

Assembly Bill 2418

Justice Data Accountability and Transparency Act

Assembly Member Ash Kalra

SUMMARY

AB 2418 would enhance transparency and accountability in criminal prosecutions by requiring district attorneys to collect and report data about their cases such as demographic information about the defendant and victim, charging information, information about plea offers, and case disposition. This data is to be reported by the DOJ.

BACKGROUND

District attorneys (DA) are constitutionally elected county officials responsible for the prosecution of criminal violations of state law and county ordinances. They not only determine the crimes with which people are charged, but also play a central role in whether people are detained or released pretrial, whether people are convicted of the crimes they were charged with, which sentences people receive, how people's prior criminal history may impact their treatment in the system, and who is in prison or jail.

Despite the extraordinary power they wield, district attorneys publicly report very little on critical information such as the length of time it takes for a case to move through the criminal justice process, recommendations related to pretrial release or bail, or the number of certain crimes that have been charged, to name a few metrics. This lack of transparency has only allowed racial bias to proliferate within the criminal legal system.

According to a 2019 PPIC report, people of color remain vastly overrepresented in California's prison population. Specifically, African American men were imprisoned 10 times more often than their white counterparts, African American women five times more, and Latino men were imprisoned at a rate of 1,016 per 100,000 versus men of other races at 314. Given the major role of district attorneys in charging decisions, racial bias amongst prosecutors can further exacerbate this issue as seen this past February after the Orange County DA was accused of making racist comments while discussing the case of a Black defendant.

The movement for more transparency in criminal prosecutions is not new. In 2018, the San Francisco

DA became the first prosecutor's office in California and the second in the country to launch public data dashboards on arrests presented, cases prosecuted, and trials. Since then, DA Boudin has built on DA Gascon's efforts by adding additional data to existing dashboards and launching three new data dashboards. In 2021, DA Reisig introduced "Commons," a publicly accessible website offering information on race, age, gender, and other data points for criminal cases in Yolo County.

SOLUTION

AB 2418 requires district attorneys to collect and report basic case information to the Department of Justice (DOJ). This information would include but is not limited to, demographic information, date of the crime and arrest, data about the charges such as enhancements, case disposition, plea bargains, and whether diversion was offered.

In regards to implementation, this bill would require the DOJ, in consultation with the Prosecutorial Advisory Board, to provide consistent and clear reporting guidelines, as well as develop a data dictionary of all data elements to be collected. Furthermore, AB 2418 delays the collection of these data elements by prosecuting agencies to March 1, 2027, with transmission to the DOJ starting June 1, 2027.

Lastly, this bill requires the DOJ to establish the Prosecutorial Transparency Advisory Board by October 1, 2023, to ensure equitable access to prosecutorial data, transparency, and accountability.

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