

**MOTION BY SUPERVISORS KATHRYN BARGER
AND JANICE HAHN**

August 15, 2017

**Blue Ribbon Commission on Public Safety:
Improving Rehabilitation and Public Safety Outcomes**

On February 21, 2017, the Board unanimously approved a motion by Supervisors Barger and Hahn asking the Chief Executive Officer to report back and provide background information on the death of Officer Keith Boyer from the Whittier Police Department, who was shot and killed on February 20, 2017.

Specifically, the motion asked for a review of: 1) a comprehensive criminal history of the gunman; 2) an analysis of the gunman’s involvement with the state parole system, probation supervision, including revocations; and, 3) a comprehensive review of policies and procedures to help identify risk factors and recommendations, as needed, in order to ensure the highest level of public safety.

The motion sought to fully understand the facts surrounding the death of Officer Boyer and how initiatives and public safety legislation may have created unintended consequences and placed the safety of our residents and first responders at great risk. The legislation and policies in questions are: AB109 – The Public Safety Realignment Act, Proposition 47 – The Safe Neighborhoods and Schools Act, and Proposition 57 – The Public Safety and Rehabilitation Act of 2016.

BACKGROUND

The Public Safety Realignment Act - AB109

In May 2011, a ruling by a panel of Federal Court judges mandated the State to reduce the prison population. During the same period of time, the State was facing a fiscal crisis. In response to both, Governor Jerry Brown enacted AB109 – The Public Safety Realignment Act, effective October 2011. Funded by the State, AB109 consists of three major public safety changes:

--- MORE ---

MOTION

SOLIS _____

KUEHL _____

HAHN _____

BARGER _____

RIDLEY-THOMAS _____

MOTION BY SUPERVISORS KATHRYN BARGER AND JANICE HAHN

August 15, 2017

Page 2

- 1) **Post Release Community Supervision (PRCS):** It created a new community supervision program known as “*Post Release Community Supervision*” which shifted the responsibility of supervision of certain offenders from the State (parole) to the counties (probation). In order to qualify for PRCS, the last offense for which the inmate was sentenced must qualify as a non-serious, non-violent, non-sexual offense (N3).
- 2) **Prison De-crowding:** It shifted incarceration from State prison to county jail for offenders with N3 convictions with no prior N3 convictions.
- 3) **Parole Violators:** It permanently shifted the incarceration of parole violators from State prison to county jails.

AB109 also provided funding to support local public safety programs intended to reduce recidivism through effective rehabilitation, including services for mental health, substance abuse, job training/placement, and housing assistance. This funding was essentially an incentive to local probation departments to keep people out of jail and out of prison by providing them with programming to increase the possibility of their successful re-entry into our communities.

While the State largely succeeded in its goal of reducing prison overcrowding, some counties, including Los Angeles, experienced overcrowding in their own jails. As a result, Los Angeles County inmates (non-AB109) were (and still are) released early to make room for the N3's coming into our jails.

The Safe Neighborhoods and Schools Act – Proposition 47 (Prop 47)

In November 2014, California voters approved Proposition 47, the Safe Neighborhoods and Schools Act (Prop 47). Prop 47 went into effect immediately and reduced certain felonies to misdemeanors unless the defendant had prior convictions for murder, rape, certain sex offenses or certain gun crimes. Prop 47 also allowed for re-sentencing of those inmates currently serving a prison sentence for any of the offenses now deemed misdemeanors under Prop 47.

Under Prop 47, the following felony offenses became misdemeanors for values not exceeding \$950:

- Forgery
- Passing bad checks
- Receiving stolen property
- Grand theft
- Felony grand theft
- Theft of a fire arm
- Possession of a controlled substance (i.e., cocaine, heroin, and methamphetamine)

--- MORE ---

MOTION BY SUPERVISORS KATHRYN BARGER AND JANICE HAHN

August 15, 2017

Page 3

The overarching goal of Prop 47 was to allow for the release of certain types of offenders, moving them from incarceration into rehabilitation, in order to allow the jails to keep other more serious and dangerous offenders in custody for closer to the full term of their imposed sentences. For those who had felony convictions on their record, it was intended to eliminate barriers to leading productive lives, such as access to housing and employment.

The Public Safety and Rehabilitation Act - Proposition 57 – (Prop 57)

Most recently, in November 2016, voters approved Proposition 57 – The Public Safety and Rehabilitation Act (Prop 57). It provides for the following:

- Allows parole consideration for persons convicted of certain felonies upon completion of their prison sentence for their primary offense.
- Authorizes Department of Corrections and Rehabilitation to award sentence credits for rehabilitation, good behavior, or educational achievements.
- Requires Department of Corrections and Rehabilitation to adopt regulations to implement new parole and sentence credit provisions and certify they enhance public safety.
- Provides that juvenile court judges, rather than prosecutors, shall determine whether juveniles aged 14 years and older should be prosecuted and sentenced as adults for specified offenses.

As of June 1, 2017, the State has begun to create an inventory of inmates who may qualify for a Prop 57 release and as of July 1, 2017, approximately 600 inmates are slated for release from State prisons.

The goal of Prop 57 is to allow for early release of inmates who earn credits for completing, among other things, educational goals or demonstrate good behavior upon completion of their term on the *primary sentence*.

