fail to protect public safety or ensure court appearances, and often contravene the due process rights of accused Californians, especially poorer Californians and communities of color—many jurisdictions have begun using pretrial risk assessment instruments as an aid in determining the likelihood that an arrestee will commit a new offense prior to trial, or miss his or her next court date. Generally, these tools use large data sets regarding past trends to predict future outcomes, and assist judges in making release or detention decisions prior to a defendant's trial. As of late 2017, 49 of 58 counties in California used one of eight different risk assessment instruments in their pretrial processes.

However, despite their widespread use across the state, these risk assessment tools lack the openness and transparency necessary for honest evaluation and elimination of disparate outcomes. Counties are under no obligation to maintain individualized data on their tool's inputs and outputs—data that is necessary to put the tools through a process of "validation," a regular calibration of the instrument's accuracy. Consequently, counties and the State are ill equipped to evaluate the overall effectiveness of these instruments and reduce the potential impact of discriminatory biases.

Your bill requires each court or county that uses a pretrial risk assessment tool to maintain individualized data regarding the tool's inputs and outcomes, as well as any associated recommendations to the court. The measure will ensure that risk assessment tools are thoroughly evaluated to ensure effectiveness in mitigating risk while minimizing biases and disparate results based on race, ethnicity, gender, economic circumstances, and behavioral or developmental disability.

Implicit bias hurts communities that are already under-resourced. Public health promotes health equity—the concept that all people should have access to health. Treatment under the criminal justice system is one of the social determinants of health—in other words, justice outcomes impact health outcomes. Your bill helps to make sure the tools being used by our courts are fair and equitable. This is an important prevention measure that will keep Californians safe and healthy. Thank you for introducing it.

Sincerely,

A handwritten signature in black ink that reads "Kat DeBurgh". The signature is written in a cursive, flowing style.

Kat DeBurgh, MPH  
Executive Director