

Proposition 47 - Safe Neighborhoods and Schools Act - and Los Angeles

City of Los Angeles, Mayor's Office of Public Safety • August 2017



Context within Los Angeles

LAPD - 2016

- Violent crime up 10%, property crime up 4%, third straight year of increases

LASD - 2016

- Violent crime up 9%, property crime up 6%, second straight year of increases

Consensus: increases driven by homicides, gang-related shootings, and growing homeless population

Homicide on the rise

Homicides in Los Angeles have risen for the third consecutive year, though the numbers remain far lower than a decade ago.



*Through December 30

Source: Los Angeles Police Department

@latimesgraphics

Still: City is safer than a decade ago - 480 people killed in 2006, robberies up 46% in 2006 compared to now

Proposition 47 Background

Plata v. Brown

- 2011, USSC ruled CA prisons were unconstitutionally overcrowded
- Ordered state prison population be reduced to 137.5% of total original design capacity (was over 200% at time of ruling)

Following Plata

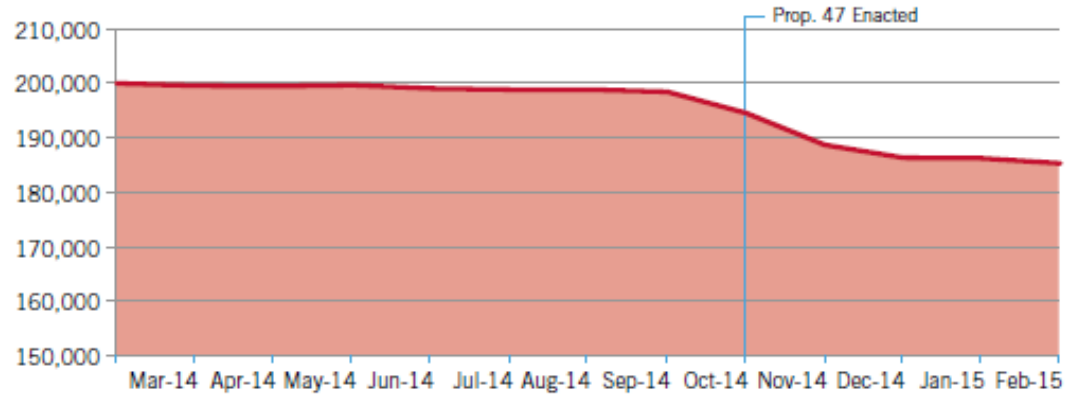
- Public Safety Realignment in 2011 (AB 109 and other bills)
- Shifted responsibility for low level felony offenders from state prisons to county jails
- Proposition 47 - November 2014

Prop 47 Provisions

- Reduced certain nonviolent, non serious offenses, such as minor drug possession/ shoplifting, from felonies to misdemeanors
- Applied retroactively to those incarcerated

Combined California Prison and Jail Population

Source: Board of State Community Corrections and Cal. Dept. of Corrections and Rehabilitation (2015)



From Oct. 2014 to Mar. 2015:

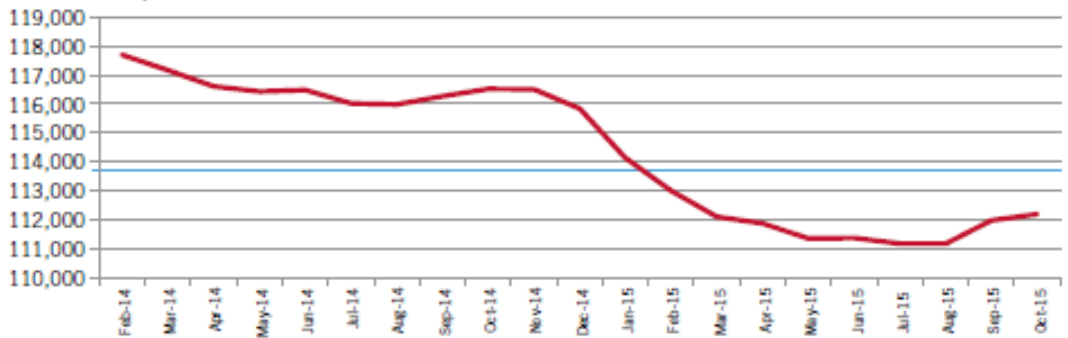
- 4,500 state prisons releases
- 9,000 county jail releases
- ~13,500 total reduction in population

Effects: Prison Population

- Stanford Report / Cal. Department of Corrections:
 - 4,454 prisoners released due to prop 47 through Sept. 30 2015
 - 3,330 fewer prisoners per year
 - State prisons in LA County released the most

