

MARCH 2017



SECOND CHANCES AND SYSTEMS CHANGE | HOW PROPOSITION 47 IS CHANGING CALIFORNIA



ABOUT CALIFORNIANS FOR SAFETY AND JUSTICE



Californians for Safety and Justice, a project of the Tides Center, works to replace prison and justice system waste with common sense solutions that create safe neighborhoods and save public dollars. Californians for Safety and Justice has been working across the state to support Proposition 47 implementation. Learn more at: MyProp47.org and safeandjust.org.

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executive SUMMARY

On November 4, 2014, California voters passed **PROPOSITION 47**, an unprecedented criminal justice reform measure that reduces incarceration and reallocates prison spending to prevention and treatment. Since it passed, implementation of the measure has been as unprecedented as the measure itself.

Proposition 47 changes six nonviolent crimes from felonies to misdemeanors, authorizes removal of felony records for Californians with old felony convictions for these crimes, and requires the state to annually reallocate the prison costs saved from the measure to local programs. Few justice reforms have generated as much attention or activity, or had as much impact, as Proposition 47. In just two years, incarceration numbers have plummeted, local justice systems have altered and hundreds of thousands of Californians have applied to change their record under Proposition 47. Today, California stands poised to take the experiences and lessons of Proposition 47 implementation to the next level, replacing over-incarceration with a balanced approach to public safety that prioritizes prevention and community health.

This report aims to paint a picture of what the last two years of Proposition 47 implementation have entailed. There are sections on criminal justice impacts and emerging opportunities for second chances, as well as the lessons learned and recommendations for moving forward.

SUMMARY OF IMPACTS: BY THE NUMBERS

Record Change

- Total estimated number of Californians eligible for record change: More than 1 million
- Total number of petitions for resentencing or record change filed so far: Almost 280,000¹
- Total estimated number of eligible individuals in Los Angeles County alone: 500,000
- Top five counties with most Proposition 47 record change petitions submitted thus far: San Diego, Los Angeles, Orange, Ventura, Riverside



Incarceration and Criminal Justice System Impacts, 2014 versus 2015²

- 15,000 fewer incarcerated in California prisons and jails³
- 119,000 fewer felony arrests in the first year
- 55,000 fewer felony convictions in the first year
- As much as 33% fewer felony cases in county courthouses

Budget Reallocation

- Total overall state savings achieved in the first year of reallocation calculations: \$68 million⁴
- Total estimated savings in Los Angeles County criminal justice system so far: \$9.2 million⁵

SUMMARY OF IMPACTS: COUNTY PRACTICES AND COMMUNITY LEADERSHIP

- Number of community and labor groups engaged in Proposition 47 implementation: More than 75
- Community events held in the last two years about Proposition 47 and reclassifying prior criminal records: More than 150
- Local resources invested in reaching eligible Californians: Tens of millions
- Local jurisdictions with Proposition 47 task forces: More than 10
- Percentage of drug courts in the state that have changed or expanded their eligibility criteria in response to Proposition 47: 59%⁶

SUMMARY OF RECOMMENDATIONS: TOWARD A BALANCED APPROACH TO PUBLIC SAFETY

1. **Reach more Californians:** Streamline outreach and simplify the application process to connect hundreds of thousands more eligible Californians to record change.
2. **Build off record change to increase stability and empowerment:** Turn the Proposition 47 application process into an access point for other opportunities for stability.
3. **Adapt local practices:** Scale up new local strategies to combat low-level crime problems and stop the cycle of crime.
4. **Expand reallocation from prison waste to local safety solutions:** Improve the state reallocation process from prisons to prevention, and open up reallocation strategies locally to improve balanced approaches to public safety.
5. **Second chances and new safety priorities:** Beyond Proposition 47, clean up the legacy of mass incarceration to advance second chances and go deeper to invest in communities to win new safety priorities.

- Proposition 47 is the first criminal justice measure to reduce both state prison and county jail populations, shrinking the state's overall incarceration footprint. The measure has sparked a movement and an important conversation about the future of safety and justice policy in the nation's most populous state. This report is intended to contribute to that conversation – and advance the work ahead.

INTRODUCTION and background

Proposition 47 changed six nonviolent drug and petty theft crimes from felonies/wobblers to misdemeanors. It annually reallocates the prison savings to crime prevention, drug and mental health treatment, and trauma recovery services for crime victims. The law also provides Californians with a historic “second chance” opportunity – to reduce the barriers to stability that people with felony convictions face. Proposition 47 permits anyone in the state with a record for one of the six crimes that the measure changed to a misdemeanor to remove that nonviolent felony from their record – no matter how old the conviction.

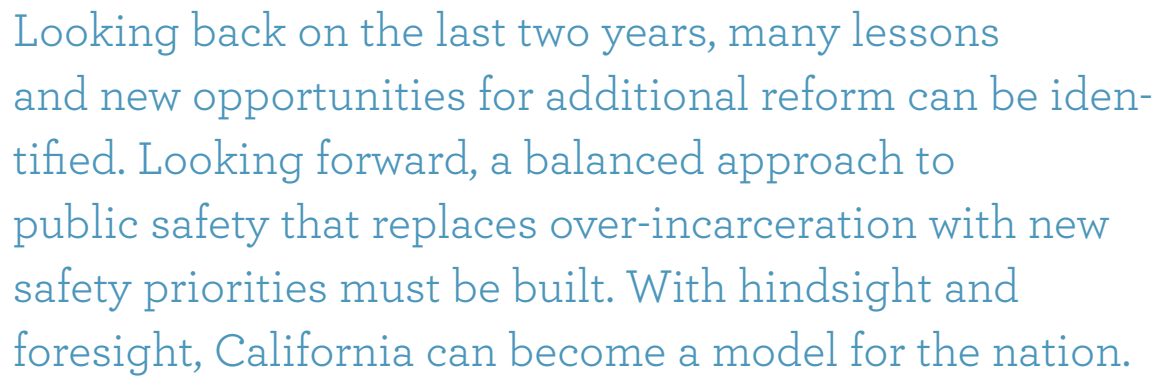
Proposition 47 has had an unprecedented impact on California.

Passage of the measure represents a number of “firsts” in the country: The first time voters have pulled the lever to change multiple sections of a state penal code for the explicit purpose of reducing incarceration; the first time voters have taken money out of the state prisons budget for prevention and treatment; and the first time people have been given the opportunity to change old criminal records and reduce the collateral consequences of felony convictions – at a scale unseen in our nation’s history.

Given the scale and historic significance of the measure, it is not surprising that its implementation has been unprecedented as well. The process of enacting law into practice over the last two years – the events, activities, debates, activism and innovation – has stimulated more attention to the implementation of justice reform than perhaps any measure in history.

Reclassified Crimes under Proposition 47

- Simple Drug Possession
- Petty theft under \$950
- Shoplifting under \$950
- Receipt of Stolen Property under \$950
- Forging a Check under \$950
- Writing a Bad Check under \$950



Looking back on the last two years, many lessons and new opportunities for additional reform can be identified. Looking forward, a balanced approach to public safety that replaces over-incarceration with new safety priorities must be built. With hindsight and foresight, California can become a model for the nation.

BACKGROUND: CROWDED STATE PRISONS, A BLOATED PRISONS BUDGET

Proposition 47 was crafted in response to California's prison crowding problem and bloated prisons budget. During the past four decades, the California Legislature and voters passed numerous bills that increased the number of felonies and the severity of criminal penalties for all types of crimes. During the "tough on crime" era of the mid-1980s to early-1990s alone, California enacted more than 1,000 new crime bills.⁷

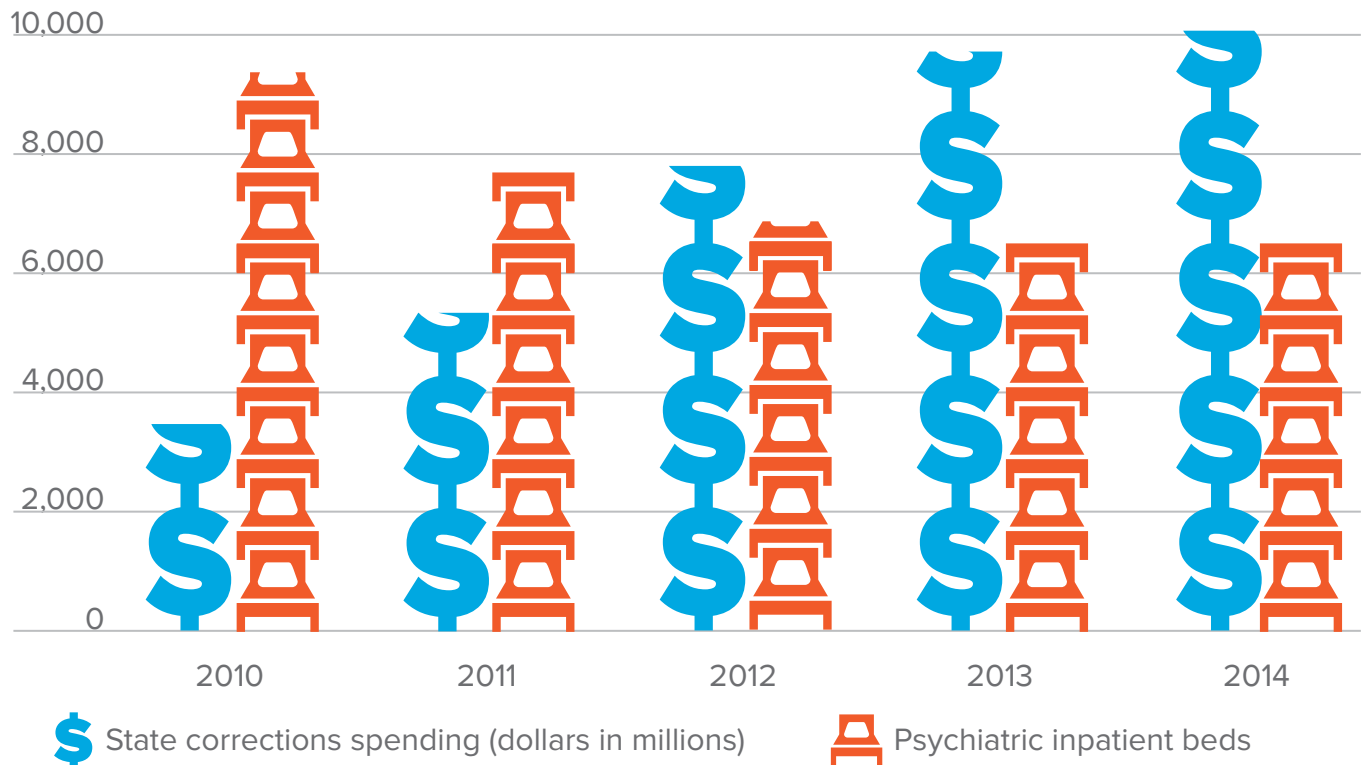
Instituting more felonies and longer prison terms did not make communities across California safer. Instead, recidivism rates soared, with more than 60% of people released from prison returning within three years,⁸ and the number of people in prison increased fivefold. Meanwhile, the state corrections budget grew from less than 2% of the state general fund budget to more than 10%, leaving taxpayers to foot \$10.4 billion in annual costs.⁹

The growth in prison spending has been wildly disproportionate compared to spending on higher education, mental health treatment and other state priorities. Between 1984 and 2014, California built 22 new prisons and only one UC university.¹⁰ Meanwhile, many observers have noted that the shuttering of state mental hospitals beginning in the 1970s increased the number of people with unaddressed mental health issues at the local level living in unstable environments or without homes. Those challenges have continued in recent years. From 1995 to 2014, California lost 44 psychiatric facilities resulting in a loss of 2,800 beds or 30% of the beds it had in 1995.¹¹

For many, the justice system bureaucracy has become the de facto set of institutions managing people struggling with chronic cycles of mental illness and homelessness. The increased presence of people with mental illness and instability in the justice system has failed to address root causes and burdened the justice system with problems it is ill-equipped to solve. By now most experts agree that incarceration cannot stop cycles of mental illness, addiction, and nonviolent crime.

Figure 1.

Prison Spending Grew As Psychiatric Hospitals Closed



Source: California Hospital Association, California's Acute Psychiatric Bed Loss (October 2016); California State Budget.

Despite the sharp increase in the number of prison beds, prisons still became so overcrowded that gymnasiums had to be lined with “triple bunks.” Overwhelmed by the swelling number of incarcerated people, administrators struggled to meet even basic medical and mental health needs. Litigation led to a federal court finding that California prison conditions violated minimum constitutional care standards. In 2009, a panel of federal judges ordered the state to reduce its prison population by about 35,000 inmates to reach 137.5% capacity. In 2011, the U.S. Supreme Court upheld that order.¹²

In response, Governor Jerry Brown and the State Legislature passed Assembly Bill 109, Public Safety Realignment. The law shifted responsibility for many nonviolent crimes from the state prison system to county jails and local probation departments.¹³ The policy change had a major impact: state imprisonment dropped by about 25,000 people. Still, Realignment displaced much of the over-incarceration problem elsewhere, instead of resolving some of the key drivers. Across the state, county jail populations rose, exacerbating existing pressures: many overcrowded county jails were already struggling to meet their own court-ordered population caps before Realignment passed.¹⁴

The decline in prison overcrowding under Realignment plateaued in 2013, leaving prisons about 10,000 people above the court-ordered capacity requirement, and the number of inmates began to increase again.¹⁵ The state had also invested more than \$1.5 billion into new jail construction so counties could update jails and expand incarceration capacity locally.¹⁶ The need to address chronic over-incarceration and spending – and advance a balanced approach to public safety that emphasized prevention and treatment – still loomed large.



THE PROPOSITION 47 CAMPAIGN

“ We can reduce crime, lower our prison population and save money by changing our approach to low-level offenders. Nobody wins when we incarcerate someone at a cost of thousands to taxpayers, just for them to be released some time later and reoffend. We must transform our justice system into one that prioritizes prevention, effective rehabilitation, and sentences that stop the cycle of crime. ”

San Francisco District Attorney **George Gascón**,
op-ed, *Sacramento Bee*, October 3, 2014

In November 2014, California voters made history by passing Proposition 47. Two years in the making, the campaign brought together an unprecedented coalition of unlikely allies. Proponents San Francisco District Attorney George Gascón and then-San Diego Police Chief William Lansdowne joined with the leadership of Californians for Safety and Justice and its Crime Survivors for Safety and Justice network and built a campaign that garnered backing from conservatives and liberals, business and labor, celebrities and artists, faith and community leaders, and many more. The campaign generated more media attention, contributions and widespread community outreach than any justice reform measure to date.

Philanthropist and conservative businessman B. Wayne Hughes Jr. joined as the largest individual donor, and diverse supporters such as the Los Angeles Chamber of Commerce; Lieutenant Governor Gavin Newsom; former U.S. House Speaker Newt Gingrich; the ACLU, conservative U.S. Senator Rand Paul; the AFL-CIO and California Federation of Labor; recording artists Jay Z and John Legend; Santa Clara District Attorney Jeff Rosen; actors such as Olivia Wilde; hundreds of faith leaders across the state; and thousands of community volunteers from organizations like California Calls, PICO California, A New Way of Life and Community Coalition championed the measure to win the campaign.

“ [A]n issue that clearly needs action right now in California is the reforming of our criminal justice and prison systems. Our overreliance on incarceration for nonviolent crimes has destroyed families and burdened taxpayers – without making us any safer. ”

Olivia Wilde, actress,
op-ed, *Huffington Post*, October 29, 2014

These diverse leaders came together under the conviction that incarceration (and a lifetime of barriers from felony convictions) does not stop the cycle of nonviolent crime. It wastes billions of dollars and destabilizes vulnerable communities in the process. When voters enacted Proposition 47, they sent a clear message: criminal justice resources should be focused on violent and serious crime, instead of being squandered on problems that prisons and jails are ill-equipped to solve.

The Proposition 47 campaign and victory represented an important tipping point in California’s “tough on crime” era and demonstrated, perhaps more boldly than any campaign to date, that the public wants major reforms to the criminal justice system.

“ Prop 47, California: Build more schools, less prisons. More schools, less prisons, California. They’ll never be able to stop us. ”

Jay Z, during a concert at the Rose Bowl in
Pasadena, California, August 3, 2014

“ If so many red states can see the importance of refocusing their criminal justice systems, California can do the same. It’s not often the voters can change the course of a criminal justice system. Californians should take advantage of the opportunity and vote yes on Proposition 47. ”

Newt Gingrich, former speaker of the House of Representatives,
B. Wayne Hughes Jr., founder and chairman of the board of Serving California,
op-ed, *Los Angeles Times*, September 16, 2014

THE PROPOSITION 47 IMPLEMENTATION PROCESS

Implementation of Proposition 47 began immediately after its passage, and the measure has impacted almost every aspect of California's justice system. The process already has changed thousands of people's lives and ushered in a new chapter in the state's approach to safety and justice. Implementing the new law has revolved around three main areas of criminal justice policy and practice:

- 1. The resentencing and reclassification of individuals with prior convictions:** Individuals with criminal records can petition for reclassification to remove old felonies from their records; those who were in state prison or county jail at the time of the measure's passage can also seek resentencing and release. Attorneys, government agencies and community organizations across the state have been engaging in intensive outreach and record review to help people petition for relief.
- 2. Changing local practices related to nonviolent misdemeanors:** The post-Proposition 47 landscape has shifted a great deal for local law enforcement and criminal justice agencies. Individuals charged with nonviolent drug and theft crimes who, in the past, would have faced a felony conviction and a potential lengthy jail or prison sentence, now face a misdemeanor conviction and a maximum penalty of one year in county jail. The measure requires changed practices in responding to low-level crime, and it has led to debate about the best way to address it.
- 3. The budget reallocation process:** Proposition 47 requires the state Department of Finance to annually calculate the savings in the state prisons budget related to Proposition 47. Those savings then are reallocated to three state agencies (the Board of State and Community Corrections, the Victim Compensation Fund and the Board of Education) responsible for distributing the funds to local mental health, drug treatment, diversion, school-based prevention programs and trauma recovery services. Since implementation, local leaders and advocates across the state have engaged heavily with state leaders about the savings calculation and investment priorities.

Resentencing and Reclassification under Proposition 47

Proposition 47 is retroactive, meaning that individuals who have been convicted of one of the offenses changed under Proposition 47 may qualify for resentencing or reclassification.

The resentencing process is for people currently serving sentences for one or more of the eligible offenses in the state of California. Resentencing can apply to those who are currently serving a sentence in jail or prison or who are on parole, probation, post-release community supervision (PRCS) or mandatory supervision. The resentencing process varies by county.

