



To: CBHDA Members

From: Tom Renfree, Deputy Director, Substance Use Disorder Services

Date: November 14, 2014

Re: Proposition 47 – What Does It Mean for Counties?

Cc: Robert Oakes, Executive Director, CBHDA
Kelly Brooks Lindsey & Elizabeth Howard Espinosa, CSAC

On November 4th California voters approved Proposition 47 (the “Safe Neighborhoods and Schools Act”), which passed with 58.5% of the vote. This initiative amends the Penal Code to reclassify seven categories of nonviolent drug and property crimes as misdemeanors, unless the offender has a prior conviction for a serious and/or violent offense, or for any registerable sex offense. This reclassification will result in more people convicted of these crimes being sentenced to county interventions such as jail terms and/or community-based supervision, rather than to incarceration in state prison. As such, it will also reduce the collateral consequences that individuals often face with a felony conviction on their records after they complete their sentences, such as difficulty in securing employment, housing, etc.

Proposition 47 will also allow individuals currently serving felony sentences for crimes that fall under the seven categories to request resentencing. If approved by the trial court, eligible individuals who are resentenced will have their sentences reduced to misdemeanor terms and will be supervised by state parole officers upon release. Although the precise number of individuals whose cases will be affected is uncertain, the Legislative Analyst’s Office (LAO) estimates that about 40,000 people annually are convicted of crimes that will be reclassified by Prop. 47.

The LAO projects state savings from Prop. 47 in the low hundreds of millions of dollars annually, partially offset in the first few years by increased court and parole costs associated with the resentencing option. Proposition 47 requires that any state savings attributable to the measure be deposited into a special fund beginning in August, 2016. These dollars will be allocated exclusively for three purposes:

- 65% for mental health treatment, drug treatment, and other diversion programs.

- 25% for programs designed to improve outcomes for K-12 public school students by reducing truancy and supporting students who are at risk of dropping out or are victims of crime.
- 10% for trauma recovery centers to provide services to victims of crime.

The new funding will be designated to expand or enhance these programs, and cannot be used to replace existing state or local funding for these purposes.

Although there is no mandate for offenders to enter treatment, given the prevalence of problematic drug use and mental health issues among the criminal justice population, there is a need for more resources at the local level to address these issues, since community-based treatment programs will likely have increased caseloads. Data from previous diversion interventions (i.e. Prop. 36) indicate that many offenders with MH/SUD needs can be effectively served in the community while maintaining public safety.

Some offenders resentenced under Prop. 47 will be incarcerated in county jails, which could increase the opportunity for community-based support to engage the incarcerated individuals in rehabilitative programs that could continue in the community upon release. Research indicates that maintaining connections to family and other community support systems helps to prevent incarcerated individuals from being socialized to the life of an inmate, and to instead engage them in rehabilitation.

In addition to reducing the reliance on incarceration in state prison, the LAO projects that Prop. 47 will result in shorter jail sentences for individuals convicted of reclassified crimes. Although 60% of people in jail are not serving sentences but rather are being detained prior to their trials, reducing the length of stay in jail for the remaining individuals – those serving sentences – could help reduce overcrowding in jails.

What will Proposition 47 mean for state and local budgets?

According to the California Budget Project, while implementation of Prop. 47 will initially result in savings in the state prison system, state and local costs are also likely to decline over the long term because misdemeanor cases take less time and resources to adjudicate, and are less likely to result in long periods of incarceration. However, Prop. 47's impact on local budgets will depend largely on how counties currently charge wobbler crimes, how individuals convicted are currently sentenced, and how they would be sentenced following implementation of the initiative.

How will the funds be allocated?

Allocating funds by ballot initiative limits the ability of the Legislature to redirect dollars in response to shifting economic, budget, and demographic trends. Prop. 47 requires that the corrections savings from implementation of the measure be deposited into a

newly-created “Safe Neighborhoods and Schools Fund,” and be disbursed for the three purposes specified above. The 65% of the funds allocated for MH/SUD treatment will be disbursed by the Board of State and Community Corrections (BSCC), which will administer a grant program to public agencies aimed at providing mental health, substance abuse, and similar diversion programs, with an emphasis on reducing recidivism.

Given counties’ current role as provider of behavioral health services, the grants provided under Prop. 47 could be used to augment local treatment services to criminally-involved individuals, expand MH/SUD services that counties are providing to the AB 109 population, or be used as match to leverage federal funds for these programs, thereby increasing treatment opportunities. The BSCC has extensive experience administering similar grant programs, and presumably will bring together a representative body of stakeholders charged with creating a competitive grant process.