

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/california-voters-say-yes-to-proposition-47>

Public Facing Advocacy Writing

If you only followed the election day coverage of candidate races, you might not be aware that bipartisan support for criminal justice reform is alive and well at a time when partisans throughout the political spectrum bemoan logjams in policymaking.

In California, Proposition 47 which revises felony thresholds for certain drug possession and theft offenses and reclassifies them as misdemeanors passed with overwhelming voter support. The ramifications of reclassifying drug and property offenses from felonies to misdemeanors are significant. Some misdemeanor convictions result in fines and probation, not incarceration, and misdemeanor jail sentences are served in local county jails, which are usually located much closer to the homes of those incarcerated, enabling them to keep closer ties to their families and communities. Maintaining such relationships for individuals in prison has been shown to ease their transition back home and reduce recidivism. Having a felony conviction also makes people ineligible for many jobs and housing opportunities. Avoiding the collateral consequences of a felony conviction could make a meaningful difference in the successful reintegration of individuals after a jail term. Prop 47 is of a piece with other recent reform efforts in California, such as the adoption of measures to reduce prison overcrowding and the repeal of the Three Strikes law in 2012.

In passing Prop 47, Californians followed the lead of a number of states that have re-examined harsh penalties for low-level felonies like drug possession and simple theft in recent years. In fact, Georgia and South Carolina two states with a much different political landscape than California went even further. In 2012, Georgia raised the felony threshold for theft from \$500 to \$1,500, higher than the \$950 threshold set by Prop 47. And in 2010, South Carolina increased the felony threshold for property crimes to \$2,000.

That is not to minimize the importance or the potential impact of Prop 47, however. Supporters estimate that the state may save hundreds of millions of dollars per year which would be placed into a Safe Neighborhoods and Schools Fund. The appropriations to the fund, based on savings from the policy changes, would be distributed to the state Department of Education, the Victim Compensation and Government Claims Board, and the Board of State and Community Correction.

Regardless of how aggressive the reforms are from state to state, one distinction is obvious: most states pursue sentencing reform through the legislative process rather than directly through the ballot box. The bipartisan, multi-agency effort necessary to achieving legislative reform can build a structure and culture of continuous reform efforts. During the past three years, Georgia has examined a different area of its criminal justice system every year through the Georgia Criminal Justice Reform Council. (Vera has provided technical assistance to the Council on measuring the impacts of the adult correctional reforms through the Bureau of Justice Assistance's Justice Reinvestment Initiative.) Colorado, through its Commission on Criminal and Juvenile Justice, has also engaged in an iterative, yearly process of review and reform.

Proposition 47's passage indicates that Californians have grown weary of watching countless lives and billions of dollars being wasted in state prisons. By choosing to re-focus their criminal justice system and its resources away from long prison sentences and toward education and community corrections, California voters have shown their support for common sense reform that saves money, enhances public safety, and helps build stronger families and communities.

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