The reclassification process is for individuals who are no longer in the criminal justice system (out of custody and no longer on probation or parole). No matter how old the conviction(s), qualifying felonies can be changed to misdemeanors (if the conviction was in a California court). The process for reclassifying one's record does not require a hearing, but working with an attorney or legal clinic to assist with the process is recommended. Californians for Safety and Justice's resource listing of clinics and fairs that offer assistance in starting the record change process can be found here: <http://MyProp47.org/events/>. A toolkit that outlines the steps needed to apply for reclassification is available at <http://MyProp47.org/resources/organize-record-change/>.

PROPOSITION 47

impacts so far

The scale of Proposition 47's impact has been tremendous so far. Apart from the impact on the hundreds of thousands of people who have changed their records or are in the process of doing so, the measure has generated intense community action, changes in government practices and broad public debate about the direction of the state's justice policy.

“After too many decades of relying on prisons as the corrective for too many low-level offenses, reform efforts here and elsewhere are an acknowledgement that we need to be smart, not just tough, on crime. The goals are not mutually exclusive. We can reduce both crime and incarceration.”

Santa Clara County District Attorney **Jeff Rosen**,
op-ed, *San Jose Mercury News*, October 29, 2015

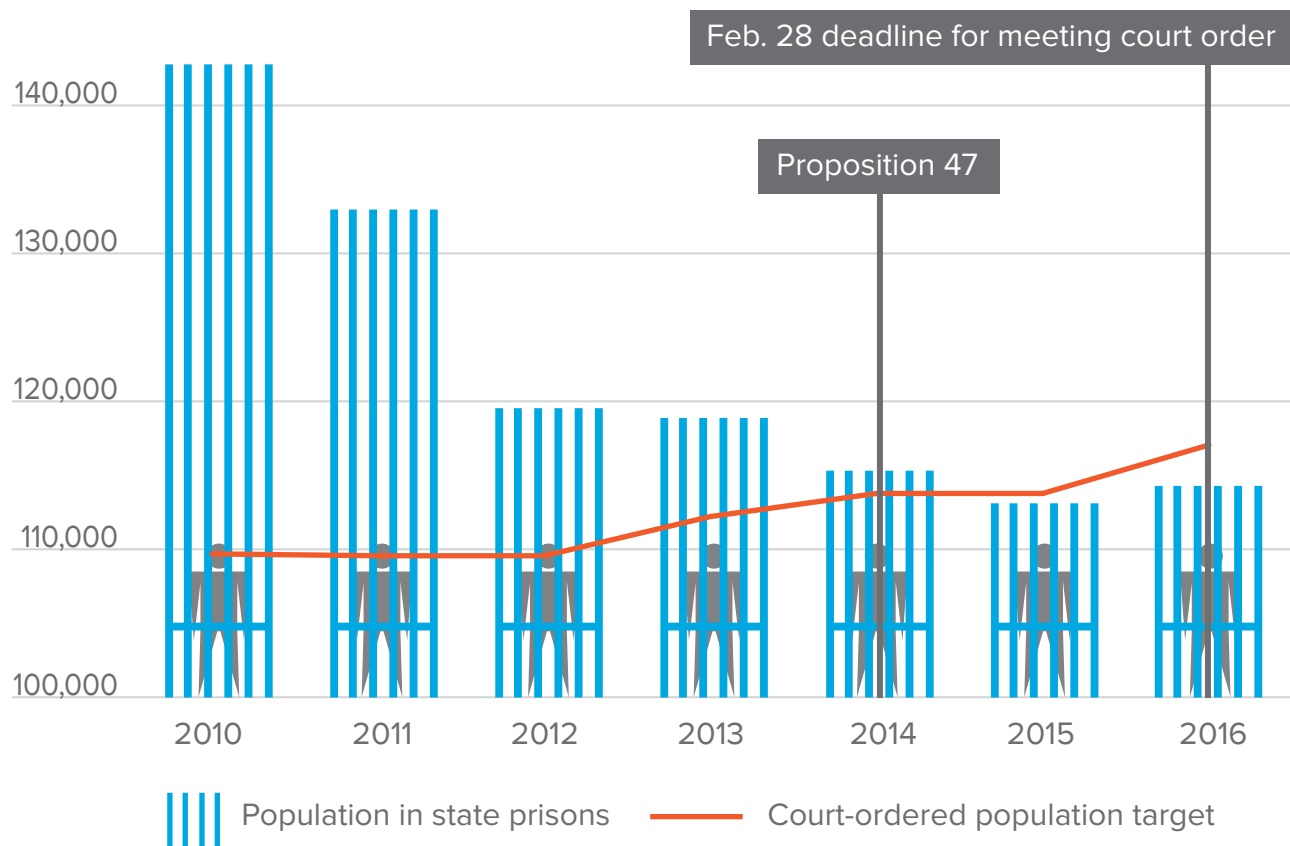
FEDERAL COURT ORDER COMPLIANCE ACHIEVED

Approximately 4,666 people have been resentenced and released from state prison through Proposition 47 so far.¹⁷ This reduction in California's prison population helped the state achieve the population level ordered by the federal court – one year ahead of schedule.¹⁸

The California Department of Corrections and Rehabilitation (CDCR) estimates that 3,300 fewer individuals will be incarcerated in state prisons every year as a result of Proposition 47.¹⁹

Figure 2.

California State Prison Population



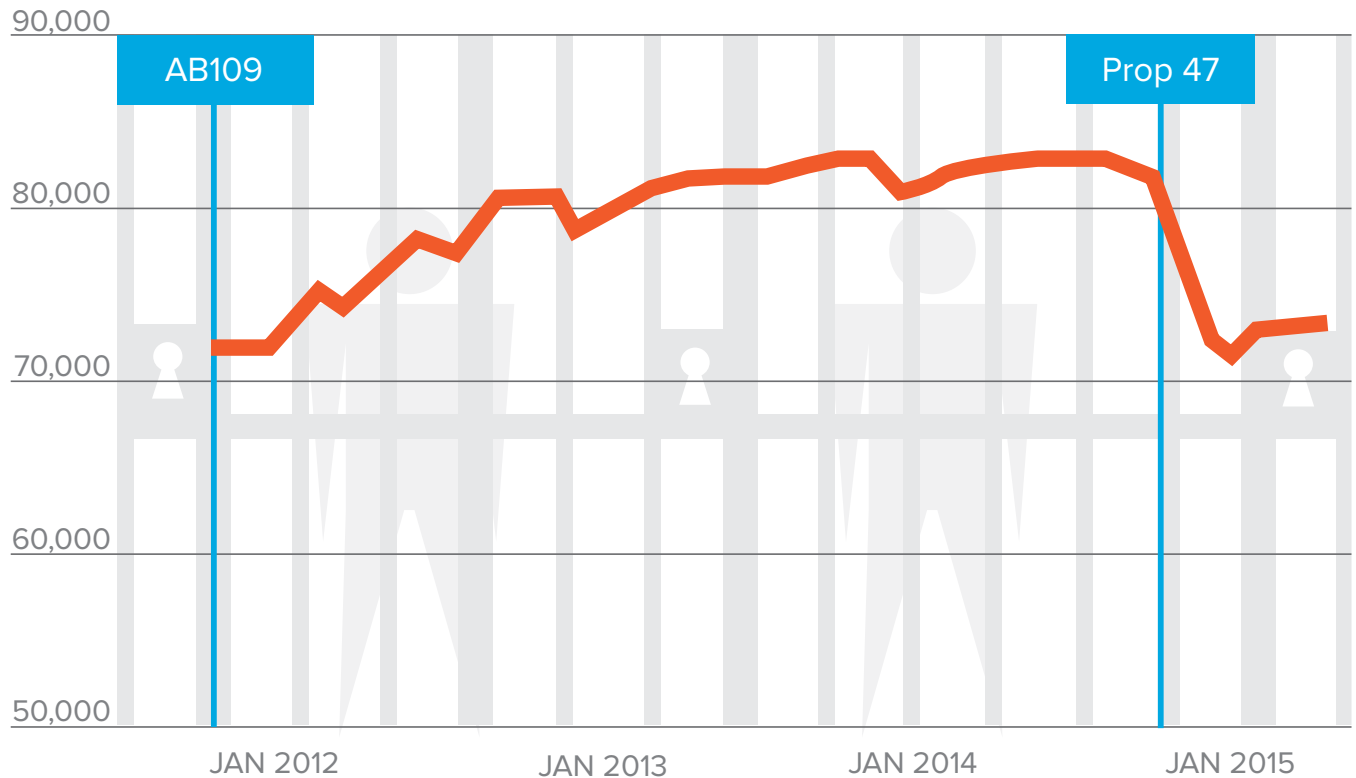
Source: CDCR, Monthly Total Population Reports, available at <http://www.cdcr.ca.gov/>. The court-order applies only to 34 state-operated prisons in California, thus population in state prisons as of Dec. 31, does not include fire camps and private facilities. Court-ordered population target is 137.5% of design capacity as of Dec. 31 and is subject to change.

REDUCED JAIL POPULATIONS

Immediately after Proposition 47 passed, California's average daily jail population dropped precipitously, by about 10,000 people in just the first two months.²⁰ Researchers also estimate a 50% decline in the number of individuals being held or serving time in county jails for Proposition 47 offenses.²¹ This makes Proposition 47 the first criminal justice measure to reduce both state prison and county jail populations, shrinking the state's overall incarceration footprint.

In addition to reducing county jail populations, the measure also has led to a reduction in the use of early release – a practice of releasing people before completion of their jail sentences as a way to manage jail populations. The use of early release declined by 65% in counties with court-ordered jail population caps during the first year after Proposition 47.²² Prior to Proposition 47, many counties practiced early release as a way to comply with court-ordered jail population caps, regardless of the efficacy of that practice.

Figure 3.
California Jail Population Trends



Source: BSCC, Jail Profile Survey, Average Daily Population, available at <http://bscc.ca.gov/>.

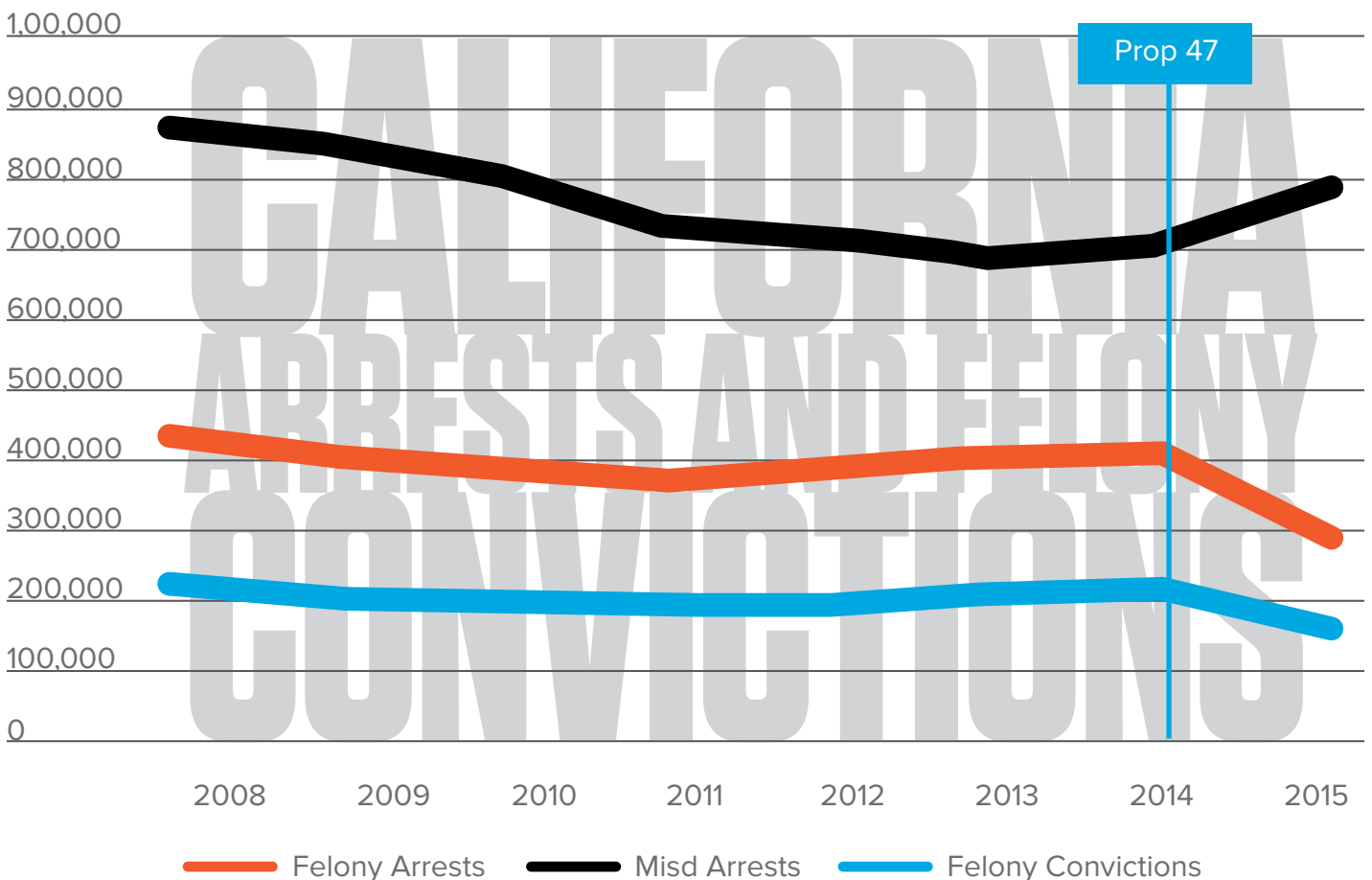
The reduced use of early release contributed to a slight increase in average daily jail populations after the precipitous decline immediately following the measure's passage, as more individuals in jail began to serve longer percentages of their sentences. By the end of the first year, the overall average daily population settled around 8,000 people lower than it was just prior to Proposition 47's passing. Sharp reductions in felony arrests, bookings and convictions following Proposition 47 also have driven a reduction in the number of people entering jail in the first place, beyond impacting the average daily population.²³

REDUCED FELONY ARRESTS AND CONVICTIONS

According to the California Department of Justice, in just one year after Proposition 47 passed, felony arrests decreased by 118,940, more than 90,000 of which accounted for decreased felony arrests for drug possession.

Additionally, felony convictions fell by 55,406 in the first year. Many of those arrests and convictions are now handled as misdemeanors. During the same period, misdemeanor arrests increased by 79,807.²⁴ Changes in policing and prosecutorial charging have significant implications for local court systems, as shown below.

Figure 4.
California Arrests and Felony Convictions



Source: California Department of Justice, Crime in California 2015 (July 1, 2016), available at <https://oag.ca.gov/crime>. 2016 data not available.



REDUCED FELONY COURT CASELOADS, CHANGED COURT PRACTICES, BETTER JUSTICE

In addition to lowering jail populations and felony arrests and convictions, Proposition 47 also has impacted court operations. Proposition 47 decreased felony court caseloads by nearly 33% when compared to the prior year. For most courthouses, that means a reduced felony caseload of one third – a big shift. This reduced felony caseload has changed the balance of court practices.

In March 2016, the Judicial Council of California released a report to assess the early impacts of Proposition 47 on the courts.²⁵ Previously, many felony courtrooms faced backlogs and difficulty scheduling all of the pending felony cases in an expedient manner. The reduced caseload has reduced the backlog of felony trials and allowed courts to focus more time on more serious felony crimes.

The Judicial Council report also found that more criminal cases overall – both misdemeanor and felony – are going to trial. There also has been an increase in more complex misdemeanor cases and trials since Proposition 47 passed.²⁶

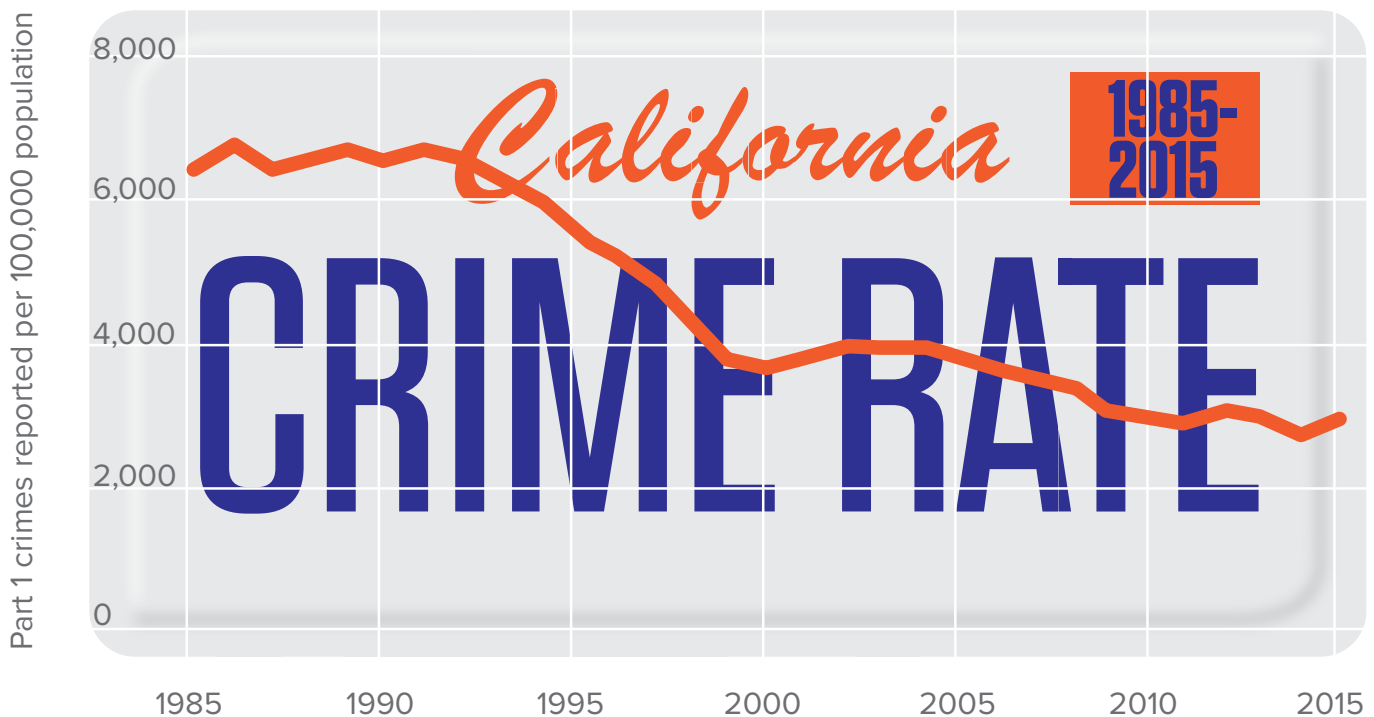
For decades, the vast majority of criminal cases have settled by way of plea deals, meaning the defendant does not stand trial but negotiates an agreement with the prosecutor to plead guilty for a specified sentence. Critics of the overuse of felony plea-bargaining have long noted that our criminal justice system is designed to give defendants a trial by their peers to ensure the most fair outcome. The opportunity for more felony cases to go to trial, the Judicial Council noted, is allowing courts to “focus more attention on serious cases” and increase the number of criminal trials, resulting in “better justice” for the public.²⁷

PROPOSITION 47 AND CRIME TRENDS

Crime rates are historically low in California. Violent and property crime rates have been cut in half since 1990 and violent crime has declined in 20 of the past 23 years. While the rate of decline has slowed in recent years, and year-to-year increases have occurred, the state is benefiting from crime rates that are much lower today than 30, 10, or even five years ago.

