

**PROPOSITION 47: WHAT IS IT AND WHAT ARE SOME OF THE EFFECTS SINCE IT PASSED?**

On November 4, 2014, the voters of California passed Proposition (Prop) 47, a law that reduces some felonies to misdemeanors, including shoplifting;<sup>1</sup> forgery; fraud/bad checks; grand theft; petty theft; possession of methamphetamine, cocaine, heroin, or concentrated cannabis; and receiving stolen property.<sup>2</sup> Going into effect immediately and with no limit on how long ago an offense may have occurred, criminal justice stakeholders put into place plans they had been working on in anticipation of this proposition passing that included how sworn officers would respond to crime and offenders; how prosecutors and public defenders would manage the anticipated influx of requests to determine if they were Prop 47 eligible; and how community supervision officers would work with offenders who now may not legally be required to complete treatment.

To better understand how these systems have been affected over the past five months, SANDAG reached out to local stakeholders<sup>3</sup> and compiled the following information:

- **Local Detention Populations:** On November 3, 2014 (one day before Prop 47 passed), the total jail population was 5,782 and on March 23, 2015, it had dropped to 4,900. This 15 percent decrease reflects the release of some offenders who were reclassified (245 as of March 30<sup>th</sup>), but may also be related to a decrease in law enforcement arrests for Prop 47 codes. For example, there were 1,560 bookings into local jails for Prop 47-impacted offenses in October 2014, which dropped to 776 in December 2014, a decrease of 50 percent. While the Sheriff's policies on booking individuals arrested for these crimes has not changed, this drop may reflect changes at individual departments, or alternatively, the fact that for an officer to arrest an individual for a misdemeanor (as opposed to a felony), the crime must have occurred in the officer's presence or be witnessed by a citizen willing to sign an affidavit saying so.
- **Filings and Processing of Reclassifications:** Over the past five months, the Public Defender's Office has filed approximately 18,000 petitions requesting cases be reclassified. The District Attorney's Office has reviewed an average of 200 petitions per week (almost 4,000 as of March 26, 2015) – giving priority to those cases in local and state prison – and determined that 1,906 were eligible for reclassification (48%). Anecdotally, it appears that a percentage of those who are eligible for reclassification on one felony may still have other felony convictions that were not eligible for reclassification as part of Prop 47.
- **Misdemeanor Prosecutions:** Since Prop 47 passed, the San Diego City Attorney's Office, which prosecutes misdemeanor cases for the Cities of San Diego and Poway, has seen an increase of approximately 24 percent in the number of drug- and theft-related cases, with almost 500 more compared to the same time period last year.
- **Drug Court:** Anecdotal information from court staff indicates that referrals to Drug Court are down substantially from the previous average of two to three a week. In addition, for those already enrolled, because the custody consequences of a failure to successfully complete the program are often minimal, staff have observed that some participants are less motivated to work the program and much more inclined to voluntarily terminate when they face sanctions for violations of program requirements.

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<sup>1</sup> For any property-related charges to be reduced, the amount stolen must be less than \$950 and certain factors may prohibit a charge from being reduced, including having certain strike priors and requirements to register as a sex offender.

<sup>2</sup> As part of Prop47, any state savings realized through decreased incarceration costs are to be reallocated to school truancy and dropout prevention, mental health and substance abuse treatment, and victim services after July 31, 2016. However, there was no immediate reallocation and no prevention or treatment funding being provided directly to Counties.

<sup>3</sup> Special thanks is shared with staff from the San Diego County Sheriff's Department, District Attorney's Office, Public Defender's Office, Probation Department, the San Diego Superior Court, and the San Diego City Attorney's Office who shared the information presented here.



# CRIMINAL JUSTICE FLASH



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RESEARCH FINDINGS FROM THE CRIMINAL JUSTICE RESEARCH DIVISION

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While it is still too early to determine all the long-term implications to this law, partners will have a better sense of these in the coming months, as individuals who were cited for crimes that previously would have been felonies (and are now misdemeanors) are required to appear in court. While SANDAG is not formally evaluating the effect of Prop 47, staff will continue to monitor crime and arrest trends across the region and also compile information from its evaluation of AB 109 (Public Safety Realignment) that may be able to provide objective statistics regarding how treatment compliance may have been affected by realigned offenders who were eligible and were no longer required to participate in treatment to see if they continued to do so voluntarily and also what the recidivism rate is for realigned offenders who may have had charges reclassified under Prop 47.