



## AGENDA REPORT

**Meeting Date:** September 20, 2016  
**Item Number:** D-7  
**To:** Honorable Mayor & City Council  
**From:** Cheryl Friedling, Deputy City Manager for Public Affairs  
**Subject:** RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS  
OPPOSING PROPOSITION 57, THE CALIFORNIA PAROLE FOR  
NON-VIOLENT CRIMINALS AND JUVENILE COURT TRIAL  
REQUIREMENTS INITIATIVE

**Attachments:** 1. Resolution  
2. Staff Report Dated August 30, 2016

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### RECOMMENDATION

Staff recommends that the City Council approve a Resolution opposing Proposition 57 on the November 8, 2016 California state ballot. After reviewing information regarding Proposition 57 at its City Council Meeting of August 30, 2016, the Council requested that a Resolution opposing Proposition 57 be placed on the agenda for formal opposition.

### INTRODUCTION

Proposition 57, if passed by the voters, is designed to alleviate over-crowding in the state prisons by allowing individuals convicted of 'non-violent felony' offenses to be eligible for parole consideration after completing their full term. This measure would also require that youths have a hearing in juvenile court to determine whether they should be transferred to adult court.

Additional details of this ballot measure are included in the staff report prepared for the City Council at its August 30, 2016 meeting (attached).

At the August 30, 2016 City Council Meeting, the Councilmembers expressed concern over the potential impact of Proposition 57, should it be approved by the voters in November. In particular, the Councilmembers raised concerns about the potential for increased crime in the community following the release of additional incarcerated individuals.

**DISCUSSION**

City Councilmembers have raised concerns over a sudden increase in crimes which occurred following the passage of Proposition 47, which provided for reduced penalties and incarceration terms for certain crimes deemed 'less serious,' in order to ease prison over-crowding.

As such, the City Council indicated its opposition to Proposition 57 at the August 30, 2016 Council Meeting. The City Council expressed strong concerns over the likelihood of increased crime which could result in the city and region, should this Proposition pass.

**FISCAL IMPACT**

The fiscal impacts on the City are unknown at this time, however, there may be net savings to the state, as the prison population would decline due to non-violent offenders serving shorter sentences. At the same time, costs to counties (and cities) could increase, should additional public safety resources be required to address potential increases in crime.

Cheryl Friedling, Deputy City Manager   
Approved By

# **Attachment 1**

RESOLUTION NO. 16-R-\_\_\_\_\_

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS OPPOSING PROPOSITION 57, THE CALIFORNIA PAROLE FOR NON-VIOLENT CRIMINALS AND JUVENILE COURT TRIAL REQUIREMENTS INITIATIVE

WHEREAS, Proposition 57, the “California Parole for Non-Violent Criminals and Juvenile Court Trial Requirements Initiative” will be on the November 8, 2016 ballot in California as a combined initiated constitutional amendment and state statute. Proposition 57 would increase parole chances for persons convicted of non-violent felonies after completing the full term for his or her primary offense and give them more opportunities to earn credits for good behavior. It would also allow judges, not prosecutors, to decide whether to try certain juveniles as adults in court;

WHEREAS, Proposition 57 is intended to ease over-crowding in prisons and offer leniency to inmates with a history of good behavior;

WHEREAS, as of the beginning of 2016, there were about 25,000 nonviolent state felons that could seek early release and parole under Proposition 57; and

WHEREAS, Councilmembers are concerned that a sudden increase in the number of released convicted felons would result in an increase in property crimes because after Proposition 47, which provided for reduced penalties and prison terms for certain less serious crimes, passed in November 2014, property crime in Beverly Hills increased dramatically.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Due to the potential negative impact it could have on crime in the community, the City of Beverly Hills hereby opposes Proposition 57, the “California Parole for Non-Violent Criminals and Juvenile Court Trial Requirements Initiative,” which allows prisoners convicted of non-violent felonies to be eligible for parole after serving the full prison term for their primary offense.

Section 2. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

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JOHN A. MIRISCH  
Mayor of the City of Beverly Hills,  
California

ATTEST:

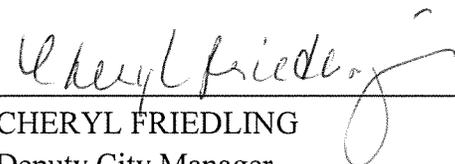
\_\_\_\_\_  
(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
MAHDI ALUZRI  
City Manager

  
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CHERYL FRIEDLING  
Deputy City Manager

# **Attachment 2**



## 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

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### 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 committing 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

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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.

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**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