Research has shown that increased incarceration does not lead to greater public safety.²⁸ The states that have reduced imprisonment the most, including California, have enjoyed greater crime declines than the states that continue to increase their prison populations.²⁹ Despite reducing its prison population by more than 30,000 inmates over the past half decade, California's violent and property crime rates are lower today than in 2010 – before Realignment or Proposition 47.

Figure 5.
California Crime Rate, 1985-2015



Source: California Department of Justice, OpenJustice (2016), available at <https://openjustice.doj.ca.gov/>; California Department of Finance, Population Estimates (2016), available at <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/>. 2016 data not available.

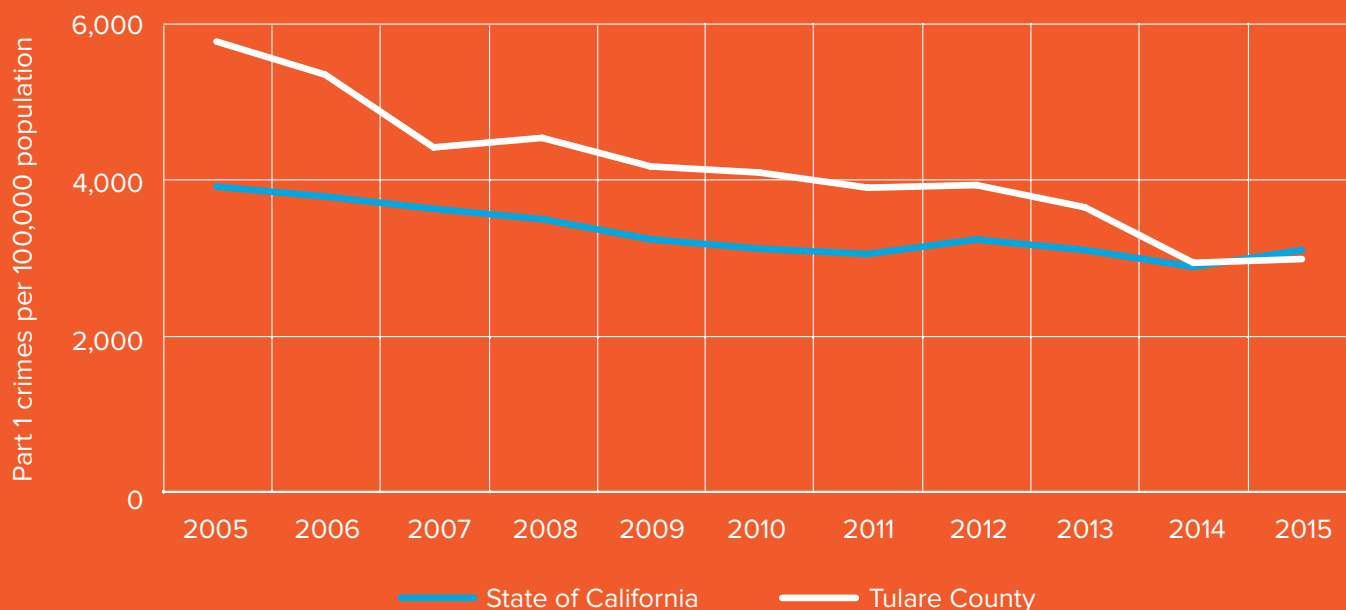
COUNTY SPOTLIGHT

Tulare County

Between 2012 and 2014, Tulare County reported a 25 percent decline in its crime rate, exceeding the state's 11 percent drop. And by 2015, as the state crime rate average edged up slightly, Tulare maintained its historic lows, achieving a lower rate of crime than the state.

The Tulare Day Reporting Center, Weekender Program and Sheriff's Work Alternative Program offer alternatives to incarceration, allowing sentenced individuals to remain out of jail. The county relies on electronic monitoring to securely release those awaiting trial, allowing individuals to remain in their communities where they can care for their families, attend school and retain employment. As a result, just 58 percent of the county's jail populations is comprised of unsentenced individuals, lower than both the statewide rate of 64 percent and the 76 percent average rate of comparably sized counties (300,000 to 600,000 people). Tulare County also has specialty court programs that allow the county to better serve those with frequent justice system involvement or specialized needs. These problem-solving courts emphasize rehabilitation and treatment, and allow participants to enroll in relevant, community-based programs in place of a jail sentence. The program graduates over 100 people annually, and in 2015, approximately 280 participants successfully completed the drug court program after a full year of intensive treatment.

Figure 6.



Sources: California Department of Justice. (2016). *10 Year Crime and Clearance Data 2006-2015* [data file]. Available from <http://openjustice.doj.ca.gov/data>. California Department of Finance. (2016). *E-4 Historical Population Estimates for Cities, Counties, and the State* [data file]. Available from <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/>. 2016 data not available.

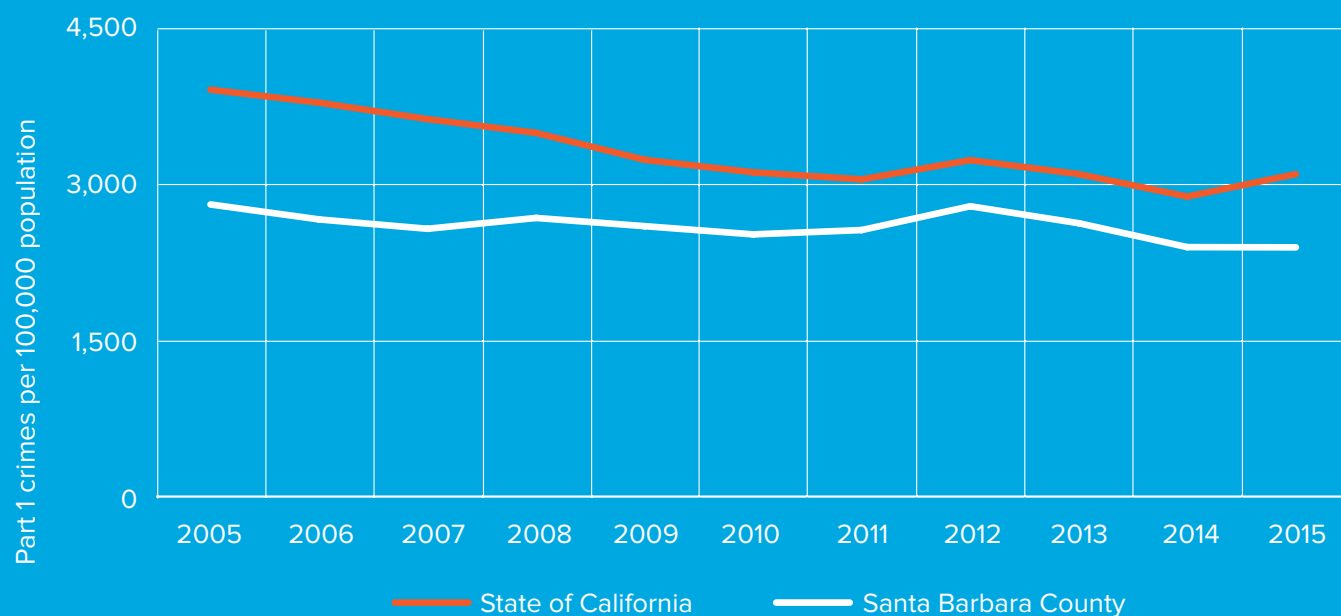
COUNTY SPOTLIGHT

Santa Barbara County

Crime rates in Santa Barbara County have remained below the state average. In 2014 and 2015, crime declined slightly in the county, despite a modest increase across California. The county uses a data-driven approach to determine who on county probation is a high risk to reoffend, and which interventions are needed to reduce this risk. By using a validated risk assessment tool to accurately predict risk, the probation department can better assign supervised individuals to an appropriate and individualized set of programs.

Since 2011, the county has contracted with 51 different community-based service providers to offer an array of programs, including educational and vocational training, residential and outpatient drug and alcohol treatment detoxification services, mental health treatment, and therapeutic services and parenting classes. A 2014 study showed that individuals in a county or community-based program completed the terms of their probation at higher rates than those who were not in a program. From 2011 through 2014, 81 percent of supervised individuals who were in at least one program successfully completed a period of supervision by nearly 70 percent. In 2014, Santa Barbara County reported a probation failure rate of just 2.8 percent, which was half the statewide rate that year (5.6 percent). The county also uses flash incarceration, which is a swift and short period of detention in response to violating probation rules that has been shown to reduce rates of illicit substance use, re-arrest and probation revocation.

Figure 7.



Sources: California Department of Justice. (2016). *10 Year Crime and Clearance Data 2006-2015* [data file]. Available from <http://openjustice.doj.ca.gov/data>. California Department of Finance. (2016). *E-4 Historical Population Estimates for Cities, Counties, and the State* [data file]. Available from <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/>. 2016 data not available.

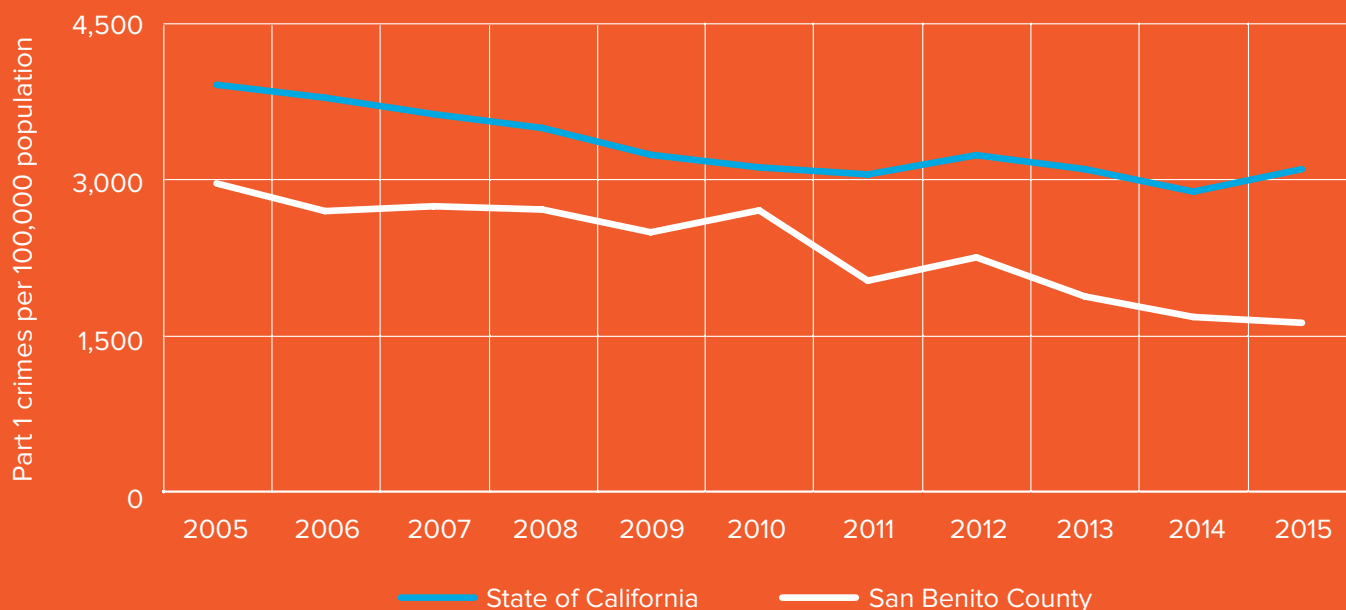
COUNTY SPOTLIGHT

San Benito County


San Benito County's crime rate declined by 45 percent between 2005 and 2015, a decrease significantly larger than the overall 21 percent decline statewide. In 2015, as the state experienced an overall increase in crime, crime continued to fall in San Benito, achieving historic lows. County officials implemented a number of public safety adaptations that helped keep the county's crime rate far below the statewide average.

The San Benito Sheriff manages the county's Sheriff Work Alternative Program (SWAP), where individuals sentenced to a short jail term may remain at home in exchange for performing community service. The program has successfully reduced the county's jail population. In addition, the county's probation and behavioral health departments partnered with faith-based organizations on the "Thinking for a Change" program. An evaluation of the program, based on a cognitive behavioral curriculum, has shown a re-arrest rate of 28 percent compared to 43 percent among individuals who did not participate.

Figure 8.



Sources: California Department of Justice. (2016). *10 Year Crime and Clearance Data 2006-2015* [data file]. Available from <http://openjustice.doj.ca.gov/data>. California Department of Finance. (2016). *E-4 Historical Population Estimates for Cities, Counties, and the State* [data file]. Available from <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/>. 2016 data not available.



While crime rates remain historically low, every shift in crime needs to be closely analyzed. There is no more important function of local government than advancing public safety.

Crime increased in California between 2014 and 2015, causing some to suggest a link to Proposition 47.³⁰ However, researchers caution that it is inappropriate to attribute crime shifts to Proposition 47. No causal link has been evidenced and year-to-year fluctuations in crime should not be misinterpreted as a long-term trend, especially with rates at or near historic lows.

The Public Policy Institute of California (PPIC) and the Center on Juvenile and Criminal Justice (CJCJ), two California-based research organizations, recently conducted detailed analysis of California crime trends and the impact of recent policy changes on public safety. In May 2015, PPIC researchers analyzed crime trends since 2011. While there was a crime uptick in 2012 – the year after Public Safety Realignment was passed into law – careful analysis has shown no causal relationship between the two, except perhaps for some auto theft trends.³¹ Notably, after a one-year uptick, crime rates statewide decreased again in 2013 and 2014, while Realignment remains state law.

In March 2016, CJCJ released a study that compared crime trends in California's largest cities to prison releases and county jail population decreases as a result of Proposition 47. The study found that the increase in crime was not related to reduced incarceration. Counties with larger drops in their jail populations and more prison releases – suggesting they were more impacted by Proposition 47 than other counties – saw smaller than average increases in crime. The authors concluded that, based on the data available after one year of implementation, Proposition 47 had no causal effect on crime.³²

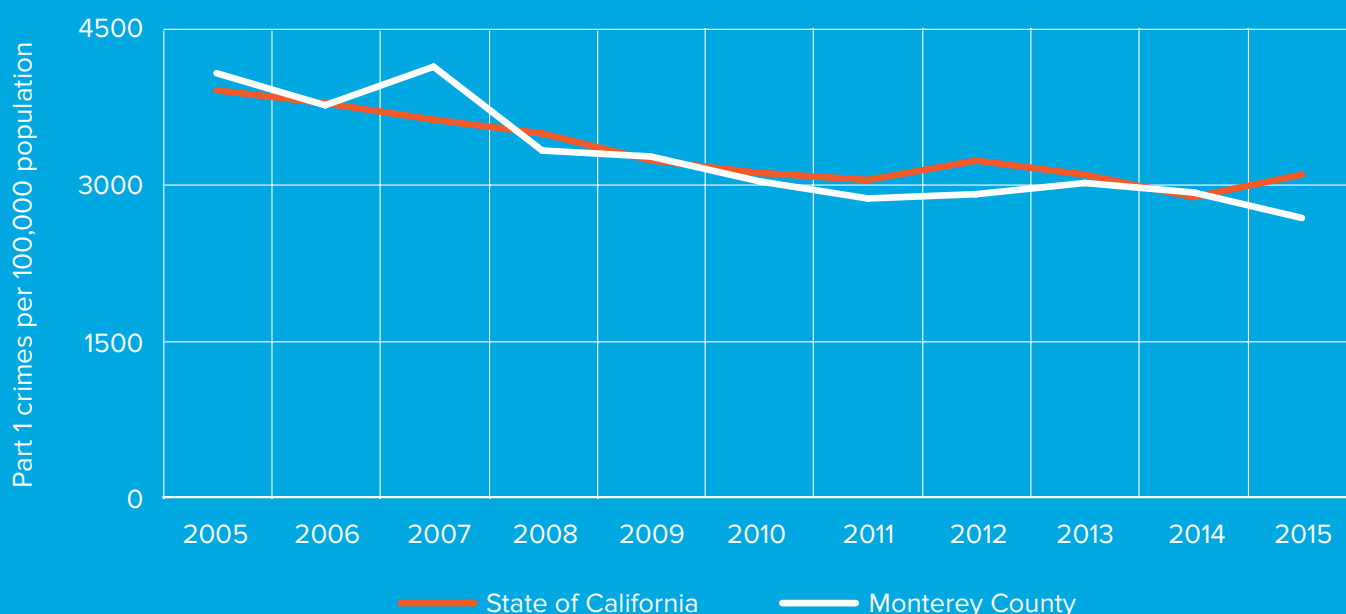
COUNTY SPOTLIGHT

Monterey County

In 2014 and 2015, crime in Monterey County continued to decline, despite increases elsewhere in

California. Monterey County uses a day reporting center as a one-stop hub for probation. The center provides substance abuse treatment, mental health services, life skills support, and vocational and educational training to individuals supervised by county probation. The center emphasizes employment training and reports a 70 percent employment rate among program graduates, far outpacing the national one-year, post-release rates for formerly incarcerated individuals, which range from 25 percent to 40 percent. The county's Department of Social Services also partners with the adult probation department to ensure that those under probation supervision and their families are enrolled in all appropriate benefits programs. And the county uses a data-driven approach to evaluating each probation-supervised individual's risk of reoffending and the interventions required to reduce this risk. Using a research-based risk assessment tool, county probation officers engage in a collaborative case-planning process that results in referrals to an array of individualized programs, including drug treatment and mental health.

Figure 9.