Each of these criminal justice policies, (AB109, Prop 47 and Prop 57) has or will have impacts on our communities. As mentioned above, numerous studies have been commissioned to ascertain the individual and collective outcomes and their impact on society, law enforcement, jails, and victims. However, there is no current consensus on how to best achieve the highest level of public safety and improve outcomes for offenders. These goals are the catalyst of much debate, both county- and state-wide.

The February 21, 2017 motion by Supervisors Barger and Hahn focused largely on investigating the history of the gunman, his involvement in the justice system, and public safety policies.

--- MORE ---

MOTION BY SUPERVISORS KATHRYN BARGER AND JANICE HAHN

August 15, 2017

Page 4

Moving Forward:

We must now explore a more comprehensive and holistic understanding that will *deliver lasting solutions* to restore the lives of the individuals entangled in the justice system. It is also critical that we *deliver lasting solutions* to respond to the challenges associated with recent public safety initiatives so that we can provide effective rehabilitation and re-entry programs as well as the highest level of public safety that can be afforded to those who reside in Los Angeles County.

Lastly, these efforts must also include an understanding of the challenges experienced by law enforcement agencies and all first responders so that their safety and effectiveness may be maximized.

Extensive work has already been accomplished by various Departments and workgroups within the County. Much of this work continues, including that underway by the Public Safety Realignment Team (PSRT), the Justice Metrics Workgroup, and the Probation Department's Critical Incident Review Team (CIRT).

Building upon these efforts will enable the Board to lead our County to achieve meaningful and thoughtful reforms to both advance rehabilitation and also protect public safety; goals that are not mutually exclusive.

In order to achieve these ambitious goals, we must work collaboratively with regional elected and appointed leaders, service and treatment providers, justice partners and advocates, as well as labor organizations. This process must be inclusive and consider all perspectives as we critically examine the challenges and opportunities for the County to adequately deliver meaningful assistance to the incarcerated and those involved with the criminal justice system. We must also provide the necessary tools to our law enforcement partners and first responders to sustain safe and thriving communities.

WE, THEREFORE, MOVE THAT THE BOARD OF SUPERVISORS:

- 1) Establish a Blue Ribbon Commission on Public Safety comprised of:**
 - a. An appointee from each of the Board offices – (5)
 - b. A representative from the Los Angeles County Police Chiefs' Association – (1)
 - c. A representative from the League of California Cities Association (LCC) – (1)
 - d. A representative from the California State Association of Counties (CSAC) – (1)
 - e. A representative from the Los Angeles Regional Reentry Partnership (LARRP), the Office of Diversion and Re-entry, the Departments of Mental Health and Public Health – (4)

--- MORE ---

MOTION BY SUPERVISORS KATHRYN BARGER AND JANICE HAHN

August 15, 2017

Page 5

- f. A representative from the following justice partners: the Los Angeles County Sheriff's Department, the District Attorney's Office, Los Angeles Police Department, the Probation Department, the California Department of Corrections and Rehabilitation, the Superior Court, the Public Defender's Office, the Alternate Public Defender's Office, and Labor-Law Enforcement Community – (9)

2) Direct the Blue Ribbon Commission to:

- a. Be staffed by the Countywide Criminal Justice Coordination Committee (CCJCC) with any additional support needed from other county departments, including the Chief Executive Office and County Counsel;
- b. Be co-chaired by the Probation Chief and the District Attorney's Office;
- c. Work with Departments to conduct a robust and in-depth analysis of department-specific strategies, challenges, and opportunities presented by AB109, Prop 47, and Prop 57 including but not limited to:
 - i. Working with all stakeholders to recommend model programs and best practices to achieve successful outcomes for the justice involved population;
 - ii. An analysis of violent crimes that may be considered for inclusion under the California Constitution Section 32, Article 1 along with an outline of the steps necessary to accomplish this change;
 - iii. Enhancing the exchange of information shared between CDCR and the Probation Department by building on the relationship already established and developing and training Probation staff on a list of "key" terms used in CDCR documents to ensure accurate understanding of their clients' complete risk and needs;
 - iv. Developing clear policies and procedures for meaningful revocation and flash incarceration for the Post Release Community Supervision (PRCS) program;
 - v. Conducting a focused study of randomly selected "very high risk" AB 109 Post-Release Supervised persons to identify successes and challenges of supervision, based on factors such as participation and compliance during PRCS, and providing recommendations to improve treatment outcomes and enhance public safety;
 - vi. Conducting an analysis of the top 100 misdemeanants under Prop 47 with the highest recidivism rates and providing recommendations to improve rehabilitative services as well as options for detention; and
 - vii. Developing a matrix to track the recidivism rate of those released under Prop 57 and incorporating the findings into Probation's quarterly AB-109 report.

--- MORE ---

MOTION BY SUPERVISORS KATHRYN BARGER AND JANICE HAHN

August 15, 2017

Page 6

- d. The Commission should also consult with and consider other relevant stakeholders and studies for a holistic perspective, including:
 - i. Crime trends, impacts on victims and local jails, as well as challenges for law enforcement partners;
 - ii. The County's Justice Metrics workgroup and the Public Safety Realignment Team (PSRT); and,
 - iii. The Public Policy Institute of California for their study of AB 109 commissioned by the State.
- 3) Provide a written status report to the Board every 90 days with the final report due in 1 year. Each status report should include a list of immediate, short and long term recommendations to allow ongoing improvements and modifications to our practices, policies and procedures; and,
- 4) The Blue Ribbon Commission on Public Safety shall sunset upon the issuance of their final report.

#

KB:sed