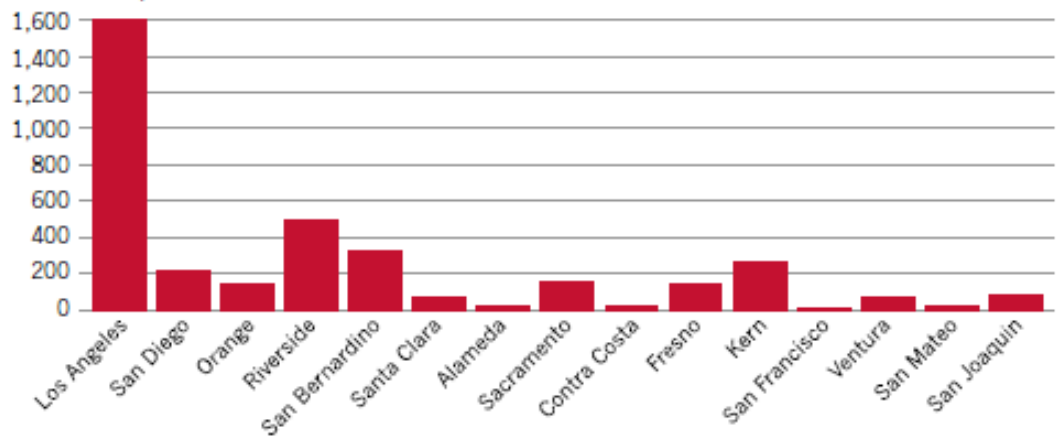
California State Prison Population

Source: Cal. Dept. of Corrections and Rehabilitation (2015)



Inmates Released from State Prison Under Prop. 47 by Location (15 largest counties)

Source: Cal. Dept. of Corrections and Rehabilitation (2015)



Effects: Jail Population

Stanford Report / State Community Corrections:

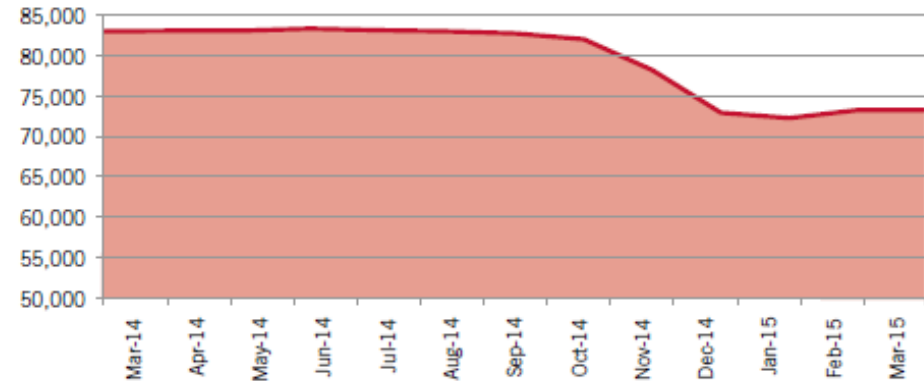
- Total statewide population dropped by 9,000 prisoners through March 2015

PPIC Report / CDC

- Found Prop 47 offense-related arrests, warrant bookings, convictions, and average lengths of stay all declined. Pretrial release types shifted with marked increase to cite and release incidents.

Combined Statewide County Jail Population (2015)

Source: Board of State Community Corrections



Effects: Crime Rates

CJCJ Report

- Based on premise: If prop 47 causes increased crime rates, one would observe crime rate increases in the cities and counties where the most people were discharged from jail.
- Results: The cities with the largest decreases in both total jail populations and felony jail populations showed equivalent changes in violent crime, and smaller increases in property and total crime, than the cities with the smallest decreases in jail populations.

- **Conclusion:** “There are no obvious effects associated with Proposition 47 that would be expected if the reform had a significant and consistent impact on crime.”
- Note: Los Angeles County analyzed separately because of “the unreliability of its 2014 crime statistics.”
- LA County saw more unfavorable crime trends than state as a whole

Table 2. Counties ranked by change in jail average daily population (ADP), March 2015 v. March 2014, and changes in urban crime rates, January-June 2015 v. January-June 2014