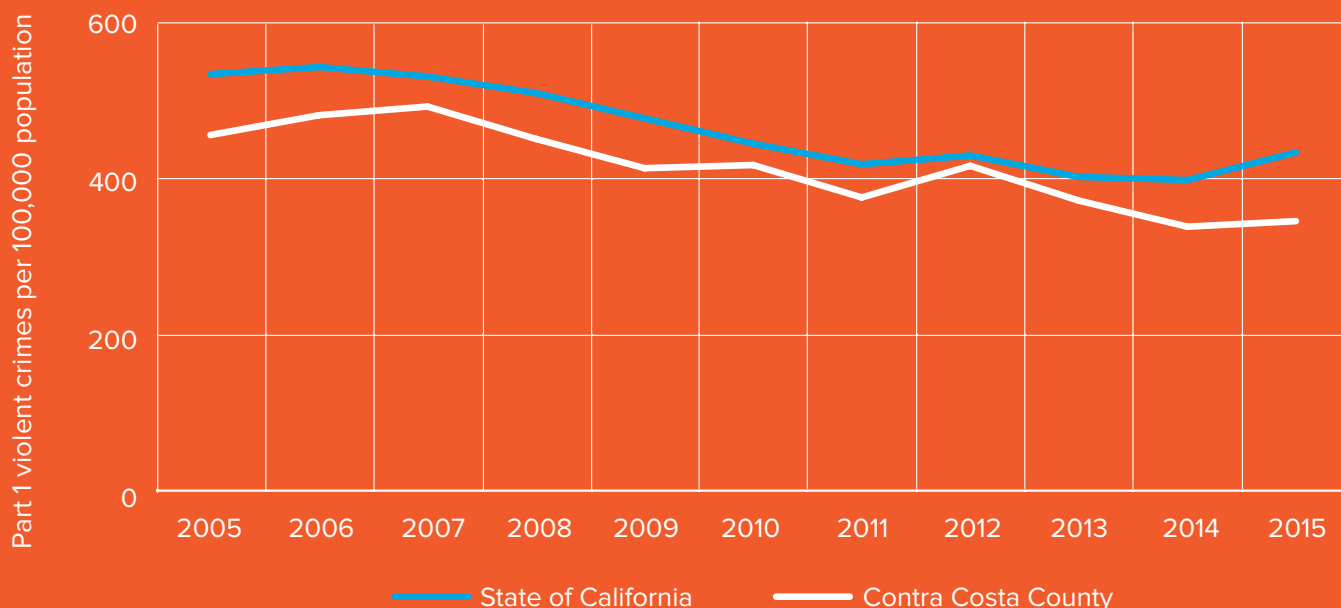
Sources: California Department of Justice. (2016). *10 Year Crime and Clearance Data 2006-2015* [data file]. Available from <http://openjustice.doj.ca.gov/data>. California Department of Finance. (2016). *E-4 Historical Population Estimates for Cities, Counties, and the State* [data file]. Available from <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/>. 2016 data not available.

COUNTY SPOTLIGHT

Contra Costa County

Violent crime in Contra Costa County has remained below the statewide average despite a slight increase in 2015. In that same year, officials created a reentry hub where formerly incarcerated individuals get benefits enrollment assistance, financial literacy support, behavioral health referrals, and job readiness and housing support. The county has the highest rate of split sentencing in California, when part of a sentence is served in custody and the other is served outside of custody during a period of post-release mandatory supervision by the probation department. Split sentencing maximizes the time individuals spend out of jail and in their communities. Contra Costa County also contracts directly with a number of non-profit service providers who meet the basic needs of clients by working with the county to support a seamless transition out of jail and into the community.

Figure 10.



Sources: California Department of Justice. (2016). *10 Year Crime and Clearance Data 2006-2015* [data file]. Available from <http://openjustice.doj.ca.gov/data>. California Department of Finance. (2016). *E-4 Historical Population Estimates for Cities, Counties, and the State* [data file]. Available from <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/>. 2016 data not available.

Los Angeles is a jurisdiction that has seen increases in crime since 2014. In 2016, the City Attorney's Office in Los Angeles commissioned a study of crime trends and found no statistical evidence of a relationship between Proposition 47 and crime increases. While rates of aggravated assault, robbery and auto theft have increased, theft, burglary, homicide, rape, fraud, forgery and embezzlement did not increase after implementation of Proposition 47.³³ The study also found that aggravated assaults increased at least in part because police corrected a technical issue in their reporting system from years prior. Additionally, Los Angeles robbery trends appear to have begun increasing prior to the passage of Proposition 47.

Meanwhile, other jurisdictions – like San Jose, Oakland, Richmond and Fairfield – have experienced stable or decreasing crime trends since Proposition 47.³⁴ While the practices of these jurisdictions have not been fully analyzed, their ability to buck statewide trends reinforces the importance of local practice on public safety outcomes. For example, the Kern County Sheriff's Department reported that it is successfully using community policing strategies in an area of Kern Valley to reduce crime in 2016 for the fourth year in a row.³⁵ Los Angeles police in the San Fernando Valley are using targeted deterrence to combat shoplifting of alcohol by underage customers, and 80% of retailers have reported a reduction in thefts.³⁶

National data analysis also suggests there is limited to no causal link between crime and changes in state law that reduce the penalties for petty theft and other low-level property crimes. In February 2016, the Pew Charitable Trusts conducted a national study looking at 23 states that, like California (with its Proposition 47), increased the value of stolen goods considered a felony. Researchers examined crime trends from three years before the various state laws changed to three years after and found no impact on crime rates.³⁷

Crime trends are driven largely by local dynamics such as law enforcement practices and criminal court practices, as well as larger socio-economic factors that the criminal justice system rarely influences. Following Realignment, for example, California jurisdictions experienced widely different crime trends as local practitioners adjusted differently to the new statewide law. However, after the first year of Realignment implementation, statewide crime rates again stabilized at historic lows.

The impact of local dynamics is evident post-Proposition 47 as well. Evidence from across the state makes clear that responding to changes in statewide policy by implementing local public safety adaptations enables communities to keep crime rates low without continuing to waste money on over-incarceration.

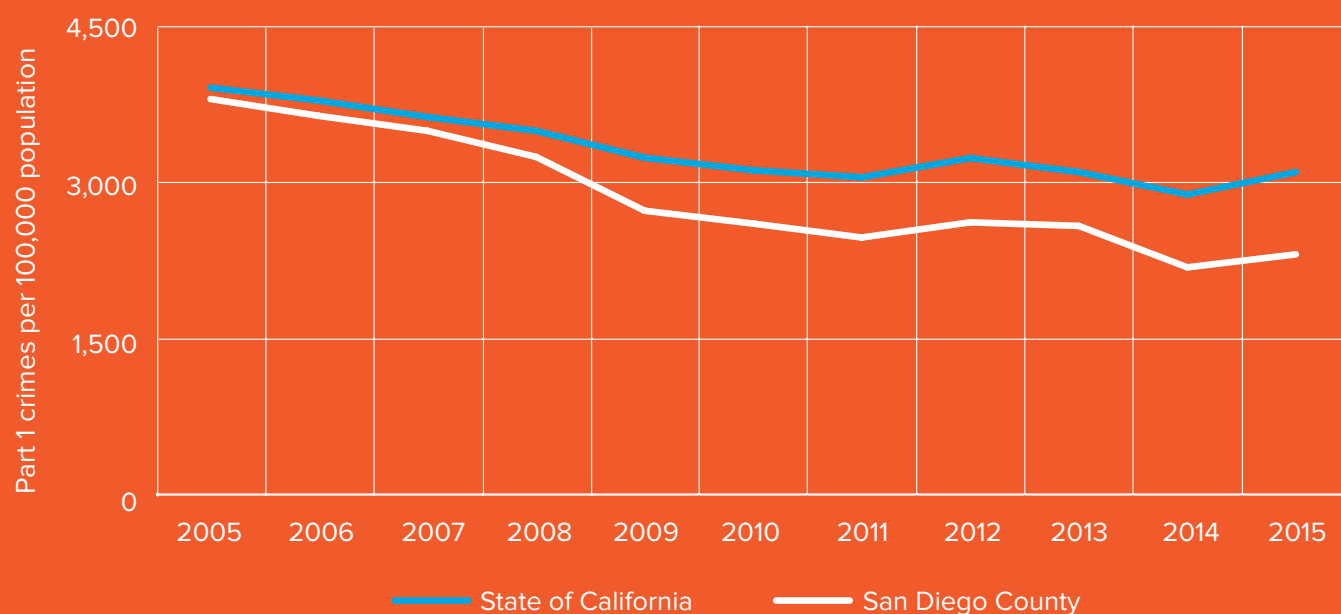
COUNTY SPOTLIGHT

San Diego County

Crime rates in San Diego County have remained below the statewide average. While crime has generally decreased in counties across the state, San Diego's crime rate has fallen more rapidly. San Diego's crime rate decreased by 39 percent between 2005 and 2015, compared to a 21 percent decline statewide during the same period. A six percent increase in crime in 2015 was lower than the statewide average, and allowed crime in San Diego County to remain at historically low levels.

In recent years, San Diego County implemented a number of reentry and diversion programs aimed at reducing the cycle of crime: a court program for individuals on parole or probation, a reentry hub for people returning to the community from state prison, and a diversion program that allows misdemeanor cases to be dismissed by completing 16 hours of community service. In 2016, the San Diego City Attorney's Office created the San Diego Misdemeanants At Risk Track, a program that allows people who commit low-level misdemeanors to avoid a criminal record if they complete community service and pay a fine.

Figure 11.



Sources: California Department of Justice. (2016). *10 Year Crime and Clearance Data 2006-2015* [data file]. Available from <http://openjustice.doj.ca.gov/data>. California Department of Finance. (2016). *E-4 Historical Population Estimates for Cities, Counties, and the State* [data file]. Available from <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/>. 2016 data not available.

CHANGING RECORDS, Changing Lives

THE “SCARLET LETTER F”: CLEANING UP THE LEGACY OF MASS INCARCERATION

As of September 2016, nearly 280,000 petitions for resentencing and record change have been filed in California courts.³⁸ Rough estimates suggest that there are as many as one million Californians who may be eligible to apply – and that may prove to be an underestimate. Los Angeles County alone estimates that over 500,000 people may be eligible in that jurisdiction.³⁹

“ But the biggest gift of the day is for people to remove the ‘Scarlet F’ too many with a felony record continue to wear. Proposition 47 is a light in the mass incarceration keyhole. ”

Susan Burton, founder and executive director,
A New Way of Life Reentry Project, op-ed, *LA Progressive*, September 27, 2015

Each of those petitions holds the potential for a changed life. For many, having a felony conviction has become akin to a “scarlet letter F”; the felony record prevents individuals from being able to access economic and family stability, social mobility and inclusion.

In the last few decades, the collateral consequences of having felony convictions have worsened. States passed hundreds of laws restricting the types of jobs or professional trades open to people with felonies, and imposed restrictions that prevent access to things like housing, loans and childcare assistance. The result has been devastating. Even after people have completed their sentences, they face substantial barriers to becoming stable and productive community members.

- In California, people with felony convictions released from prison face 4,800 restrictions that limit their access to jobs, housing and educational opportunities. Of these restrictions, 58% are employment-related and 73% are permanent or lifetime bans.⁴⁰



ROCHELLE SOLOMBRINO FROM SKID ROW TO A SECOND CHANCE

“It wasn’t until I embarked on Proposition 47 that I started to truly believe I wasn’t a bad person trying to get good, but a good person trying to get well.”

LOS ANGELES, CA

Rochelle Solombrino had her first drink when she was six years old, her first DUI at age 16 and her first suicide attempt shortly after. At age 24, she nearly died of a heroin overdose.

Rochelle, now 49, has been clean and sober for seven years. She recognizes how painful experiences – being sexually abused as a child and coming to terms with her sexual orientation as a teenager – led her to cope by using alcohol and drugs.

During her darkest days, Rochelle was living in Skid Row, addicted to crack cocaine. She was arrested dozens of times for low-level nonviolent crimes and served 18 months in prison.

Rochelle’s transformation began upon release from prison when she entered into a 12-step program at Fred Brown Recovery Services. She recovered and then started working for the nonprofit, first as a sober living manager, then as office manager. Today, she is the Operations Coordinator.

Still, having felony convictions served as continual barriers to full recovery and stability. She was denied Section 8 housing assistance, which left her feeling hopeless and deflated. “I was staying with family members and friends, couch surfing,” she says. “I had thought I was finally going to have something of my own. I tear up now just thinking about it.”

When her organization applied for a county contract, the entire staff needed to be cleared of felony convictions. Rochelle feared she would lose her job or jeopardize her organization’s chance to receive the contract.

That’s when Rochelle found out about Proposition 47 and applied to remove old felonies from her record. Her petition was successful and she was able to have the felonies on her record reduced to misdemeanors. She also was able to keep her job, and Fred Brown received the contract it sought to maintain and grow its programs. Perhaps most important, Rochelle no longer fears losing her job or housing.

Today, Rochelle does whatever she can to spread the word about Proposition 47 by volunteering and bringing people to Proposition 47 record change clinics.

“I can positively say that, although I began my road of recovery from addiction the day I entered treatment at Fred Brown Recovery Services, it wasn’t until I embarked on Proposition 47 that I started to truly believe I wasn’t a bad person trying to get good, but a good person trying to get well.”

Today, most people agree that placing these types of restrictions on people after they have served their time is counterproductive and unfair.

It is also bad for public safety. Reentry experts agree that, if people can access jobs and housing, their risk to recidivate lowers. For the hundreds of thousands of people who will be able to cast off the scarlet letter F, Proposition 47 represents a crucial second chance – and the restoration of hope and dignity.

THE CHALLENGES TO REACHING ELIGIBLE CALIFORNIANS

While the promise of Proposition 47 record change is great, reaching eligible Californians – and linking them to other stabilizing supports – presents significant challenges. Many Californians with old criminal records are not aware of the change in state law, and many more need help submitting the application for record change and gaining access to new opportunities. Some may also face financial barriers.⁴¹

What's more, California has 58 different counties – and 58 different criminal justice data and court systems. There is no uniform statewide mechanism by which eligible individuals can be notified or records automatically changed. Within each county, some courts cannot easily search their records to identify Proposition 47-eligible individuals, especially if the conviction is very old; some of those records preceded electronic databases.

Still, with the enormous potential impact of Proposition 47 record change on so many people's lives, community organizations and government leaders alike have taken unprecedented steps to engage in widespread outreach, record review and application processing.



UNPRECEDENTED COMMUNITY ACTION FOR RECORD CHANGE

Since the measure passed, over 75 organizations across the state have facilitated efforts to contact eligible Californians, reaching hundreds of thousands of people through direct outreach and joining together to organize more than 150 events in the past two years.

Most of the outreach has occurred through small events and clinics, as well as through community centers, churches, hiring halls, health clinics or local parks. There also have been large-scale events reaching thousands – in just one day.

Los Angeles: Proposition 47 Record Change and Resource Fair

What are the obstacles standing between Proposition 47 benefits and the people who need them? When that question was posed to veteran reentry groups like A New Way of Life Re-Entry Project and Amity Foundation, they drew on their analysis and expertise to deliver the answers: learning about the opportunity and getting access to free legal services to help. Connecting people to legal services can also serve as a bridge to other support, like housing, job training, substance abuse treatment and family reunification.

With funding and extensive support from The California Endowment, Californians for Safety and Justice and a broad coalition of Los Angeles community groups joined together to experiment with a bold approach to reaching community members and offering help: organizing a large-scale free community fair, where a high volume of people can learn about Proposition 47, get help with the record change process, and connect to community support and opportunities for empowerment, all in one day.

The first-ever large-scale, one-stop event – the Los Angeles Proposition 47 Record Change and Resource Fair – was held at Exposition Park on September 27, 2015. The fair was historic. It was the first in the state to offer free legal, health and support services to anyone seeking to remove old felony records under Proposition 47. In addition to legal assistance, attendees had an opportunity to access health testing, Medi-Cal health enrollment, reentry services, job opportunities, voter registration, and immigration consultation, among other services.



Leading up to the fair, partner organizations organized 13 different free “Live Scan” events throughout Los Angeles County, where people could register for the fair and obtain copies of their RAP sheets for free. We built a cadre of more than 150 attorneys to volunteer for the event and engaged in widespread door-knocking, phone calling and media advertising to let people know about the fair.

Community response was overwhelming. Long before the event’s official 11:00 am start time, hundreds had already begun to line up with lawn chairs and blankets, some arriving as early as 3:00 am. People attended from all over, with nearly 5,000 people participating in the event throughout the day.

The Los Angeles fair also prompted local officials to take strong leadership positions on Proposition 47 implementation. Several local officials began incorporating Proposition 47 record change clinics into their community events, and it laid the foundation for extensive systems change work that has since been unfolding in Los Angeles (described in more detail below).

Tremendous lessons were learned about how to reach eligible Californians and support them in the record change process. Based on this experience, partner legal service organizations created a “Community Clinic Model” to ensure wraparound services are offered at record change clinics and developed a Record Change Toolkit for others to use as a guide in organizing similar events. This model of delivering record change assistance with wraparound services has since been adopted throughout the state.

Los Angeles Record Change and Resource Fair Partnerships

We forged partnerships to reach tens of thousands of residents across the county. These partnerships were instrumental.

A New Way of Life Re-Entry Project
Asian Americans Advancing Justice – Los Angeles
Building Healthy Communities – South Los Angeles
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Communities In Schools of the San Fernando Valley and Greater Los Angeles
Community Coalition
Drug Policy Alliance
Great Beginnings for Black Babies
Homeboy Industries
LA Voice
Legal Aid Foundation of Los Angeles (LAFLA)
Liberty Hill Foundation

Life After Uncivil Ruthless Acts (L.A.U.R.A.)
Los Angeles Community Action Network (LA CAN)
Los Angeles Metropolitan Churches
National African American Parent Union
Neighborhood Legal Services of Los Angeles County (NLSLA)
One LA-IAF
Reverence Wellness Salon
Sons & Brothers
Strategic Concepts in Organizing & Policy Education (SCOPE)
The California Endowment
Violence Prevention Coalition of Greater Los Angeles

San Joaquin County Community Partnerships

Californians for Safety and Justice forged community partnerships to organize the San Joaquin Proposition 47 Justice Fair and to create an infrastructure to effectively implement Proposition 47. The effort, which included phone banking and door-knocking, ultimately reached over 7,000 residents across the county. These partnerships were instrumental in organizing and staffing direct outreach efforts to individuals eligible for record change.

