

AGN. NO.

**MOTION BY SUPERVISORS HILDA L. SOLIS AND
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DECEMBER 1, 2015

IMPLEMENTING PROP 47 AND ADAPTING TO THE NEW LEGAL LANDSCAPE

Last year, California voters approved Proposition 47: The Safe Neighborhoods and Schools Act ("Prop 47"), which reduced certain non-violent, non-serious drug and property crimes from felonies to misdemeanors. By reducing the number of people serving prison sentences for low-level, nonviolent offenses, Prop 47 has helped to reduce California's prison overcrowding one year ahead of a federal court deadline. Anticipating that the law would result in savings, the law directed that such savings flow to local jurisdictions to be spent on (1) mental health and substance use treatment, (2) truancy and dropout prevention among K-12 public school students, and (3) victim services. The law applied retroactively as well as prospectively, thereby allowing currently or formerly incarcerated people to apply to change their criminal record.

Though premised in part on the proposition that treating addiction would increase public safety more than long prison sentences, the law did not provide immediate funding for such treatment. Though some state savings will eventually flow to the local level in the form of grants for which local jurisdictions can apply, the law's failure to provide immediate treatment funding was a significant shortcoming.

This must not distract us from our responsibility for ensuring that the will of the people is carried out. Prop 47 is the law of the land. California voters have validated a shift in public opinion away from "tough on crime" policies reliant on long prison sentences as the

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primary crime-fighting tool and towards a restorative approach prioritizing prevention and treatment that address crime's root causes. The salient question today is not whether Prop 47 "caused" more crime, but rather what changes our public safety leaders must make in order to protect safety and advance justice in this new context.

Los Angeles County should further this work by galvanizing a massive and focused effort by both public and private institutions to connect these formerly incarcerated men and women with jobs and services that will help them rejoin productive society. This will not be easy. The criminal justice ecosystem is complex and involves many institutions that too often operate independently and without unity of purpose. Adjusting to the new legal landscape will require unprecedented collaboration between law enforcement agencies, prosecutors, the defense bar, trial judges, corrections professionals, and service providers. In fact, the collaborative circle must be wider still, encompassing private sector efforts to supply jobs, philanthropic efforts to mobilize resources, and nonprofit efforts to implement successful treatment and service programs.

The first task for this collaborative is to ensure that all who are eligible for a sentence reduction apply for one. Under California law, most people convicted of felonies face restricted access to jobs, housing, and government programs—even after they have served their sentence. This includes people convicted of low-level felonies, including drug possession, shoplifting, and writing bad checks.

The Public Defender and Alternate Public Defender estimate that there are at least 690,000 Los Angeles County residents eligible for resentencing under Prop 47. Prop 47, however, did not allow for automatic resentencing. Any eligible person who wants their sentence reduced under Prop 47 must petition the court. Many of these people may not be able to afford a lawyer or navigate the legal system without one. Even more worrisome, outreach and education concerning Prop 47 has been insufficient. A recent survey commissioned by the California Endowment found that only 29% of Los Angeles residents were aware of Prop 47. These challenges must be overcome within the 3 year deadline the law set for retroactive applications. Reaching this population will require creative outreach, coordination, and funding support—in a very short timeframe.

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Facilitating these applications, moreover, presents a tremendous opportunity to expand access for these men and women to the services they need to fully reintegrate. Establishing a system for identifying eligible applicants and providing them access to jobs and training, linking them to mental health treatment, substance abuse treatment, health services, supportive housing, and other wraparound supports services will require exactly the kind of public-private cooperation contemplated above.

California is on the cutting edge of a national shift away from mass incarceration and towards smarter criminal justice policies. Los Angeles should lead California's criminal justice transformation from a system focused primarily on punishment to a more effective system focused on prevention, rehabilitation, and restoration. This is a significant moment and challenge for our region, and we must succeed.

WE, THEREFORE MOVE that the County of Los Angeles Board of Supervisors:

1. Direct the Public Defender and the Chief Executive Officer (CEO) to jointly convene a Prop 47 County Taskforce comprising the Interim Director of the Office of Diversion and Reentry and senior management representatives from the Alternate Public Defender, the District Attorney, the Superior Court, the Los Angeles County Bar Association Indigent Criminal Defense Program, Post-Conviction Assistance Center, the Information Systems Advisory Body (ISAB), the Countywide Criminal Justice Coordinating Committee, the Probation Department, Department of Public Social Services, the Department of Children and Family Services, and any other departments they deem necessary, and to prepare a report to the Board in 90 days that:
 - a. Identifies the number of Los Angeles County residents eligible for Proposition 47, the number who have applied for reclassification to date, and the number of those applications that have been processed; and

