

MOTION BY CHAIR HILDA L. SOLIS AND SUPERVISOR
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Proactive Steps Related to Prop 47

In November 2014, California voters enacted Proposition 47, the “Safe Neighborhoods and Schools Act,” (“Prop 47”) a ballot initiative that reclassified six low-level, nonviolent felonies as misdemeanors. Recent data collected by the Los Angeles County Sheriff’s Department (“Sheriff”) indicates that a subset of people arrested on Prop 47 charges and subsequently released have gone on to commit further offenses. In the 18 months following the passage of Prop 47, more than 400 individuals who have been arrested on a Prop 47 charge have gone on to be arrested more than 10 times apiece. (It is worth noting that 24,039—53% of those arrested on Prop 47 charges—were not re-arrested; compare this with data from California’s state correction agency reporting that 56% of released prison inmates are rearrested within one year of release, and 69% are rearrested within two years).

Prop 47 was premised on the idea that treatment of underlying root causes such as mental illness and substance abuse disorders would more effectively reduce crime than incarceration. To this end, this Board has undertaken a number of significant actions to increase the availability of and access to such treatment. Under the auspices of the newly established Office of Diversion & Reentry, the County is significantly increasing the number of psychiatric urgent care centers, establishing a sobering center on Skid Row, and restructuring the way mentally ill inmates are released from our jail system. The Board has also launched a massive Prop 47 outreach effort that aims to remove barriers that prevent formerly incarcerated men and women from accessing jobs and services.

For these efforts to achieve their intended aims, however, our law enforcement agencies will also need to adjust the ways in which they address low-level crime, especially for the high-frequency repeat offenders. Rather than following the standard operating procedure of arrest / book / jail or arrest / cite / release, some law enforcement agencies have adopted strategies that focus more on either prevention or linkage to services. Some potential strategies are described in a 2015 report issued by Californians for Safety & Justice entitled *Breaking the Cycle of Low-Level Crime*.

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None of these strategies would be a panacea. Nor is it clear that all would work in Los Angeles. What is clear is that our criminal justice system has significant room to improve in interrupting the cycle of high-frequency low-level criminal activity. To do that, we must understand the full range of legal tools—both carrots and sticks—at our disposal, the best practices nationwide, and, most importantly, the repeat offenders themselves, so that we can design a system that more effectively interrupts this behavior.

WE, THEREFORE MOVE that the Board

1. Direct County Counsel, in consultation with the Sheriff, District Attorney, Public Defender, Alternate Public Defender, Superior Court, Probation, Office of Diversion and Reentry (ODR), and external stakeholder organizations, to research and describe the full range of tools available to the criminal justice community to break the cycle of low-level crime, whether or not these options have been previously employed as standard practice. This analysis should include, but not be limited to, use of Penal Code § 853.6, supervised misdemeanor probation, law enforcement assisted diversion, and focused deterrence. Report back within 60 days; and
2. Direct the Office of Diversion and Reentry, in consultation with the Information Systems Advisory Board (ISAB) and the Countywide Criminal Justice Coordinating Committee (CCJCC) and its members, to develop a quantitative and qualitative analysis of the highest-frequency repeat offenders. The qualitative analysis should include 5-10 de-identified case studies on the most frequent repeat offenders that examine their mental health, substance abuse, and trauma histories as well as their housing status and community environment. The quantitative analysis should leverage the Justice Automated Information Management System (JAIMS) and identify key data trends pertaining to this high-frequency population. If needed, ODR is authorized to engage a consultant with a maximum value of \$15,000 to support this effort. Report back within 60 days; and
3. Request the Sheriff and direct the Office of Diversion and Reentry jointly to, in consultation with CCJCC, its member organizations, and the entities participating in the previous directives, research best practice law enforcement strategies for effectively and efficiently deterring high-frequency repeat offenders and to develop a countywide strategy for implementing these strategies. This effort should incorporate findings from the previous directives, consider both incentive- and deterrent-based interventions, consult with national and local experts, and also formulate a methodology for measuring the success of the strategy. Report back within 120 days.

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