ACLU of Northern California - San Joaquin County Chapter
City of Stockton, Office of Violence Prevention
City of Stockton, Parks and Recreation Department
City of Stockton, Peacekeeper Program
Community Partnership for Families of San Joaquin
Delta Health Care
El Concilio
Fathers & Families of San Joaquin
Humphreys College Laurence Drivon School of Law

NAACP Stockton Branch
Nation of Islam - San Joaquin
Reinvent South Stockton Coalition
San Joaquin County Public Defender's Office
Stockton Angel Mothers
United Food and Commercial Workers Union
United Way of San Joaquin County
Victory in Praise Church



San Joaquin: Proposition 47 Justice Fair

With lessons learned and partnerships built through the Los Angeles fair, and with support from the B. Wayne Hughes Jr. Foundation, Californians for Safety and Justice had the opportunity to bring the large-scale, one-stop event model to a very different region of the state – San Joaquin County in the Central Valley. B. Wayne Hughes Jr. coined the term “Justice Fair” – based on the value of giving people a second chance at life and redemption – and urged Californians for Safety and Justice take the model to an underserved part of the state.

San Joaquin, like much of the Central Valley, is often underserved – despite great need. In 2014, 10.6% of San Joaquin residents ages 16 and older were unemployed and 28% of the county’s children were living in poverty.⁴²

Californians for Safety and Justice built a coalition and organized a series of meetings with the public defender, labor, community organizations, churches and businesses. These meetings revealed there was a high demand for Proposition 47 record change services. Dozens of organizations came together to develop the San Joaquin Justice Fair. Ten “Live Scan events” were held leading up to the fair and were organized by hundreds of volunteers. Paid advertising including billboards and a radio ad by Grammy Award-winning artist John Legend helped to reach a broad audience.



JOSE DUNCAN

IT'S NEVER TOO LATE FOR A FRESH START IN LIFE

“I’m rising out of the ashes of my former self.”

STOCKTON, CA

When Jose was 16 years old, he was sent to a mental institution for nine months for mutilating himself. He was diagnosed with mental illness, including schizophrenia, depression, and bipolar personality disorder.

The side effects from the prescriptions, totaling over 50 pills each day, made matters worse. He started hearing things and hallucinating. He gained over 160 pounds and left the institution in a more deteriorated state than before.

The experience would set the tone of Jose’s life for the next two decades. With no high school degree or job, and continued severe mental health challenges, he developed a drug addiction.

Eventually, he became homeless and even more addicted, living in the canals of Stockton. He would eat out of garbage cans and tried to take his own life numerous times.

For a decade, Jose cycled in and out of the criminal justice system for drug and petty theft offenses.

He credits divine intervention for finally helping him get clean. He entered a program through the San Joaquin County Chemical Dependency Counseling Center and was able to get the help he needed to

address his addiction and mental health issues.

Now clean and sober, Jose is building a fresh start in life. He was volunteering at a wellness center helping mental health clients when he came across a flyer for the San Joaquin County Proposition 47 Justice Fair, which offered free legal services to help people get their record changed. He attended the Justice Fair, coincidentally on his 34th birthday, and started the Proposition 47 petition process.

In October 2016, Jose appeared before a Superior Court judge in San Joaquin County, the same judge who has seen Jose cycle in and out of the criminal justice system, to remove felonies from his record.

Now married, Jose wants to show his two stepchildren and newborn girl that it is never too late to start a new life. Jose wears his Proposition 47 T-shirt all over town and tells others of his life-changing experience.

“I’m rising out of the ashes of my former self,” he says. “Prop. 47 is really an amazing experience for someone who honestly and earnestly is trying to get something motivated in their life and not just give up and live a life of crime and brokenness.”



On June 25, 2016, more than 1,200 residents braved the 100-degree weather to attend the Justice Fair. In addition to the free legal services, attendees enjoyed music, food, entertainment, a Kids Zone and more than 20 service provider booths to get connected with resources. The community response was tremendous. Since the fair, event partners have facilitated more than 10 post-fair legal clinics to support fair attendees with additional services for record change and stability.

Like the Los Angeles fair, the San Joaquin Justice Fair also became an important catalyst for much-needed systems change in the region. Local officials have supported more record change efforts, and leaders formed a Proposition 47 Task Force.

UNPRECEDENTED LOCAL GOVERNMENT LEADERSHIP TO REACH ELIGIBLE RESIDENTS

Unprecedented community action has done more than connect eligible Californians with record change opportunities. It also has spurred exceptional efforts on the part of local government leaders to proactively reach people through government/community partnerships.

Los Angeles County

Breakthrough Leadership in the Nation's Most Populous County

Implementing a law in any jurisdiction is never easy. Now imagine a county with more than 10 million residents, of which an estimated half million people are eligible for record change under Proposition 47.

Despite the scale of the landscape, the Los Angeles Board of Supervisors has taken unprecedented action to rise to the challenge. Led by Supervisors Hilda Solis (D-First District), Mark Ridley-Thomas (D-Second District) and Sheila Kuehl (D-Third District), the board took steps to establish the first countywide effort to reach eligible residents and link people seeking Proposition 47 record change with job training and placement. A series of board resolutions established the following:

- **Proposition 47 Task Force for Record Change:** Made up of officials from local criminal justice and social service agencies, the task force is charged with identifying and contacting all Proposition 47-eligible county residents. To date, the task force has compiled a massive database, developed an outreach plan and initiated contact with residents to begin the record change process.



VOICES OF PROPOSITION 47

“I felt like God had given me another chance to do the right thing, and I was not going to mess this up.”

Sholonda Jackson-Jasper, *Sacramento Bee*, July 26, 2016

- **Proposition 47 Jobs and Services Task Force:** The Jobs and Services Task Force was created to link those seeking record change with employment opportunities. The task force, a public and private partnership among government officials, community leaders, the Los Angeles Chamber of Commerce, the Los Angeles County Federation of Labor and others produced a comprehensive plan to create jobs and job pipelines for Proposition 47-eligible residents. The task force also convenes public, private, philanthropic, academic and religious institutions to develop a plan for providing services such as family reunification counseling, permanent housing, healthcare, mental health and substance abuse treatment, workforce development and vocational training, educational programs, apprenticeships and employment opportunities.

Contra Costa County Community Partnerships

The Contra Costa Public Defender's Office conducts direct intake of clients' prior criminal history and offers community-based organizations an easy online application to fill out on behalf of their clients. The office partners with community-based organizations to bring Proposition 47 Clean Slate events to the community.

-
- County departments: Employment & Human Services Department, Probation, Mental Health, Workforce Development
 - Community-based organizations: Contra Costa Interfaith Supporting Community Organization's Safe Return Project
 - Reentry service providers: Reentry Success Center, Reentry Network and Reentry Solutions Group
 - Civil legal service providers: Bay Area Legal Aid, Rubicon
 - Homeless shelters/day programs and Homeless Court
 - Drug and alcohol treatment programs and facilities
 - Labor groups: AFL-CIO, placement agencies
 - Faith-based community groups
 - Veterans groups: Stand Down
 - Community colleges

- **Funding for Community Outreach:** The Los Angeles County Board of Supervisors also approved \$6.6 million in allocations for Proposition 47 outreach, including marketing materials for county agencies and community-based organizations, advertising on public transportation, increasing capacity of the public defender and district attorney offices to handle Proposition 47 cases, and enhancing existing county efforts to increase public access to Proposition 47 resources and services.

These county resolutions, many of them the first of their kind in the nation, have inspired advocacy across the state and served as a model for other California jurisdictions.

Contra Costa County

Getting a Jump on the New Law: A Coordinated Response

Even before Proposition 47 passed, local leaders in Contra Costa County began preparing the runway for a smooth landing. They mobilized quickly to craft an implementation plan, with an emphasis on efficiency and cross-agency coordination. The plan was anchored by these core priorities:

- **Screen County Records:** Justice system leaders proactively pulled records of potentially eligible individuals by screening files in the Public Defender's Office and reviewing cases in the county jail system, felony probation records and old county court records going back 25 years. This screening yielded more than 10,000 names.
- **Create a Consolidated Court Docket:** Anticipating the challenges of handling a high volume of applications, Presiding Judge Barry Goode convened a task force of county agencies to develop a centralized Proposition 47 court docket that streamlined court efficiencies and simplified the process for applicants. The task force

included the criminal court bench, the public defender, the district attorney, probation, court clerks and the Sheriff's Office. Proposition 47 cases are now heard in front of one judge in one courthouse. A simple one-page Proposition 47 petition has allowed the county to process nearly 5,000 petitions in the last two years.

- **Focus on Reentry:** As part of an ongoing effort to improve stability and reentry for people coming out of the criminal justice system, in 2013 community stakeholders came together to conceive and design a public/private Reentry Success Center, which opened in November 2015. The Center supports success for formerly incarcerated people and their families by providing holistic services, such as restorative justice and family reunification programs, housing placement assistance, benefits enrollment, civil legal services, and job assistance. Community stakeholders also partnered with the Public Defenders Office to create a Proposition 47 Project to help formerly convicted individuals with the record changing process; in its first year, the Prop 47 Project has served 275 people.
- **Offer “One-Stop” Community Events:** In 2016, Contra Costa County's Superior Court Judge Diana Becton joined forces with the Public Defender's Office to host a series of “Clean Slate Days” in Richmond, where hundreds of individuals received services such as Proposition 47 record change, expungement, traffic ticket amnesty, and legal and reentry support services all in one stop. They have hosted four Clean Slate Days in the last year.

San Joaquin County

Harnessing Local Know-How to Power Proposition 47 Implementation

San Joaquin County is one of many California counties with modest coffers. But when it came to implementing a sweeping law like Proposition 47, local leaders made up for the county's limited resources by leaning on their creativity and the community to help get the job done.

- **Streamline Court Processes:** In an effort to increase the capacity of the court system to process more record-change applications, the Public Defender's Office, the District Attorney's Office and the San Joaquin County Superior Court joined forces to streamline filing practices, including fast-tracking uncontested cases and centralizing filings to one designated courthouse and one judge. This increased Proposition 47 filings from five petitions per day to 35 petitions daily.

“ Making sure that as many people as are eligible take advantage of the opportunity for record change under Proposition 47 is not just key for maintaining a society that is just and merciful, but it is also essential for maintaining public safety by ensuring that people with old felonies on their records are able to fully and successfully reintegrate back into our community. ”

Bishop Rufus Turner, Victory in Praise Church,
op-ed, *Stockton Record*, June 23, 2016

“ There are a lot of people who are in my shoes who are screaming for help on the inside, but they’re not asking for help because they’re ashamed of their backgrounds. This has held me back for so long, but I’m here trying to get my life back together. ”

Solaiman Joshan, *Stockton Record*, June 25, 2016

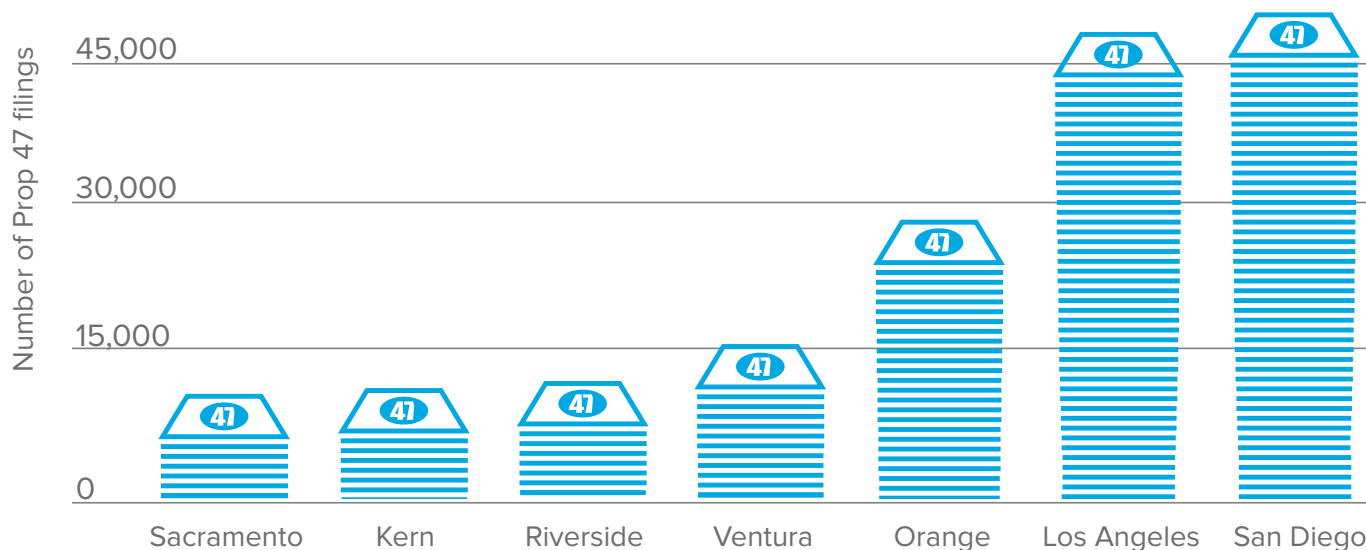
- **Leverage Local Leadership:** Led by then City Councilmember Michael Tubbs, the Stockton City Council unanimously passed a resolution that urged the County Board of Supervisors to develop an inter-agency Proposition 47 implementation strategy and drum up awareness for the San Joaquin Justice Fair.⁴³
- **Marshall a Work Group or Task Force:** In 2016, Californians for Safety and Justice convened over a dozen local community organizations and stakeholders who unanimously agreed to form a Proposition 47 Work Group. Led by the San Joaquin County Public Defender and Mary Magdalene Community Services, the work group explores ways to identify and capture county savings, improve reentry services and develop a coordinated grant proposal to apply for state Proposition 47 reallocation funds. The work group meets monthly and has augmented San Joaquin’s cross-agency coordination and community collaboration.

Los Angeles, Contra Costa and San Joaquin are not the only counties that are implementing proactive strategies to reach eligible Californians and streamline petition reviews. Dozens of counties across the state have taken action to advance record change. Here is a snapshot of some emerging practices.

- **Dedicated Court Calendars:** San Joaquin, Alameda and Contra Costa have designated one courthouse in the county to handle all Proposition 47 petitions. In addition to reducing bureaucracy throughout the county court system, these dedicated court calendars spare applicants from having to go to multiple courthouses and decrease the number of incorrect filings.
- **High-Volume Filing:** A number of California counties have streamlined filing and approval procedures to process a higher volume of applications. In San Bernardino, for example, under a new filing process, several hundred Proposition 47 petitions can be filed each week. The Public Defender’s Office and District Attorney’s Office worked together to decrease the Superior Court’s staff’s administrative workload. San Francisco and Alameda developed an *ex parte* process whereby a judge signs off on a petition if all parties agree, without the necessity of a court appearance. This process takes the pressure off crowded court dockets and does require substantial clerk time to ensure all the petitions are recorded correctly.

Figure 12.

San Diego County has filed more Proposition 47 petitions than any other county



Source: Judicial Council of California, Proposition 47 Data Summary Report (December 5, 2016), available at <http://www.courts.ca.gov/prop47.htm>. Chart represents the seven counties that filed the most Proposition 47 record change and resentencing petitions combined, as of September 2016.

- A Dedicated Docket:** In San Diego, all Proposition 47 cases were assigned to the presiding judge's courtroom, establishing a priority list. For months after Proposition 47 passed, the presiding judge met with the district attorney and the public defender every day to jointly review and agree on all Proposition 47 applications and petitions. As a result, the public defender filed approximately 3,400 petitions within two days of the law passing, and nearly 10,000 petitions within the first month.⁴⁴ By September 2016, San Diego County filed over 50,500 Proposition 47 petitions, about 18% of all petitions filed statewide, surpassing even Los Angeles and Orange counties.⁴⁵ While officials say more research and client consultation were needed to ensure filings were accurate and people were notified about their Proposition 47 petition, San Diego provided other counties with an example of a proactive strategy.⁴⁶

“Because citizens of California overwhelmingly approved Proposition 47, we’re able to change course and help people redeem themselves, breaking from a previous life of crime and helping them get on a pathway to personal renewal. That gives them hope and a future and allows them to become a catalyst for change in their families and communities.”

B. Wayne Hughes, Jr., founder and chairman of the board of Serving California, op-ed, *Modesto Bee*, June 21, 2016

USING TECHNOLOGY TO REACH MORE PEOPLE

In addition to community and government outreach, several entities are using data and technology to find the best ways to reach as many people as possible. For example:

- **Stanford Justice Advocacy Project:** The Stanford Justice Advocacy Project (“Stanford”) played a critical role in identifying incarcerated people who were eligible for resentencing. As the primary liaison to the California Department of Corrections and Rehabilitation (CDCR), Stanford ensured that counties would receive a comprehensive list of eligible inmates in California state prisons. Stanford also coordinated a statewide network of public defenders and defense attorneys as the vehicle to provide CDCR’s data, share resources and track implementation practices. Stanford also provided one-on-one technical support to public defenders and defense attorneys representing incarcerated clients, and provided direct representation for individuals residing in counties without a public defender.

VOICES OF PROPOSITION 47

“ I couldn’t get a job with a large corporation and provide for my family because of my felony conviction. After reclassifying my 10-year-old felony to a misdemeanor, the company agreed to hire me. What the voters did in passing Prop. 47 was a blessing.”

Donyell Green

- **California Department of Justice:** Californians for Safety and Justice is working with data from the California Department of Justice (DOJ) to more accurately estimate the number of individuals with felony Proposition 47 crimes on their state criminal records. The data will include the county of conviction and other pertinent information to help legal service providers strategically deploy resources and outreach efforts. Additionally, the DOJ tracks and publishes criminal justice indicators through its data-driven initiative – OpenJustice – that includes trends that occurred before and after the implementation of Proposition 47.
- **Code for America:** Code for America developed and is piloting “Clear My Record,” a simple online Proposition 47 application service available in San Francisco, Alameda, Monterey and Contra Costa counties.⁴⁷ Applicants complete a survey online or on their smartphones to start the process. Participating counties then reply to the applicants with next steps.
- **Lawyaw:** Californians for Safety and Justice piloted a platform created by Lawyaw to help legal service providers better serve clients with multiple Proposition 47 convictions. The software allows practitioners and *pro bono* attorneys to complete much of the necessary paperwork prior to a record change event. In cases where a client has multiple convictions in multiple counties, the software eases the administrative burden by drafting all the necessary forms simultaneously. Lawyaw is now available to nonprofit legal service providers across the state.



INGRID ARCHIE

A MOM WHO REGAINED CUSTODY OF HER DAUGHTERS

“I had to be honest with myself and take responsibility for the part that I played and break the cycle.”

LOS ANGELES, CA

When Ingrid Archie was six years old, her alcoholic mother attacked her older sister with a knife. The police were called; child services came. It was a tragedy that would color Ingrid's life for the next 28 years.

Ingrid was placed in the foster care system, living in a group home where she fell under the negative influence of the other residents. “I started hanging out with them,” Ingrid said. She began ditching school, stealing from her foster families and running away. At age 18, she had her first daughter and her first conviction for drugs. By 21, she was in state prison.