Change in Jail ADP March 2015 v. March 2014			Change in Urban Crime Rates Jan-June 2015 v. Jan-June 2014		
County	Total	Felony	Total	Violent	Property
Overall average jail population decrease (21 counties, 54 cities)	-11%	-14%	4%	9%	3%
Smaller than overall average jail population decrease (10 counties)					
Riverside (5 cities)	0%	-5%	6%	7%	6%
Sonoma (1 city)	-6%	-11%	8%	2%	8%
Sacramento (2 cities)	-7%	-7%	7%	23%	4%
Fresno (1 city)	-7%	-9%	0%	12%	-1%
Solano (2 cities)	-8%	-12%	-3%	-7%	-2%
Placer (1 city)	-8%	-5%	7%	21%	6%
Ventura (4 cities)	-8%	-22%	7%	14%	6%
San Bernardino (6 cities)	-8%	-8%	6%	12%	5%
Kern (1 city)	-9%	-19%	1%	1%	1%
San Francisco (1 city)	-10%	-10%	22%	4%	25%
Average (10 counties)	-7%	-11%	6%	9%	6%
Larger than overall average jail population decrease (11 counties)					
Monterey (1 city)	-12%	n.a.	-8%	25%	-14%
Santa Clara (3 cities)	-12%	-20%	5%	3%	5%
Contra Costa (2 cities)	-13%	-11%	-7%	-2%	-8%
Stanislaus (1 city)	-13%	-17%	5%	12%	4%
Santa Barbara (1 city)	-13%	n.a.	-11%	-6%	-11%
San Joaquin (1 city)	-15%	-17%	-5%	0%	-7%
Tulare (1 city)	-16%	-18%	1%	21%	-1%
San Diego (6 cities)	-16%	-18%	0%	5%	0%
San Mateo (2 cities)	-18%	-18%	8%	20%	6%
Orange (8 cities)	-19%	-25%	24%	19%	25%
Alameda (4 cities)	-21%	-18%	1%	3%	1%
Average (11 counties)	-15%	-18%	1%	9%	0%
Los Angeles (14 cities)	-8%	-14%	11%	18%	10%

Sources: FBI (2016); BSCC (2016); FPD (2016); OPD (2016). Note: Rates are calculated per populations of 100,000. Los Angeles County is listed separately due to potential unreliability of 2014 crime statistics. Data for all measures are the most recent as of this publication.

Effects: Crime Rates

LA City Attorney

- In 2016, commissioned a study of crime trends. Found that theft, burglary, homicide, rape, fraud, forgery and embezzlement did not increase after implementation of Proposition 47. Aggravated assaults increased in part due to technical issues, and robbery was trending up before passage. Auto theft increase left unexplained.
- **Conclusion:** Found no statistical evidence of a relationship between Proposition 47 and crime increases. Modest increases in crime must not be misinterpreted with other long term trends, when crime rates are near all time lows.

Effects: Recidivism

Stanford Report / Department of Corrections

- From Nov. 2014 - Oct. 2015, 159 / 4,454 state prisoners released due to Prop 47 had been returned to prison for new crimes (5% recidivism rate)
 - Note: If a meth addict who got out of prison continues to take meth and steals in increments of less than \$950 (one offense reclassified because of Prop 47), he will no longer be arrested, only cited as misdemeanor. 5% does not take into account crimes committed once released that were reclassified under Prop 47
- Still, much lower than Dept. of Corrections' 42% of inmates that were released from prison that had been returned to prison within one year

Effects: Recidivism

Los Angeles County Sheriff

- From Nov. 2014 - Oct. 2015...
 - 43,062 people in Los Angeles County were arrested for Prop 47 reclassified, misdemeanor crimes
 - Of those people , 21,030 (49%) have been arrested again for an additional 39,939 crimes, including 26 murders, 14 rapes and 83 robberies
- “When you don't jail these people on drug and other relatively minor charges, they are free to commit all manner of more serious crimes, including murder, rape and robbery, and they do.” ([link](#))

Another factor: Jail Overcrowding

- According to LA County Sheriff, low level drug and theft offenders, instead of getting arrested, are now just getting citations and orders to appear in court.
- But why not take these suspects to jail? Proposition 47 allows for that.
- “Suspects can be arrested, just as before, assessed for risk and held in jail or referred to treatment. The sheriff argues (as do many in law enforcement) that there's simply no room in the jail for them.” ([link](#))
- But Stanford Report, according to data from Board of State Community Corrections, found that “since the enactment of Proposition 47, early releases from county jails due to overcrowding are down by approximately 35 percent statewide.” - Prop 47 helped fixed the overcrowding problem.

Conclusions about Crime Rates

- “It’s far too early to tell if there is a link between Prop 47 and crime rates, but it seems there is enough anecdotal evidence to form this hypothesis: There may be a link between the increase in crime and the way law enforcement has chosen to implement Proposition 47. It's not the ballot measure that's flawed. It's the practices, procedures and attitudes, rooted in another era, that may be putting us at risk.” ([link](#))

Effects: Homelessness

Desert Sun: Low level drug offenders are not supported

- Without sufficient funding, many offenders have been released without sufficient programs in place to help rehabilitate their conditions.
- Thus, many released are currently left to fend for themselves.

