STAFF REPORT

Meeting Date: August 30, 2016

To: Honorable Mayor & City Council

From: Cheryl Friedling, Deputy City Manager

Subject: Request by Councilmember Gold for the City Council to Oppose State Ballot Proposition 57, "California Parole for Non Violent Criminals and Juvenile Court Trial Requirements Initiative "

Attachments: None

INTRODUCTION

This item is presented at the request of Councilmember Gold for the City Council to consider a resolution in opposition to "California Parole for Non Violent Criminals and Juvenile Court Trial Requirements Initiative." This measure is on the November 8, 2016 California state ballot as Proposition 57.

DISCUSSION

Major Provisions of Proposed Initiative – Proposition 57: Juvenile Criminal Proceedings and Sentencing (Legislative Analyst's Office):

Parole Consideration for Nonviolent Offenders – This measure would allow individuals convicted of "nonviolent felony" offenses to be eligible for parole consideration after serving the full prison term for their primary offense. Nonviolent felonies would be those felonies that current statute does not define as violent. The LAO estimates that the individuals affected by these changes who currently serve about 2 years in prison before being considered for parole/release would serve about 1 ½ years in prison before receiving parole consideration.

Authority to Award Credits – The measure would authorize the California Department of Corrections and Rehabilitation (CDCR) to award credits to inmates for good behavior and certain rehabilitative or educational achievements. Increasing the amount of credits inmates can earn would reduce the amount of time served in prison.

Juvenile Transfer Hearings – This measure would require that youths have a hearing in juvenile court to determine whether they should be transferred to adult court. Prosecutors would no longer have the sole authority to determine whether juveniles should be tried in juvenile or adult court. Youths accused of convicting certain severe crimes would no longer automatically be transferred to adult court. Additionally, prosecutors could only seek transfer hearings for minors accused of certain significant

crimes, including murder, robbery, and certain sex offenses when they were age 14 or 15, or committing a felony when they were 16 or 17.

Fiscal Impacts of Proposition 57 (Legislative Analyst's Office):

Parole Consideration for Nonviolent Offenders – The measure would reduce net state costs as the size of the prison population would decline due to nonviolent offenders serving shorter sentences. The net state savings would largely depend on the number of individuals the Board of Parole Hearings (BPH) chose to release. Based on past BPH precedent, the LAO estimates state savings would be in the tens of millions of dollars annually, also taking into account additional costs for conducting more parole considerations.

In the near term, county costs would likely be accelerated, as the size of the probation population would increase. However, counties would incur these probation costs in the future, should this measure fail to pass.

Sentencing Credits for Prison Inmates – Depending on how many credits are awarded by CDCR and thus by how much prison sentences are shortened, the LAO estimates that the state could see net savings in the low tens of millions of dollars annually. However, these savings are heavily dependent on the CDCR's decisions.

Again, county costs would likely be accelerated due to the early release of individuals that are supervised by county probation offers, but counties would eventually incur these costs regardless of this measure.

Prosecution of Youth in Adult Court – If fewer juveniles are tried and convicted in adult court, the state would see savings due to those youths no longer spending time in prison or being supervised by state parole agents. Additionally, juvenile court proceedings are generally shorter than adult court proceedings. State juvenile justice costs would increase some as youths would likely spend more time in state juvenile facilities. Overall, the LAO estimates that net savings to the state could be a few million dollars annually.

Counties would pay for a portion of the costs of housing youths in state juvenile facilities, and county probation departments would be responsible for supervising these minors upon their release. County agencies involved in court proceedings for these juveniles would experience a workload reduction, as juvenile court trials are usually shorter than adult court trials. The LAO estimates that the net costs to counties would likely be a few million dollars annually.

Other Fiscal Effects – The LAO notes that this measure could result in an increase in crime rates, if offenders spend less time in prison and are able to commit additional crimes following their release. The LAO also notes that the measure could lead to more offenders participating in educational and rehabilitative programs, which would reduce the likelihood of them committing further crimes. The net fiscal effect of these factors is unknown.

Support and Opposition for Proposition 57

At a legislative informational hearing on this proposal in June, the following organizations spoke in support:

- Human Rights Watch
- National Center for Youth Law
- Chief Probation Officers of California
- Crime Survivors for Safety and Justice
- Center on Juvenile and Criminal Justice
- Juvenile Defender Center Board
- California Alliance for Youth and Community Justice
- Silicon Valley De-Bug
- Friends Committee on Legislation in California

At that same hearing, the following individuals and organizations spoke in opposition:

- Merced County District Attorney's Office
- Association for Los Angeles Deputy Sheriffs
- Orange County District Attorney's Office
- Marc Klaas, victims' rights advocate

Currently, four campaign committees have registered with the FPPC in support of Proposition 57. They include Californians for Public Safety and Rehabilitation, which has received over $4 million in contributions from Governor Brown's Ballot Measure Committee. The California Democratic Party has also contributed $1.1 million to the committee. The Service Employees International Union (SEIU) has contributed to the committee as well.

The Voter Project Action Fund (sponsored by social justice organizations), Civic Participation Action Fund and The Million Voters Project (which falls under the umbrella of the organization California Calls) are also registered in support of the initiative.

There are currently no campaign committees that are registered with the FPPC in opposition to Prop 57, however San Diego Mayor Kevin Faulconer has indicated that he intends to lead a statewide campaign in opposition to the initiative. The California District Attorneys Association has also noticed its opposition to the initiative, in addition to the other individuals and organizations we have listed above.

FISCAL IMPACT

The fiscal impacts of this ballot measure on the City are unknown at this time.

RECOMMENDATION

Staff seeks City Council direction on the request for a Resolution in opposition to Proposition 57.

Cheryl Friedling
Approved By