“Once that happened, the light switch came on: I had to be honest with myself and take responsibility for the part that I played and break the cycle,” Ingrid said. “The same thing that happened to my mom ended up happening to me. My kids were removed from my custody. The difference between then and now – and me and my mom – is that I’m fighting for my kids.”

After she was released, Ingrid moved into a residential treatment facility in Los Angeles and worked two jobs while studying psychology at East Los Angeles College. She was trying to repair her life but, in 2009, her telecommunications company employer laid her off after changing its hiring policy to exclude people convicted of a felony.

By 2013, she had two children and was still struggling to land steady work. Employers repeatedly turned her away because of her felony record. Having a felony also meant she could not qualify for childcare assistance.

Barely able to make ends meet on \$300 a month, she was arrested for shoplifting. Combined with her past record, she was sentenced to state prison for another three years. While in prison, she learned about Proposition 47. After educating herself on the law, she petitioned the court for resentencing and the petition was approved. She was released in August 2015.

With support from A New Way of Life Re-Entry Project, an organization dedicated to helping formerly incarcerated women achieve successful community reentry, Ingrid was able to find stable housing, hold two jobs and regain custody of all three of her children.

Now 35, Ingrid is the civic engagement team leader/Proposition 47 specialist at A New Way of Life Re-Entry Project and a driver for Uber.

“I tell people all the time they need to apply to have their old felonies reduced. The worse they can say is ‘no,’ and the best they can say is ‘yes.’”

“ Prop. 47 allowed me to start a new life. Doors are now opened that had previously been slammed in my face.”

Toni Hunter

PROPOSITION 47 EXTENSION: MORE TIME TO APPLY

The Proposition 47 ballot measure set a sunset date of November 2017, three years from the date of passage, within which to apply for record change and resentencing.

Yet the experience of the last two years – from difficulty accurately estimating the number of people potentially eligible for record change to the sheer scale of systems change required to implement the measure – underscored the need for an extended deadline.

Californians for Safety and Justice partnered with the County of Los Angeles and San Diego District Attorney Bonnie Dumanis to cosponsor AB 2765 in 2016. Authored by Assemblymember Shirley Weber (D-San Diego), the bill extends the Proposition 47 record change and resentencing deadline by five years, easing pressure on both community outreach efforts and local court systems. The bill passed through the Legislature with more than two-thirds majority support and, on September 28, 2016, Governor Brown signed AB 2765 into law. The new deadline to apply is November 4, 2022.⁴⁸

“ We’re going to find a lot of cases where justice has been denied to individuals. Keeping the existing deadline would lead to a flood of petitions that would tie up the courts and force prosecutors to rush through cases.”

Assemblymember **Shirley Weber**, *Los Angeles Times*, May 31, 2016

Changing Approaches TO SAFETY

When California voters passed Proposition 47, they furthered the movement to prioritize law enforcement resources for serious and violent crime – and to develop more effective methods to break the cycle of nonviolent crime. The shift has stimulated a wide-ranging debate about the best ways to address nonviolent crime and opened the door to rethinking the ineffective justice practices of the past.

PRACTICES BEFORE PROPOSITION 47

State law authorizes a “graduated sanctions” approach to nonviolent crime – scaling the response to the incident based on the risk of the individual and the harm caused by the crime. While misdemeanor arrest, pretrial detention and jail sentencing are available for misdemeanors, local jurisdictions can also use alternative approaches such as diversion, community services, restitution, supervised probation, court programs that require monitoring and treatment, or other community-based sanctions that work better to reduce recidivism.

Prior to the passage of Proposition 47, little attention had been paid to how local justice systems handle misdemeanor offenses. Instead of using graduated sanctions based on risk assessment, many local jurisdictions have the habit of automatically citing and releasing nonviolent misdemeanor crimes despite discretion to arrest in instances of public safety risk. As well, many jurisdictions do not hold people in jail if the charge or conviction is a misdemeanor, regardless of risk. Many people sentenced to misdemeanor probation also are not supervised by county probation departments, and few counties combine sanctions of misdemeanor probation with treatment, community service or other community-based options, despite the discretion to do so under state law.

Instead, most nonviolent misdemeanors result in sentences of fines, unsupervised probation or jail sentences. However, those sentenced to serve time in jail often are automatically released upon booking. Automatic release, despite being sentenced to jail, is a result of local policies or practices that usually are driven by jail population management issues.

These practices do not align with emerging best practices in criminal justice. They are largely driven by volume pressures faced by many California jurisdictions over the years, from high volumes of felony caseloads to large numbers of pretrial detention populations and overcrowded jails. Since the “tough on crime” era exploded, local justice systems have been bursting with more people and cases than these systems can often manage.

With Proposition 47, there is a new opportunity to improve practices to address nonviolent crime. Now that local jurisdictions have fewer people in their systems for felonies, adapting local practices to advance a graduated sanctions approach based on risk assessment is both imperative and possible.

A large, stylized white illustration of a pair of handcuffs and a key is positioned in the background. The handcuffs are on the left, and the key is on the right, both rendered in a simple, clean style. The background is a solid light blue color.

ARREST AND DETENTION LAW IN CALIFORNIA

Under Proposition 47, law enforcement retains enforcement tools to pursue misdemeanor crimes. Peace officers have discretion to “cite and release” or take into custody an individual suspected of committing misdemeanor offenses. Peace officers may arrest when the crime occurs in their presence or if the offense occurred in the presence of a civilian who describes the offense to the arresting officer. An individual charged with a misdemeanor may also be detained in jail pending arraignment. The individual can be held longer if he/she is likely to commit the same offense or endangers the safety of persons or property if released, among other circumstances. At sentencing, a conviction for a misdemeanor offense can carry a sentence of up to one year in county jail. If an individual is convicted of multiple misdemeanors, the sentencing judge has discretion to impose consecutive sentences. While a growing body of evidence indicates that incarceration is not effective at changing behavior for people convicted of nonviolent crime, local officials can use the threat of incarceration if they believe it is necessary for public safety and/or an individual’s rehabilitation. In lieu of a jail sentence, supervised probation can also be a critical tool for holding someone accountable and changing behavior. Risk assessment tools can help determine which individuals should be supervised while on probation and other conditions that can compel reduced recidivism.⁴⁹

“Police and sheriff deputies have the ability to make arrests for misdemeanor offenses, as well as book individuals into jail. Whether or not they do so is a matter of local policy. Police departments issue guidelines to their officers about how to handle certain offenses based on the willingness of the Sheriff’s Department to use jail space and the District Attorney’s Office to pursue charges. If certain misdemeanor offenses are deemed worthy of arrests and detainment, officers can be directed to act accordingly.”

William Landsdowne, former Chief of Police for the Cities of San Diego, San Jose and Richmond

RISK ASSESSMENT

Risk assessment is a tool to evaluate whether public safety is better served by detaining or releasing an individual. Risk assessment instruments take into consideration a variety of factors to evaluate the likelihood of a person continuing to commit crime and identify factors that can be addressed to reduce repeat crime. Risk assessment instruments can be used at the point of arrest, detention or sentencing for both misdemeanor and felony crimes. When used effectively, risk assessment serves to help law enforcement and criminal justice system decision-makers target their interventions more strategically – it is aimed at assisting decision-makers in determining when arrest or detention in jail is appropriate, and when it is not necessary.

Risk assessment also helps reveal crime drivers, such as addiction or mental health issues, and helps direct resources to more effectively address those drivers, especially when traditional responses to crime, such as jail time, will not resolve those drivers and may exacerbate them.

MISDEMEANOR PROBATION AND GRADUATED SANCTIONS

Expanding the use of graduated sanctions can take the form of community service, victim restitution, supervised probation, mandatory drug testing or curfews, and/or participation in treatment or personal responsibility programs. Restorative justice processes that involve mediated dialogues between the person who committed the crime and the victim also can effectively hold people accountable while repairing the harm caused.

Probation is the most common sentence in California for both felony and misdemeanor convictions. However, most jurisdictions do not supervise individuals on misdemeanor probation or use graduated sanctions to manage misdemeanor probationers. When the individual on probation is at risk of repeating criminal conduct, supervision can improve the effectiveness of this sanction in stopping the cycle of crime. With supervised probation, higher-risk individuals can be monitored more closely along the path of changing behavior. **Counties such as San Joaquin, Yolo, Solano and Santa Barbara have initiated the use of misdemeanor probation since the passage of Proposition 47.**

DIVERSION

Diversion is a growing practice in California, and one that can save significant criminal justice resources and help stop the cycle of low-level crime. When a person is not a threat to harm others, diversion programs offer an alternative: in lieu of arrest (or conviction), the person can complete a particular program, such as community service or treatment.

One of the most well-known diversion programs originated in Seattle, Washington. Law Enforcement Assisted Diversion (LEAD) diverts those suspected of repeat low-level drug, prostitution or other nonviolent offenses who suffer from addiction, to case managers who address the root causes of the behavior. The individuals are assigned to community-based services and treatment rather than jail or prosecution. The program, led by a unique coalition of law enforcement agencies, public officials and community groups, has proven results: participants were 60% less likely to be rearrested within six months compared to people who received traditional sentencing. This diversion program saves money and reduces crime.⁵⁰

Since Proposition 47 passed, interest in the LEAD model has grown in California. In the spring of 2016, representatives from Californians for Safety and Justice and Drug Policy Alliance traveled to Seattle to tour the program and collaborated to advocate for state funding to replicate the LEAD model in California. Governor Brown signed into law SB 843, appropriating \$15 million to fund up to three jurisdictions for LEAD pilot programs.

“ Some are addicted to drugs and alcohol, some have problems with mental illness, some are homeless – they need our help. . . Because each individual can have a different story, we need to tailor treatment to help each particular person. ”

Mayor **Kevin Faulconer**, *San Diego, Times of San Diego*, December 5, 2016

“ SMART offers a different approach, an offer of meaningful help — not just one night in a bed, but up to two years as long as they are in the needed treatment. Our part is to provide the consistency of a bed. (The offenders) part is to provide participation and treatment, and that is meaningful. ”

City Attorney **Jan Goldsmith**, *San Diego, KPBS*, December 5, 2016

Another practice that diverts individuals out of the criminal justice system for nonviolent drug-related offenses is drug courts. A judge can send an individual to drug court for treatment instead of incarceration. The combination of judicial oversight, probation monitoring, and substance abuse treatment is an effective approach to addressing the underlying drivers of crime. Drug courts have typically only been an option for low-level felony crimes.

Because Proposition 47 reclassified simple drug possession from a felony to a misdemeanor, there was a decrease in drug court admissions shortly after the measure was passed. Since then, drug courts have changed their eligibility criteria to include misdemeanors or higher-risk felonies. A survey by the Judicial Council in 2016 showed that 59% of responding courts changed their eligibility criteria – 28% to include higher risk and 31% to include misdemeanants – resulting in an increase in admissions.⁵¹

EARLY INTERVENTION

To address lower-level misdemeanor offenses, the San Diego City Attorney’s Office launched the Community Justice Initiative (CJI) in partnership with the Sheriff’s Department, Public Defender’s Office, local organizations and service providers. The CJI program allows people convicted of misdemeanors to complete 16 hours of community service within 90 days in exchange for a dismissal of their criminal cases. The participant is connected with service providers to complete their community service. These service providers also provide assistance with education, employment, housing and mental health.

Early results from CJI show the program is working: 84% of CJI participants have completed their required community service.

In 2016, CJI expanded to risk screening and needs assessments with validated tools. Every CJI participant is offered a risk screening at court. Participants who score medium or high are offered the opportunity to complete a needs assessment and to meet with a case manager at a local service provider to develop and implement an individualized case plan to satisfy their community service obligation and connect with needed social services.⁵²

Building on its CJI effort, the San Diego City Attorney's Office also created a new program: San Diego Misdemeanants At Risk Track (SMART). In partnership with the Police Department, Sheriff's Department, Superior Court, County Behavioral Health Services, ACLU and the Housing Commission, the pilot includes supportive housing, substance abuse treatment, case management and a housing navigator. Qualifying individuals with misdemeanor offenses will receive a SMART offer in lieu of jail or custody.⁵³

A FOCUS ON HOMELESS POPULATIONS

Other emerging models focus on populations that require specialized interventions. People struggling with homelessness are at risk of being victims of crime or becoming perpetrators. Innovations to address the cycle of chronic homelessness and lawbreaking are making a difference and saving resources.

Santa Barbara's Restorative Policing program is an effort to address the causes of homelessness and chronic lawbreaking. On a daily basis, the Restorative Policing team (comprised of sworn officers, Community Service Liaisons and Restorative Outreach Specialists) makes personal contact with homeless clients. The team helps them access a wide range of services and programs, including transportation, detox services, mental health assessments, Medi-Cal, SSI, Veteran Services, residential programs, sober living homes, employment opportunities, places of worship and emergency room care as needed. If those who are cited remain citation-free for six months, their cases are dismissed; the court helps individuals enroll in drug or mental health treatment programs, housing facilities and more. From 2011 to 2015, the team handled over 300 cases. An analysis of one year (2011-2012) revealed successful program placement of 107 chronically homeless people.

“

As a police department here in Santa Barbara, what we are striving to do is to minimize the number of repeat offenders by offering a variety of help with our different partners in our county in terms of mental illness, homelessness, dual diagnosis, substance abuse and all those issues. We believe that incarceration isn't the answer.

”

Cameron Sanchez, former Chief of Police, City of Santa Barbara,
in a video produced by Californians for Safety and Justice,
“[Innovative Policing Approach to Mental Health, Drug Problems](#)”

February 5, 2015

STABILITY TO STOP THE CYCLE: HEALTHCARE AND JOBS

Beyond smart approaches to use risk assessment, diversion, graduated sanctions and other options to hold people convicted of misdemeanors accountable and stop repeat crime, local jurisdictions can also help people coming out of the criminal justice system on a pathway to stability. Jobs, housing, healthcare and more can go a long way to improving people's life outcomes and improving public safety. Here are a few examples emerging since the passage of Proposition 47.

- **The Public Defender's Office as Gateway to Healthcare Enrollment:** California's implementation of the Affordable Care Act (ACA) created an unprecedented opportunity for previously uninsured individuals to receive healthcare coverage and access to services – including many people with histories of criminal justice system involvement. Criminal justice populations have high levels of physical and behavioral healthcare needs, but their enrollment numbers are low. With funding from The California Endowment, San Bernardino County and Alameda County were able to direct Public Defender's Offices to conduct ACA enrollment for individuals applying for Proposition 47 record change and connect them to healthcare and community services. This effort helped to drive down overall healthcare and criminal justice system costs.
- **Unions Offer Pathways to Jobs:** Led by Sheet Metal Workers Local 104, labor unions in San Joaquin County are committed to making union jobs available for individuals who have changed their records under Proposition 47. In addition, Californians for Safety and Justice partnered with the San Joaquin Building Trades and Mary Magdalene

Uber Opening Doors of Opportunity

In early 2016, Uber announced it had aligned the driver prescreening process in California with Proposition 47. Since then, the company has worked with various organizations and nonprofits to proactively notify disqualified drivers about Proposition 47 and how to apply for record change. Uber recently expanded similar efforts to Rhode Island and Connecticut as well.

For the more than 70 million Americans who have criminal records, finding work can be an uphill battle. Since Uber aligned its prescreening process with Proposition 47, more than 3,300 people have signed up to drive with Uber to earn a living. These drivers have the same average rating as their counterparts (4.82 as of August 2016), and they appear to live in areas in which work is harder to find.

Uber is offering these drivers a second chance to rebuild their lives. Uber CEO Travis Kalanick summed up his company's commitment in a *San Francisco Chronicle* op-ed: "Once a person has served their time, we need to give them a second chance. Consigning millions of Americans to a life of unemployment – with all the costs that entails – may be the easier option. It's certainly not the best one for our country."

Community Services to develop the San Joaquin Proposition 47 Jobs Program. The program launched with 10 participants and two labor unions. The goal is to increase the number of unions from different sectors to both expand the types of employment available and to serve as a model for implementation by other labor unions across the state.

There are many other examples of local practices that can shift to more effectively stop the cycle of nonviolent crime, such as fine and fee forgiveness to incentivize compliance with probation requirements. Another approach is to reduce the number of people unnecessarily held in jail for pretrial detention when they cannot afford bail, so individuals that are a greater risk to public safety can be held when needed.

CONTINUING NEEDS: PREVENTION AND TREATMENT

Even with emerging criminal justice innovations, there is an urgent need to do much more to prevent crime from happening in the first place. For decades, overspending on prisons and incarceration has depleted state and local resources needed for a more balanced approach to public safety.

Despite ever-growing incarceration expenditures, California lacks effective prevention and treatment infrastructures that are scaled to reach the full number of people in the population who are vulnerable to becoming victims or engaging in criminal behavior. **Forty-nine out of California's 58 counties have no residential drug treatment.**⁵⁴ Since 1995, the number of acute psychiatric inpatient beds available in California has dropped by 30%.⁵⁵ Too many youth lack basic access to free afterschool programs, educational assistance or efforts that support healing from early childhood adversity. These are the new safety priorities that California can, and should, begin to address at scale.

“ [W]e need a new way of thinking about what community safety truly means.... The overwhelming majority of dangers and harms that confront young people and families have nothing to do with guns or badges... [and] spending on law enforcement cannot be the only way we think about investing in improving community safety. . . . Just as the word peace means more than the absence of war, and health means more than the absence of disease . . . safety means more than an absence of crime. ”

Dr. Robert K. Ross, President and CEO, The California Endowment,
op-ed, *Los Angeles Times*, November 1, 2016

There has never been a more important time to break with the imbalanced and ineffective approaches to safety of the past. By preventing crime, and making sure those in need gain access to treatment before they fall into the cycle of crime, California can provide a model for the nation of what balanced and smart approaches to safety look like.



Galvanizing A MOVEMENT

From the launch of the campaign to the implementation of the law, Proposition 47 has led to more action, outreach, community empowerment and media coverage than any justice reform measure to date. Today, more organizations and government leaders are activated around issues of safety and justice than ever before.

Whether it was door-knocking to spread the word to voters during the campaign, reaching out to Californians eligible for record change after it passed or advocating for increased budget reallocations from punishment to prevention, the groundswell of activity has been growing stronger over the last two years – representing an unprecedented movement for new safety priorities.

The efforts to advance the reallocation of incarceration spending to prevention and treatment exemplify the kind of diverse and strong coalitions that have been built through Proposition 47.

