

### **Prop 47: What Can We Learn From Those Who Have Ended Up Incarcerated Again?**

On November 4, 2014, California voters passed Proposition (Prop) 47, a law, which went into effect immediately, was retroactive, and reduces certain 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. Given the impact this change was expected to have on the criminal justice system, questions regarding Prop 47 were added to the Substance Abuse Monitoring (SAM)<sup>2</sup> interview in 2015 and analyses were conducted to better understand how those who had a felony reduced to a misdemeanor and ended up back in local jail/prison differed from those who had not petitioned and been granted this reduction (all other arrestees interviewed as part of SAM in 2015).

Overall, 16 percent, or 98, of the 609 adult arrestees interviewed in 2015 reported they had had a felony reduced to a misdemeanor under Prop 47. While there was no difference between the two groups of arrestees in terms of gender, age, race, where they lived, mental health or educational status, or the mean number of prior arrests, there were other significant differences that inform areas for underlying risk and need. As Table 1 shows, those with a Prop 47 reduction were:

- More likely to test positive for meth, opiates, and multiple drugs;
- Arrested for the first time at an earlier age, on average, more likely to have previously served time in prison, and more likely to report some type of current or prior gang association;
- Less likely to be currently arrested for a violent offense and more likely to be arrested for a property offense;
- More likely to report having ever been involved in drug distribution;
- Less likely to report they were currently employed full-time and more likely to report they were ever homeless;
- More likely to report they currently had some type of health insurance;
- More likely to have had some type of prior contact with Child Welfare Services (CWS);
- More likely to report they have previously received drug treatment and that the most recent time was unsuccessful; and
- More likely to report they had ever injected drugs, shared needles or works in the past year, and to have had a drug overdose.

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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 the SAM program, adult and juvenile arrestees are interviewed about their drug use histories and other risk-taking behaviors within 48 hours of being arrested and booked into the detention facility.

**Table 1**  
**FACTORS THAT ARE SIGNIFICANTLY DIFFERENT BETWEEN ADULT ARRESTEES WITH A PROP 47 REDUCTION AND THOSE WITHOUT ONE**

	<b>Prop 47 Reduction</b>	<b>No Prop 47 Reduction</b>
Positive meth	65%	46%
Positive opiates	18%	11%
Positive multiple drugs	48%	32%
Mean age first arrest	20.7	22.1
Ever served time in prison	48%	27%
Ever member or associate of a gang	42%	26%
Most serious current arrest for a violent offense	8%	26%
Most serious current arrest for a property offense	28%	17%
Ever sold drugs or acted as a middleman	64%	38%
Currently employed full-time	32%	46%
Ever homeless	74%	60%
Currently covered by health insurance	78%	65%
Prior contact with CWS	35%	19%
Previously received drug treatment	66%	40%
Most recent drug treatment was not successful	51%	32%
Ever injected drugs	38%	24%
Shared needle or works in past year	52%	30%
Ever had a drug overdose	28%	17%
<b>TOTAL</b>	<b>23-98</b>	<b>78-511</b>

*NOTE: Cases with missing information not included. All differences significant at  $p < .05$ .*  
*SOURCE: SANDAG SAM 2015 Data*

When interpreting this information, it is important to remember that this sample of individuals with a Prop 47 reduction is not random and does not reflect feedback from those who were not rearrested and booked into local jail/prison in 2015. However, the hope is that this information will be useful to the San Diego region as it seeks to better understand underlying risks and needs of this population and where service needs may be greatest.