LA City Attorney: Enrollment in drug court programs is declining

- Without threat of a felony conviction (a lengthy stint behind bars), fewer drug offenders are enrolling in court-ordered treatments
- Enrollment in specialized drug court programs has plummeted by 50% - through Oct. 15, 2015, about 300 people were admitted into drug court, compared to nearly 600 during the same period the previous year

Effects: Financial savings - Brown's 2016-2017 budget distributes ~ \$68 million

Figure SAF-01
Proposition 47 2016-17 Allocation

		Finance Calculation per Proposition 47		Supplemental Allocation	Total Allocation
<i>Department</i>	<i>Purpose</i>	<i>Percentage</i>	<i>2016-17^{1/}</i>	<i>2016-17</i>	<i>2016-17</i>
Board of State and Community Corrections	Mental Health Treatment	65%	\$25,642,000	\$10,000,000	\$35,642,000
	Substance Use Disorder Treatment				
	Diversion Programs				
State Department of Education	Improve Outcomes for K-12 Students	25%	\$9,862,000	\$18,000,000	\$27,862,000
	Reduce Truancy				
	Support Students at Risk of Dropping Out of School or who are Victims of Crime				
California Victim Compensation and Government Claims Board	Support Trauma Recovery Centers that Serve Crime Victims	10%	\$3,945,000	-	\$3,945,000
Total		100%	\$39,449,000	\$28,000,000	\$67,449,000

^{1/} 2016-17 calculation is based on estimated 2015-16 savings.

Effects: Financial Savings

- Auditor-controller reviewed the impact of Proposition 47 on eight LA county departments found rough estimate of \$9.2 million saved in first year
- Board of State and Community Corrections (BSCC), awarded the 65% of the budget, on June 8, 2017 awarded \$103 million for over the next 3 years through estimated state savings

Funding is finally on its way - awards recently recommended and approved below:

Programs
specifically
for Los
Angeles
County

2017 Prop 47 Awards Recommended by the ESC			
APPLICANT	Funding Category	Funding Requested	Funding Recommendation
San Diego County	Large	\$6,000,000	\$6,000,000
Alameda County Health Care Services Agency	Large	\$6,000,000	\$6,000,000
City of Corning	Small	\$1,000,000	\$1,000,000
San Francisco Department of Public Health	Large	\$6,000,000	\$6,000,000
Contra Costa Health Services Department	Large	\$5,984,047	\$5,984,047
Placer County Health and Human Services	Small	\$990,000	\$990,000
Los Angeles Co. Dept. of Health Services, Office of Diversion and Reentry	Large	\$20,000,000	\$20,000,000
Oceanside Unified School District	Small	\$998,300	\$998,300
Riverside University Health System-Behavioral Health	Large	\$6,000,000	\$6,000,000
El Rancho Unified School District	Small	\$997,436	\$997,436
San Joaquin County Behavioral Health Services	Large	\$6,000,000	\$6,000,000
Los Angeles City Attorney's Office	Large	\$6,000,000	\$6,000,000
Yolo County Health and Human Services Agency	Large	\$5,968,215	\$5,968,215
Monterey County Health Dept., Behavioral Health Bureau	Large	\$6,000,000	\$6,000,000
Pasadena Police Department	Large	\$2,511,537	\$2,511,537
Solano County Health & Social Services	Large	\$6,000,000	\$6,000,000
Orange County Health Care Agency	Large	\$6,000,000	\$6,000,000
Los Angeles Mayor's Office of Reentry	Large	\$5,998,383	\$5,998,383
San Bernardino County Department of Public Health	Large	\$6,000,000	\$1,246,936 *
Marin County Health and Human Services	Small	\$998,504	\$998,504
Merced County Probation Department	Small	\$960,667	\$960,667
City of Rialto	Small	\$996,975	\$996,975
Plumas County District Attorney	Small	\$1,000,000	\$1,000,000
Total Recommended Funding		\$103,651,000	

All small scope proposals that met the minimum scoring threshold are recommended for funding.

* The balance of \$12,058,118 was transferred to the large scope proposals for funding in rank order until funds were exhausted. San Bernardino is recommended to receive a partial award in the large scope category.

Recommendations (from Californians for Safety and Justice)

Form County task force for outreach and application simplification

Awareness strategies, dedicated court dockets, and uniform cross-sector data collection

Make Prop 47 Application an Access Point

Expand opportunities, develop public/private partnerships, host one-stop events

Revamp old approaches to low level crime

Evaluate local jail use, reduce pretrial population, expand treatment options, and support risk-based decision making,

Recommendations

Continue to redirect funds to under-supported safety strategies

Uniform formula for predicting savings, and reallocate from incarceration to rehabilitation,, court supervision programs, treatment at state and local levels

Build on New Safety Priorities

Scale up investments into crime prevention (ie the contributors to crime), remove felony conviction barriers from state code, and replace over-incarceration with risk assessment, rehabilitation, and reentry