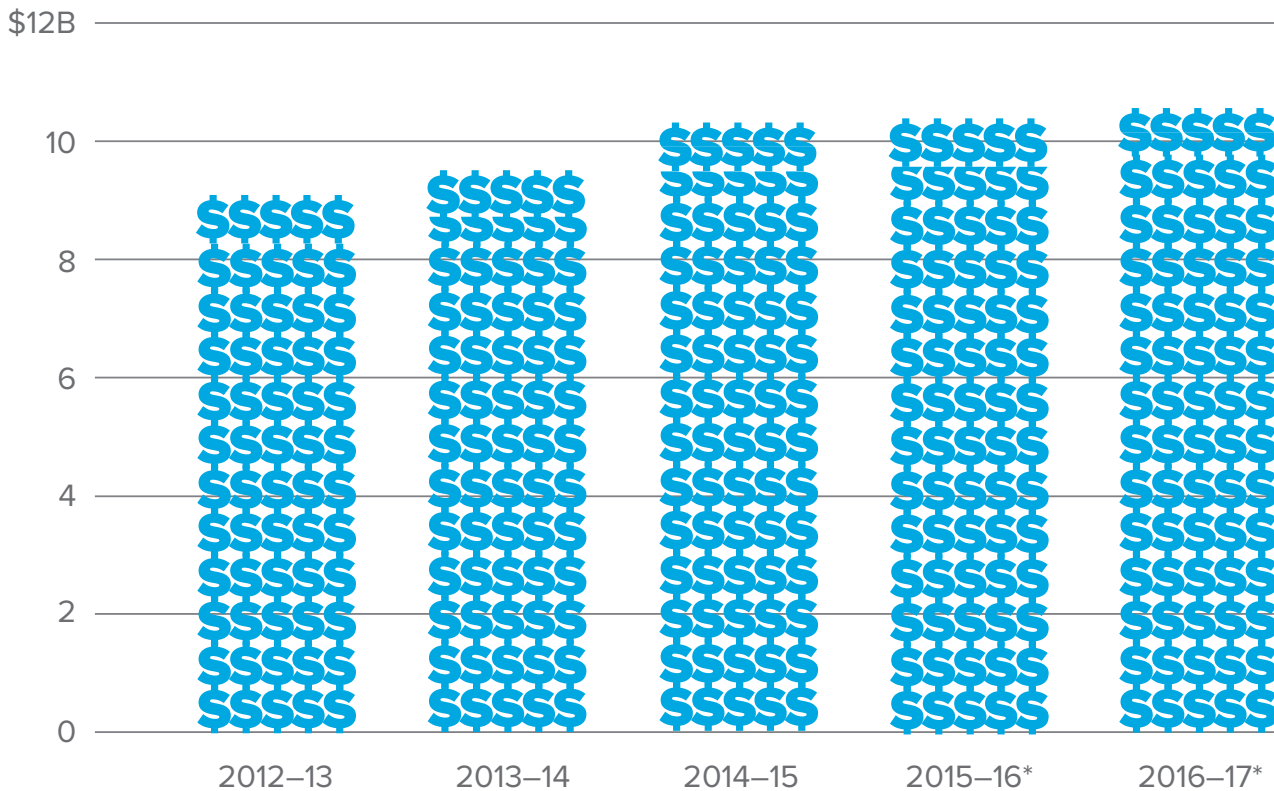
DIVERSE ADVOCATES FROM ACROSS THE STATE CALL FOR INCREASED STATE REALLOCATION

One of the most important aspects of Proposition 47 that garnered widespread public support was the measure's required reallocation of the money saved in the state prisons budget to local mental health and drug treatment, prevention programs for at-risk youth in public schools, and trauma recovery services for crime victims.

Many Proposition 47 supporters saw this component of the measure as long overdue. Decades of dramatic increases in prison incarceration led to increased expenditures and depleted many of the very resources needed to prevent crime and improve community safety at the local level. Worse, recent decreases in state imprisonment did not result in more balanced spending. The amount of money the state annually spends on prisons has not decreased. In fact, since 2007, despite a drop in state imprisonment by 26%, the state corrections budget has grown, now hovering at nearly \$10.5 billion dollars annually.⁵⁶

Figure 13.

General fund support for the California Department of Corrections and Rehabilitation is up by \$1.2 billion



Source: California Budget & Policy Center (August 2016), on file with author.

*2015-16 estimated and 2016-17 enacted. Inflation-adjusted dollars in billions. Figures reflect 2016-17 dollars.

“Spending for adults under state jurisdiction – which comprises more than 80 percent of total corrections expenditures and includes security and operations as well as health care – remains stubbornly high.”

California Budget and Policy Center, Issue Brief, November 2015

When Proposition 47 was proposed for the 2014 ballot, the independent Legislative Analyst’s Office (LAO) conducted an analysis of the anticipated savings or costs associated with the measure, as required by law for all ballot measures. The LAO concluded that Proposition 47 may save roughly \$100 million, or more, in state prison expenditures and could net additional savings in the hundreds of millions in county criminal justice system costs as a result of reduced caseloads and jail intakes.

Proposition 47’s reallocation component required the following: The state Department of Finance is responsible for calculating, on an annual basis, the costs averted in state corrections expenditures as a result of Proposition 47, beginning in the 2015-16 budget cycle (a year after the measure passed, so actual savings could be accrued). Those savings are then distributed to three state agencies responsible for conducting a “request for proposals” process and granting the dollars to local agencies.

In the January 2016 projected state budget, the proposed reallocation savings totaled \$29 million, well below LAO estimates. With more than 4,000 fewer people in state prison – and the state’s annual expenditure of more than \$60,000 per inmate – many supporters expected to see more dollars reallocated.

The LAO took the unusual step of issuing its own report disagreeing with the Department of Finance calculations and urging a revised approach.

“

We find that the administration likely underestimates the savings and overestimates the costs resulting from the measure. For example, we estimate that the actual level of prison savings due to Proposition 47 could be \$83 million higher compared to the administration’s estimate. Overall, we estimate that the SNSF deposit in 2016–17 could be around \$100 million higher than the administration’s figure.

”

Legislative Analyst’s Office,

The 2016–2017 Budget, Fiscal Impacts of Proposition 47, February 12, 2016

A call for increased reallocation emerged across the state, and across diverse sectors. Local government, community, business and faith leaders joined together to advocate for more savings.

- Led by Community Coalition, grassroots organizations across the state mobilized to call on legislators to intervene. Hundreds of people from organizations like California Calls and PICO California led delegation visits and conducted outreach to legislators across the state.
- The California Budget and Policy Center conducted its own assessment and concluded there was a need for increased savings.
- The *Los Angeles Times* and *Orange County Register* newspapers wrote editorials raising concerns and calling for additional investments. “Californians have called for a different set of priorities for the criminal justice system and for how they want to see their money spent,” the *Los Angeles Times* editorialized. “They have a right to demand better follow-through than what they are currently seeing in the governor’s proposed budget.”
- Local elected officials – including the Los Angeles City Council, the Los Angeles Board of Supervisors, the San Diego City Council and the San Bernardino School Board – passed resolutions calling for the state to reevaluate and increase the savings.



Board of State and Community Corrections

Proposition 47 directs 65% of savings to grants supporting diversion programs, mental health treatment and drug treatment by way of the Board of State and Community Corrections (BSCC), 25% is allocated to grants supporting at-risk youth in public schools for services such as truancy and dropout prevention by way of the Board of Education, and 10% is allocated to trauma recovery centers to support underserved crime survivors by way of the state Victim Compensation Fund.⁵⁸ Assembly Bill 1056, passed by the State Legislature in 2015, further defined the types of recidivism-reduction programs the Proposition 47 savings should support, including reentry housing assistance and employment-related services like job skills training.⁵⁹ In response to the new task of distributing 65% of the funds, the BSCC held a series of town halls up and down the state of California to collect input from Californians of all walks of life.

Prop 47: 65%/25%/10%

The board held six hearings, attended by close to 700 people in total, a larger public input process than BSCC has ever organized in evaluating its funding priorities. The BSCC created a 19-person Executive Steering Committee charged with guiding the process for awarding the Proposition 47 savings. Nearly one-third (six of 19 members) of the committee is comprised of people who have been formerly incarcerated, the first time the BSCC has included the voices and experiences of those who have been through the reentry process in decision-making on granting priorities. The very act of looking for formerly incarcerated individuals, including them on the Executive Steering Committee and appreciating the unique input they bring has influenced the BSCC's work and demonstrated the need for this kind of participation moving forward. Since then, in addition to the Proposition 47 Executive Steering Committee, formerly incarcerated people have been included on both the Pay for Success and Law Enforcement Assisted Diversion Executive Steering Committees. **Including formerly incarcerated or system-involved people in the BSCC is one of the most powerful impacts of the Proposition 47 movement to date.**

- The Los Angeles Chamber of Commerce wrote letters to legislators and testified in front of the Legislature urging an increase. Conservative businessman and philanthropist B. Wayne Hughes Jr. published a powerful op-ed calling for an increase.
- Law enforcement leaders including San Francisco District Attorney George Gascón and Santa Clara District Attorney Jeff Rosen; Judge George Eskin (Ret.); and Thomas Hoffman, former Deputy Police Chief and former Director, CDCR Department of Corrections and Rehabilitation, Division of Adult Parole urged a review.

After months of activity, outreach and urging, the Governor's Final Budget for 2016–2017 included a \$68 million allocation for Proposition 47, double what was originally estimated.⁵⁷

LOS ANGELES LEADERS JOIN TOGETHER TO ADVANCE LOCAL REALLOCATION

The opportunity to rebalance safety investments to improve prevention and treatment is not only a conversation for state budgeting. Proposition 47 has spurred local debates on safety priorities as well. With reduced jail populations and felony caseloads, the LAO's estimated local savings would also emerge as a result of Proposition 47.

The Los Angeles Coalition for Safety and Justice – a 13-member coalition of nonprofit organizations advancing justice reform in Los Angeles – joined together to call on the Los Angeles County Board of Supervisors to identify local savings under Proposition 47 and reallocate those savings to prevention and treatment. After receiving input from hundreds of stakeholders countywide, the Board of Supervisors passed a motion to direct the auditor-controller to report on the fiscal impacts of Proposition 47 on Los Angeles County Department budgets to identify savings and reallocation opportunities.⁶⁰

The auditor-controller reviewed the impact of Proposition 47 on eight county departments (Sheriff's Department, Probation Department, District Attorney, Public Defender, Alternate Public Defender, Department of Health Services, Department of Public Health and Department of Mental Health). It found that, while no department had adequate mechanisms in place to track Proposition 47 savings, the rough estimate of Proposition 47 cost savings, due to workload changes, was approximately \$9.2 million in the first year since implementation.⁶¹

“ Proposition 47 intends for us to be smarter about criminal justice by responding to addiction and mental illness with treatment, rather than incarceration. I am proud that we are taking a proactive step towards redirecting Proposition 47 savings to community-based organizations, who treat the root causes of crime instead of the symptoms. ”

Los Angeles County Supervisor **Hilda Solis**⁶²

In response to the auditor-controller's report, the Board of Supervisors passed an additional motion requiring reallocation of all local Proposition 47 savings to prevention, and that the money be split equally among community-based crime prevention programs to provide mental health and substance abuse treatment and victims' services.⁶³

“ With Proposition 47, people who have committed certain nonviolent and nonserious crimes have a chance to turn over a new leaf. We must not squander this opportunity – this mandate – to reform our criminal justice system so that it’s less punitive and more humane, with the potential to be healing and transformative. ”

Los Angeles County Supervisor **Mark Ridley-Thomas**⁶⁴

Los Angeles County Coalition for Safety and Justice

With support from The California Endowment, the Los Angeles Coalition for Safety and Justice (the Coalition) became a central organizing mechanism for Proposition 47 implementation and collaboration in Los Angeles. Co-facilitated by Californians for Safety and Justice and Community Coalition, the Coalition includes 13 community-based organizations from across Los Angeles County.

.....

- Advancement Project
- A New Way of Life Re-Entry Project
- Centro C.H.A.
- Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
- Communities In Schools of the San Fernando Valley and Greater Los Angeles
- Community Coalition
- Homeboy Industries
- LA Voice
- Liberty Hill Foundation
- Los Angeles Community Action Network (LA CAN)
- Los Angeles Metropolitan Churches
- One LA-IAF
- Strategic Concepts in Organizing & Policy Education (SCOPE)

The Board also passed a motion to order eight county departments to develop uniform tracking systems to measure the fiscal impact of the law and accurately identify county-level savings. It also prohibited county departments from self-allocating Proposition 47 savings within their department without Board of Supervisors approval. **“The state Legislative Analyst’s Office studied the numbers and projected savings to counties from Proposition 47 at ‘hundreds of millions of dollars’,”** the *Los Angeles Times* editorialized. **“Counties could choose, right now, to spend their savings on all those rehab and reentry programs that critics say are not yet funded.”**⁶⁵

Los Angeles City leaders have also played a critical role in engaging the public in dialogues about how Los Angeles should invest in rebalanced approaches to safety and justice. In spring 2016, the Mayor’s Office of Diversion and Reentry held six Proposition 47 town hall meetings to seek community input on how best to implement the law.

“ There’s a better way to funnel offenders into treatment than going back to the way things were. That’s to get rid of the big stick sanction method and simply reform sentencing policy so that treatment is a requirement for addicts, not an option. ”

Superior Court Judge **Stephen Manley**,
founder, Santa Clara County Drug Treatment Court,
Los Angeles Times op-ed, October 29, 2015

With outreach support from the Los Angeles Coalition for Safety and Justice, hundreds of residents attended these town halls and generated deep conversations. Residents provided community input stating the county needs to prioritize investments in community-based mental health and substance abuse treatment, truancy and dropout prevention services and services for victims of crime, including programming to assist individuals recently released from prison with accessing trauma treatment programs.

The intensive community engagement in Los Angeles has elevated the need for increased prevention and treatment investments and inspired similar efforts across the state. Dozens of organizations in diverse counties are engaging local elected officials and systems leaders in discussions about new safety priorities.



Grassroots Leaders Leading the Way

A New Way of Life Re-Entry Project

A New Way of Life (ANWOL) Re-Entry Project provides housing and support services to formerly incarcerated women in Los Angeles, facilitating a successful transition back to community life. Since its founding in 1998, ANWOL has helped transform the lives of more than 1,000 women and their children. ANWOL played a critical role in the Proposition 47 campaign through voter outreach, and has been actively engaged in implementation through legal services as well as advocacy.

Community Coalition

Community Coalition works to help transform the social and economic conditions in South Los Angeles by building a community institution that involves thousands in creating, influencing and changing public policy. The organization was pivotal to the success of the Proposition 47 campaign through voter outreach. It facilitates the Los Angeles Coalition for Safety and Justice and has been a leader in ongoing implementation efforts both in Los Angeles and statewide.

PICO California

PICO California is the largest multiracial, faith-based community organizing network in the state. Comprised of 19 local affiliates and representing over 200,000 families, PICO California mobilizes the faith-based community around social justice issues. The organization played an instrumental role in the Proposition 47 campaign through voter outreach and advocacy efforts on Proposition 47 implementation.





RECOMMENDATIONS

Proposition 47 opened a path that departed from the ineffective criminal justice practices of the past toward a new approach to safety. In just two years since implementation, the measure has impacted hundreds of thousands of Californians and changed the course of history in California justice policy and practice.

To achieve a balanced approach to public safety that emphasizes crime prevention, stopping the cycle, fairness and dignity for all Californians, there is much further to go. The recommendations below describe the implementation bricks that must still be laid to achieve the scale and depth of reform envisioned under Proposition 47.

1. Maximizing and Streamlining: Reaching Hundreds of Thousands More Eligible Californians and Simplifying the Process

Proposition 47 was a national first. Hundreds of thousands of Californians have already benefited from removing felony convictions from old criminal records. Yet, many hundreds of thousands more eligible people have yet to learn about the law or take full advantage of the opportunity. Local governments can bridge this gap and streamline the process in their jurisdictions by taking these critical steps.

A. Develop a proactive outreach plan for each county: Each county should create a task force of government and community stakeholders to develop and implement a customized strategy for reaching potential eligible residents. Awareness strategies to consider include billboards, direct mail and in-jail outreach. An outreach plan is especially important for the 22 counties without a formal Public Defender's Office and where the Superior Court or Law Library can step in by providing record change or clean slate clinics and *pro bono* attorneys.

B. Create dedicated court dockets and pre-conference strategies in every county: As several counties across the state are demonstrating, court dockets devoted to Proposition 47 cases allow courts to process applications more efficiently. Pre-conference hearings can limit the need for hearings by allowing quick review and approval of uncontested applications. Noticed hearings should be required for contested decisions, allowing for greater transparency in the process.

C. Create uniform and consistent cross-sector data collection and reporting: Criminal justice system agencies often use data systems that are unique to their agency, resulting in information silos that limit data sharing with other agencies in the same jurisdiction. This makes it difficult to identify Proposition 47-eligible individuals and reach them. Uniform and consistent cross-sector data collection and reporting processes would go a long way to addressing these challenges and other reform efforts.

2. From Record Change to Stability and Empowerment: Making the Proposition 47 Application Process an Access Point

Beyond removing felonies from old criminal records, Proposition 47 has the potential to link applicants seeking record change to a host of health, education, employment and housing services that strengthen individual, family and community stability and empowerment. The following strategies can streamline the record change process and turn it into an access point for improved quality of life.

A. Improve and expand clean slate opportunities in every county: Too few counties have dedicated staff or court time to reduce the collateral consequences of criminal records. Every county should create a Clean Slate Unit in its Public Defender's Office (or in the Superior Court, for those counties without a public defender) and dedicate court time to processing expungement applications and other clean slate remedies.

B. Waive court filing fees for Proposition 47, expungement and other clean slate petitions: For many people, court filing fees are a significant barrier to changing their old criminal records. In some California counties, petitioners who come to the local Public Defender's Office are screened for ability to pay and filing fees are waived for those who are found indigent. Court filing fees should be eliminated for those who are indigent.

C. Waive fees for obtaining "Live Scan" DOJ RAP Sheets: Many who most need access to their criminal records often cannot afford the fees associated with acquiring them. Without their "Live Scan" DOJ RAP Sheets, these individuals are unable to begin the record change process, the gateway to opening employment, housing and education opportunities. Obtaining a DOJ RAP Sheet also can help an individual know what employers and potential landlords will see when a background check is conducted, and take steps to correct any inaccurate information. The fees for obtaining copies of criminal records should be eliminated.