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- b. Formulates a County-wide plan for identifying all remaining eligible residents and facilitating the application and processing of their resentencing petitions prior to the statutory deadline. This plan should consider means by which departments that regularly interface with the public and community-based organizations can identify eligible candidates and link them to culturally and linguistically competent resources they need to complete the reclassification process. The plan should also consider partnerships with local law schools and/or pro bono private attorneys. The report should also include the estimated costs for outreach services and for facilitating and processing their applications; and
 - c. Develops a data collection and analysis methodology so that the Taskforce can make informed recommendations based upon reliable data.
 - d. Explores the feasibility of legislation that would extend or eliminate the sunset date for processing Prop 47 sentence reduction applications and recommend whether the County should support legislation.
- 2. Direct the Chief Executive Officer, in collaboration with the Interim Director of the Office of Diversion and Reentry who will serve as the liaison between the two groups, to convene a Prop 47 Jobs & Services Taskforce that comprises, should the County's invitation be accepted, the President & CEO of the Los Angeles Area Chamber of Commerce, the Executive Secretary-Treasurer of the Los Angeles County Federation of Labor, President and CEO of The California Endowment, the President of Los Angeles Trade-Tech College, the Executive Director of Californians for Safety and Justice, the Archbishop of Los Angeles, as well as the Directors of the Department of Human Resources, the Department of Community and Senior Services, the Department of Mental Health, and the Department of Public Health; and a minimum of two (2) community members formerly impacted by incarceration, substance abuse, mental health issues, chronic unemployment and/or

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homelessness to prepare a report to the Board in 90 days that:

- a. Formulates a plan for launching multiple public-private partnerships (PPPs) with philanthropy, the private sector, unions, educational institutions, faith-based organizations (FBOs), and community-based nonprofit organizations (CBOs) that are targeted towards enabling residents who have reduced their felony record through Prop 47 to access workforce development and vocational training, employment opportunities, apprenticeships, and educational programs. The members of the taskforce should convene and chair sub-groups comprising other organizations in the same field, i.e. philanthropy, private sector, unions, educators and workforce developers, FBOs, CBOs, and formerly impacted community members.
 - b. Formulates a Countywide plan for capitalizing on the outreach to and contact with Prop 47 eligible residents to simultaneously link them with wraparound services such as family reunification counseling, permanent housing, healthcare, mental health treatment, and substance abuse treatment that will promote their successful reintegration into productive membership in society.
3. Instruct the Director of the Office of Diversion and Reentry, in collaboration with the Manager of the City of Los Angeles Mayor's Office of Reentry, to:
 - a. Convene appropriate stakeholders, including significant representation by community-based organizations and people previously incarcerated under Prop 47 offenses, to recommend a process and schedule for collaborating with regional stakeholders to prepare an application for the forthcoming state grant funds, with a strong focus on promoting evidence-based interventions.
 - b. Facilitate a community engagement process that includes a minimum of three

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(3) town hall meetings to solicit input from County residents and stakeholders adversely impacted by poverty and crime as defined by the United States Census Bureau Data on Poverty Thresholds; rates of unemployment and homelessness; concentrated populations of probationers, parolees, and juvenile offenders; and high rates of violent and non-violent crimes.

- c. Report back to the Board in 180 days with a set of recommendations and priorities for applying for State funding to support the County's investment in (1) community-based mental health and substance abuse treatment, (2) truancy and dropout prevention among K-12 public school students, and (3) victim services.
- 4. Request that the Auditor-Controller report back to the Board in writing in 90 days with an analysis of existing, and newly required, accountability measures that capture any past and potential future cost savings (or increases) and/or service improvements (or declines) attributable to Prop 47, which could include, but should not be limited to, decreased jail system costs due to reduced overcrowding (if potential savings have been reinvested in increasing the percentage time served for certain inmates, this reinvestment and its results should be made explicit), a reduction in County Probation caseloads, reduced supervision requirements for misdemeanants in comparison to felonies, and a reduction of panel attorney costs and reduced staff time (e.g. for the public defender, alternate public defender, etc.) as a result of decreased caseloads. The Auditor-Controller is encouraged to examine best practices used by other counties to quantify such savings. In addition, the report back should propose a methodology for considering how to reallocate future cost savings (or increases) in order to ensure that the Public Defender and Alternate Public Defender have sufficient resources to expeditiously process applications for sentence reductions before the three-year deadline. The report should include a full statement of the methodologies employed to assess cost

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savings and open access to the underlying data used. The Auditor-Controller is requested to seek input from interested research organizations and consider their comments in finalizing the report.

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