

DRAFT**RESOLUTION IMPLEMENTING PROPOSITION 47
AND ADAPTING TO THE NEW LEGAL LANDSCAPE**

In 2014, California voters approved Proposition 47: The Safe Neighborhoods and Schools Act (“Prop. 47”), which reduced certain nonviolent, non-serious drug possession and petty theft 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 state savings, the law directed that such savings flow to local jurisdictions to be spent on (1) mental health and substance use services, (2) truancy and dropout prevention among K-12 public school students, and (3) victim services. The law applies retroactively, thereby allowing currently incarcerated individuals to apply for resentencing as well as individuals with old felony convictions to apply for reclassification to change their criminal record.

California voters have validated a shift in public opinion away from prison spending and towards a restorative approach prioritizing prevention and treatment to address the root causes of crime. The City of Stockton can advance smart justice by galvanizing a focused effort by both public and private institutions to connect people with old felony convictions with jobs and services to reduce barriers to stability.

The criminal justice ecosystem is complex and involves many institutions that too often operate independently and without unity of purpose. Adjusting to the new landscape will require unprecedented collaboration between law enforcement agencies, prosecutors, the defense bar, trial judges, corrections professionals, community organizations 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 resentencing or reclassification apply for Prop. 47 record change to reduce barriers to stability. Under California law, most people convicted of felonies face restrictions such as access to jobs, housing, and government programs, after they have served their sentence. California law contains over 4,000 restrictions on individuals convicted of a felony, including low-level felonies such as those changed to a misdemeanor under Proposition 47, like simple drug possession, shoplifting, and writing bad checks.

Any eligible person who wants their old felony conviction reclassified under Prop. 47 must submit a petition the court. Many people may not be aware of the record change opportunity to reduce old nonviolent felonies to misdemeanors on their records. They may also not understand how to navigate the legal system without help. Outreach and education concerning Prop. 47 have been insufficient to reach the estimated one million individuals across the state eligible for Prop. 47. Reaching this population will require creative outreach, coordination, and support.

Facilitating these applications, moreover, presents a tremendous opportunity to expand access for these individuals to the opportunities they need in order to fully reintegrate into our communities. Establishing a system for identifying eligible applicants and providing them access to jobs and training as well as 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 in this resolution.

The City of Stockton should help lead California's criminal justice transformation from a system focused primarily on punishment to a more effective system focused on prevention, rehabilitation, and reducing barriers to stability. This is a significant moment and challenge for our region, and we must succeed.

Now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. City Council acknowledges the following organizations for their efforts in planning a **Prop. 47 Record Change and Resource Fair**, to take place on Saturday, June 25, 2016, at San Joaquin Delta Community College:
 - a. B. Wayne Hughes, Jr. Foundation
 - b. Californians for Safety and Justice
 - c. Community Partnership for Families of San Joaquin
 - d. El Concilio
 - e. Fathers and Families of San Joaquin
 - f. The United Way of San Joaquin
2. City Council also acknowledges that at the June 25th **Prop. 47 Record Change and Resource Fair**, community members will be able to receive free legal consultations to see if they are eligible for reduction of a felony to a misdemeanor under Prop. 47. Other free assistance that will be available at the Fair will be reentry services; health testing, screening, and education; employment services; family supportive services; immigration services; and children's activities. In order to receive a free legal consultation at the Fair, community members must attend a free Live Scan event in order to obtain a copy of their criminal record. For a list of Live Scan events, and more information regarding the Fair, community members may call: **1-844-SJFOR47**.
3. City Council urges the San Joaquin County Board of Supervisors to develop a comprehensive, county-wide, inter-agency Prop. 47 implementation strategy that:
 - a. Identifies the number of San Joaquin County residents eligible for Prop. 47, the number who have filed for resentencing to date, the number who have filed for reclassification to date, the number of each of those applications that have been granted, and the number of each of those applications that have

been denied; and

- b. Formulates a county-wide plan for identifying all remaining eligible residents and facilitating the application and processing of their resentencing and reclassification 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 resentencing or reclassification process; and
 - c. Develops a data collection and analysis methodology so that the County can make informed recommendations based upon reliable data.
- 4. City Council shall agenda a Resolution that adopts a position of support for Assembly Bill 2765 which seeks to remove the November 2017 deadline for petitioning or applying for a reduction of sentence. This would provide cities and counties, as well as the courts, more time to complete this critical record change work.
 - 5. The City Manager is hereby authorized to take the appropriate and necessary actions to carry out the purpose and intent of this resolution.

PASSED, APPROVED, and ADOPTED _____.

ANTHONY SILVA, Mayor
of the City of Stockton

ATTEST:

BONNIE PAIGE, City Clerk
of the City of Stockton