D. Develop public/private partnerships to create pathways to employment: For many people, attending a record change clinic or justice fair is the first step to accessing employment opportunities. Cities and counties can maximize this engagement point by developing robust public-private partnerships to provide employment assistance, including employment and training services, and where possible, connect employers with Proposition 47 beneficiaries who are ready to compete in the labor market. In addition, these partnerships can help with wraparound support services such as transitional employment, mental health, healthcare, housing, financial literacy and substance abuse counseling. They also can serve as a way to conduct Proposition 47 outreach and/or connect individuals to Proposition 47 legal services when needed (for example, when an individual does not pass an employment background check and needs to begin the record change process in order to reapply for employment).

E. Expand fair chance hiring practices for people with criminal records: Every county should secure commitments from public and private sector employers to encourage second chance hiring. These practices include “banning the box,” which delays criminal history questions until later in the hiring process; offering supportive services that can help ensure employee success once they are on the payroll; and engaging the local chambers of commerce and other business organizations to encourage open and fair hiring practices among their members. Counties should also maximize the impact of the White House Fair Chance Business Pledge⁶⁶ by partnering with pledge signatories who already are hiring in their communities.

F. Host one-stop events that include healthcare access, civic engagement, employment opportunities, immigration services and more: Record change events are opportunities to connect individuals to healthcare enrollment, housing and employment assistance, voter registration, county family services, bilingual immigration services, consultation on other legal matters such as traffic tickets and other critical support services. Counties should partner with multiple agencies to offer this “one stop” approach.

3. Adapting Local Practices: Scaling Up New Ways to Combat Old Crime Cycle Problems

Proposition 47’s impact on California’s justice system extends far beyond reduction in state imprisonment. In two short years, the number of felony arrests and convictions has plummeted dramatically. The law also has pulled back the curtain on how most jurisdictions manage – or fail to manage – misdemeanor crime. For decades, too few jurisdictions had a coherent strategy for handling low-level crime, including the use of risk assessment and graduated sanctions, and crime prevention and treatment efforts. Local leaders must revamp old approaches to low-level crime that no longer work in this new era of justice reform.

A. Conduct a jail utilization or criminal justice system study in each county: With the shift in emphasis from state imprisonment to local justice systems, every county in California should conduct a study to evaluate the current use of its jail and criminal justice resources. By analyzing the reasons why people are incarcerated in local jails, the causes of jail pressures and how decisions are made at each juncture of the criminal justice system, counties can better identify community-level solutions to prevent and reduce the use of jail for people who are at low risk to cause harm and the likelihood that previously jailed people will be jailed again. Jail utilization studies can also be used to identify ways to expand community-based treatment and services options that can more effectively address underlying drivers of crime.

B. Develop risk-based (instead of financially based) pretrial release programs to reduce pretrial populations in jails: The majority of county jail populations statewide are comprised of pretrial detainees (people who have not yet been convicted of a crime but are awaiting trial and unable to post bail). Counties can save bed space and hundreds of millions of dollars by instituting pretrial risk assessment programs and monitoring programs for people who can be safely released in the community while they await trial.

C. Use risk assessment to determine the best justice system response: New practices are emerging across the country that use risk analysis – even at the point of arrest – to better discern who is low-risk, who is engaging in escalating behavior and who should be taken into custody. All local jurisdictions should support law enforcement agencies in developing and expanding these emerging practices, including initiating pilot programs to begin implementing risk-based decision-making at the point of arrest and the point of detention for both misdemeanors and felonies.

“ I saw what the new law ought to get credit for: allowing law-abiding folks to clean up ancient criminal records that can keep them on society’s margins, blocked from good jobs, locked out of decent housing and barred from student loans. ”

Sandy Banks, Columnist, *Los Angeles Times*, September 29, 2015

D. Create risk-based supervised probation programming for people with misdemeanor convictions: Given the increased number of people receiving misdemeanor probation sentences, local probation departments should be supported in adjusting practices to use risk-needs analysis to evaluate which probationers would benefit from supervision and treatment, and which probationers do not need supervision. Every county should review misdemeanor probation practices to evaluate the need for implementing risk assessment and supervision.

E. Expand treatment options to address the drivers of low-level crime: Counties across the state adapting to Proposition 47 are expanding the criteria for drug courts, which have been historically limited to low-level felony offenses, to include misdemeanors and more serious felonies. Some counties, such as Santa Barbara, have created separate tracks for low- and medium-risk individuals (with shorter programs and more appropriate supervision levels) and those who are high-risk (with longer, more highly supervised programs) within the same drug court. Similarly, implementing LEAD programs that divert appropriate individuals out of the court system and to community-based treatment options would also help address the root causes of low-level crime. Additionally, drug court diversion for all drug offenses for defendants 24 years old and under would provide treatment options to young people but also help keep them out of the court system and keep their records clean, all of which are essential to youth obtaining a stable economic future.

F. Develop targeted strategies in response to chronic and repeat criminal activity: In many jurisdictions, a small percentage of people are responsible for a large portion of chronic criminal activity. New programs created in partnership with community groups are focusing deterrence strategies on changing the behavior of this targeted group of individuals, using a combination of enforcement as well as social service resources. In 2014, North Carolina’s High Point Police Department, for example, began identifying people who were committing chronic shoplifting crimes and alerting them individually to various potential prosecution outcomes. The result was an almost immediate drop in shoplifting, reaching a 42-year low in 2015.⁶⁷ Increasing and expanding support of these strategies would further reduce low-level crime and costs.

4. Expanding Reallocation: Improving the State Process and Opening Up Reallocation Strategies Locally

Support for Proposition 47 emerged in part because a sizeable contingent of the California electorate recognized that our state's public safety spending priorities are severely imbalanced. After decades of ever-increasing prison expenditures, Proposition 47 sought to capture the savings the measure generated in prison costs and redirect those dollars to under-supported safety strategies. Taking lessons from the first year of allocation, state and local policymakers have an opportunity to commit to reallocate resources at the state and local levels.

A. Improve the Proposition 47 formula in coordination with the Legislature: Despite predictions by the independent LAO that Proposition 47 would save more than \$100 million annually, the first year's estimate was notably lower. Part of the discrepancy emerges from differing opinions on the most appropriate formula to calculate annual savings. The administration's Department of Finance should join with the LAO and legislative leaders to develop a jointly supported formula that can reliably predict for annual savings that align with voter expectations.

“ Making sure that as many people as possible who are eligible for Proposition 47 relief file applications is key not just for maintaining a society that is just and merciful, but it is also essential for public safety. ”

Chaplain Javier Stauring, co-director of the Office of Restorative Justice at the Archdiocese of Los Angeles, *Los Angeles Daily News*, September 24, 2015

B. Build additional reallocation strategies into the state budget: Beyond the Proposition 47 savings and reallocation process, state spending on public safety priorities remains heavily invested in incarceration instead of being balanced against options that more effectively prevent crime from occurring, and options that hold people accountable to stop the cycle of crime through graduated sanctions, treatment, court supervision programs, rehabilitation and more. Leaders from the Legislature and the administration should develop a broader strategy to reduce prison spending and proportionally increase investments into crime prevention, graduated sanctions and alternatives to incarceration.

C. Require reallocation at the local level: Imbalanced investments are not solely a challenge in the state budget; many local jurisdictions have seen incarceration costs rise too, without making sufficient investments in crime prevention, treatment and alternatives to incarceration. Such investments should become a centerpiece in local public safety spending priorities. Proposition 47 should inspire local jurisdictions to evaluate their safety investments. Cross-agency data collection and reporting would allow local jurisdictions to develop shared metrics for understanding community needs and the availability of crime prevention programming, as well as to identify dollar savings and efficiencies created by Proposition 47 and other reforms.

5. Beyond Proposition 47: Cleaning Up the Legacy of Mass Incarceration and Winning New Safety Priorities

Proposition 47 was pivotal for California, and the nation, and it was just the beginning. We must now forge a new blueprint for community safety that goes beyond reducing over-incarceration by replacing mass incarceration with new safety priorities rooted in prevention and community health.

A. Scale up investments into crime prevention and support for survivors: Counties that prioritize prevention are better prepared to stop crime cycles before they start. Prevention strategies that are particularly critical to fostering safe communities include addressing childhood trauma, increasing health coverage enrollment and access to preventive healthcare, ensuring equitable access to early childhood education and job opportunities for youth, addressing school climate including safety and dropout issues, and scaling up behavioral health and drug treatment services to meet the needs of the community.

B. Eliminate barriers to stability for people with felony convictions: California leaders should establish a committee to review and revamp the state code and Equal Employment Opportunity Commission guidelines to strip from the 4,800 restrictions that people with felony convictions now face those which do not have a clear nexus to the underlying crime. Additionally, the state should automate expungements for specified offenses and eliminate fees for other clean slate remedies. Finally, the state should invest in scaling up model reentry programs to improve life outcomes for people with criminal records.

C. Replace over-incarceration with risk assessment, rehabilitation and reentry: Over a three-decade period from 1981 to 2011, the money California spent on prisons and on incarcerating people increased by more than 300 percent. During this time, the state also reduced the number of behavioral health treatment beds by nearly half. Meanwhile, the recidivism rate skyrocketed to nearly 70 percent. Proposition 47 requires a change in the way the criminal justice system does business. It is crucial that criminal justice leaders – district attorneys, public defenders, sheriffs, probation, courts – work together to change their approach to safety and justice. Investing tax dollars wisely in practices and strategies that better address the drivers of crime will help reduce costs and focus resources on serious and violent offenses. As described in the recommendations above, this includes implementing risk assessment policies to determine the appropriate responses to individuals who commit crimes, providing robust rehabilitation programs and incentives, and expanding critical reentry supports.

Partners

One of the greatest outcomes of Proposition 47 is the creation of a statewide Second Chances movement. Since the initiative passed, organizations and individuals from multiple sectors and a broad spectrum of political views have continued to work closely together for the greater good of providing Californians with opportunities to change their records and get a second chance on life. These partnerships seeded the beginning of much-needed criminal justice reform in California, one that is rooted in crime prevention, rehabilitation and treatment over incarceration. These partners are:

Community-Based Organizations

Advancement Project
ACLU of San Diego and Imperial Counties
ACLU of Southern California
Alliance of Californians for Community Empowerment (ACCE) Institute
All of Us or None
Always Knocking, Inc.
American Civil Liberties Union (ACLU)
Amity Foundation
A New Way of Life Re-entry Project
Anti-Recidivism Coalition
Asian Americans Advancing Justice – Los Angeles
Bend the Arc: A Jewish Partnership for Justice
Bridget's Dream
Brothers, Sons, Selves Coalition
Building Healthy Communities
California Budget & Policy Center
California Calls
California Family Resource Association
California Partnership
California School-Based Health Alliance
Californians United for a Responsible Budget (CURB)
Center on Juvenile and Criminal Justice (CJCJ)
Centro C.H.A., Inc.
Children's Defense Fund
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Commonweal Juvenile Justice Program
Communities for a New California
Communities for a New California Education Fund
Communities in Schools of San Fernando Valley and Greater Los Angeles
Communities United for Restorative Youth Justice (CURYJ)
Community Coalition
Community Partnership for Families of San Joaquin
Contra Costa Interfaith Supporting Community Organization (CCISCO)
Crime Survivors for Safety and Justice – LA Chapter

Dolores Huerta Foundation
Drug Policy Alliance (DPA)
East Bay Community Law Center (EBCLC)
El Concilio
Ella Baker Center for Human Rights
Fathers and Families of San Joaquin
Friends Outside in Los Angeles County (FOLA)
Great Beginnings for Black Babies, Inc.
HealthRIGHT 360
Homeboy Industries, Inc.
Human Impact Partners
Humphreys College, Laurence Drivon School of Law
Immigrant Legal Resource Center
Inland Empire Latino Lawyers Association
L.A.U.R.A. (Life After Uncivil Ruthless Act)
LA Voice
LawYaw
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Legal Aid Foundation of Los Angeles (LAFLA)
Legal Services for Prisoners with Children
Los Angeles Community Action Network (LACAN)
Los Angeles County Labor Federation
Los Angeles County Public Defender's Office
Los Angeles Metropolitan Churches
Los Angeles Regional Reentry Partnership (LARRP)
Merced Organizing Project
Motivating Individual Leadership for Public Advancement (MILPA)
NAACP of Stockton
National Council of La Raza
National Council on Crime and Delinquency
Neighborhood Legal Services of Los Angeles County (NLSLA)
Oakland Unite
OneJustice
One LA-IAF
People Acting in Community Together (PACT)
PICO California
PolicyLink
Project Kinship

Community-Based Organizations, Cont.

Reinvent South Stockton Coalition
Riverside Alternatives to Jail Expansion Coalition
San Diego Organizing Project
San Joaquin County Bar Association
San José State University Record Clearance Project (RCP)
San Mateo County Bar Association Private Defender Program
SHIELDS for Families
Sons & Brothers
Stanford Justice Advocacy Project
(formerly the Three Strikes Project)

Starting Over, Inc.
Strategic Concepts in Organizing and Policy Education (SCOPE)
Time for Change Foundation
United Way of San Joaquin County
Violence Prevention Coalition of Greater Los Angeles
Voluntary Legal Services Program (VLSP) of Northern California
Young Women's Freedom Center
Youth Justice Coalition
Watsonville Law Center
Working Partnerships USA

Government Agencies and Leaders

Jeff Adachi, Public Defender, San Francisco
Tom Ammiano, Former Assemblymember
Michael Blower, City Councilmember, Stockton
Rob Bonta, Assemblymember
California Department of Justice
George Eskin, Judge, Santa Barbara Superior Court
Christina Fugazi, City Councilmember, Stockton
Eric Garcetti, Mayor, Los Angeles County
George Gascón, District Attorney, San Francisco
Marqueece Harris-Dawson, District 8 Councilmember, Los Angeles
Tom Hoffman, Former Deputy Police Chief, West Sacramento and former Director, California Department of Corrections and Rehabilitation, Adult Parole Division
Elbert Holman, City Councilmember, Stockton
Stephanie James, Probation Chief, San Joaquin County
Reggie Jones-Sawyer, Assemblymember
Sheila Kuehl, District 3 Supervisor, Los Angeles County
Jackie Lacey, District Attorney, Los Angeles County

William Lansdowne, Former Chief of Police, San Diego, San Jose and Richmond
Jamie Ledezma, City Attorney, San Diego
Mark Leno, Former State Senator
Miriam Lyell, Public Defender, San Joaquin County
Kathy Miller, Board of Supervisors, San Joaquin County
Holly Mitchell, State Senator
Gavin Newsom, Lieutenant Governor
Office of the Public Defender, Alameda County
Office of the Public Defender, Contra Costa County
Curren D. Price, Jr., City Councilmember, Los Angeles
Anthony Rendon, Speaker of the California Assembly
Mark Ridley-Thomas, District 2 Supervisor, Los Angeles County
Jeff Rosen, District Attorney, Santa Clara County
Hilda Solis, District 1 Supervisor, Los Angeles County
Phil Ting, Assemblymember
Michael Tubbs, City Councilmember, Stockton
Dr. Shirley Weber, Assemblymember
Dan Wright, City Councilmember, Stockton
Moses Zapien, Board of Supervisors, San Joaquin County

Business Community

Los Angeles Area Chamber of Commerce
San Joaquin County Chamber of Commerce
Uber

Philanthropy

B. Wayne Hughes, Jr.
Butler Family Fund
Ford Foundation
Fund for Nonviolence
Heising-Simons Foundation
Liberty Hill Foundation
Open Society Foundation
Public Welfare Foundation
Rosenberg Foundation
The California Endowment
The California Wellness Foundation
The James Irvine Foundation
The San Francisco Foundation

Labor

Bay Area Black Worker Center
California Labor Federation
IBEW
Los Angeles Black Worker Center
Los Angeles Labor Federation
Monterey Labor Federation
North Valley Labor Federation
San Francisco Labor Federation
San Joaquin Labor Council
Sheet Metal Workers
UFCW International
UFCW 648

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⁵⁷Of the Proposition 47 state budget allocation, \$40 million will be a continuous annual appropriation and \$28 million is a one-time appropriation in 2016–2017. California 2016–17 State Budget, Enacted Budget Summary: Public Safety, *available at* <http://www.ebudget.ca.gov/>.

⁵⁸California 2016–17 State Budget, Enacted Budget Summary: Public Safety, *available at* <http://www.ebudget.ca.gov/>.

⁵⁹AB 1056, 2015–2016 Leg., Reg. Sess. (Cal. 2015), *available at* <http://leginfo.legislature.ca.gov/>.

⁶⁰Los Angeles County Board of Supervisors motion, agenda item 3, pp. 15–19, (passed December 1, 2015), *available at* http://file.lacounty.gov/SDSInter/bos/sop/237244_12012015_siglinks.pdf.

⁶¹County of Los Angeles, Department of Auditor-Controller, Proposition 47 – Analysis of Cost Savings and Service Improvements (April 5, 2016), *available at* <http://file.lacounty.gov/SDSInter/bos/supdocs/103069.pdf>.

⁶²Supervisor Hilda Solis, “Supervisor Solis Takes Action to Direct Prop. 47 Savings to Community-Based Organizations,” (April 12, 2016), *available at* <http://hildasolis.org/supervisor-solis-takes-action-to-direct-prop-47-savings-to-community-based-organizations/>.

⁶³Los Angeles County Board of Supervisors motion, agenda item 51-A, pp. 42–43 (passed April 12, 2016), *available at* http://file.lacounty.gov/SDSInter/bos/sop/242884_041216_siglinks.pdf.

⁶⁴Supervisor Mark Ridley-Thomas, “Turning Over A New Leaf With Prop. 47,” [ridley-thomas.lacounty.gov](http://ridley-thomas.lacounty.gov/?s=Proposition+47) (December 1, 2015), *available at* <http://ridley-thomas.lacounty.gov/?s=Proposition+47>.

⁶⁵*Los Angeles Times* Editorial, California’s Prop. 47 revolution: How to spend the savings (November 22, 2015), *available at* <http://www.latimes.com/opinion/editorials/la-ed-county-proposition-47-20151122-story.html>.

⁶⁶In April 2016, the Obama Administration launched the Fair Chance Business Pledge encouraging companies to take action to ensure that all Americans have the opportunity to succeed, including individuals who have had contact with the criminal justice system. The pledge represents a call-to-action for all members of the private sector to improve their communities and expand their talent pools by eliminating unnecessary hiring barriers facing those with a criminal record. As of November 2016, the Pledge has been signed by more than 300 companies and organizations that collectively employ over 5 million Americans. Additional information *available at* <https://obamawhitehouse.archives.gov/the-press-office/2016/04/11/fact-sheet-white-house-launches-fair-chance-business-pledge>.

⁶⁷*USA Today*, Property Crimes At 42 Year Low In High Point (Nov. 4, 2015), *available at* <http://www.usatoday.com/story/news/2015/11/11/property-crimes-42-year-low-high-point/75197508/>.



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