



Council Agenda Report

From: Robert Burton, Chief of Police

Subject: Resolution in Support of the *Reducing Crime and Keeping California Safe Act of 2018*

Date: March 20, 2018

Facts

1. Over the past several years the California Legislature and the electorate have passed a number of initiatives related to public safety including AB109, Proposition 47, and Proposition 57.
2. These initiatives, supported by the Governor, were designed to reduce the number of persons sentenced to state prison thereby reducing overcrowding in the prison system.
3. The initiatives diverted persons housed in the State Prison system back into County Jail, reduced sentencing exposure for certain offenses, and eliminated previously designated violent offenses from sentencing guidelines.
4. Unintended consequences include increases in property theft and violent crimes against police officers. Additionally, there has been a significant reduction in the number of hits in the DNA database thereby reducing the number of cold case crimes that are solved.
5. The California Police Chiefs Association has been working on the *Reducing Crime and Keeping California Safe Act of 2018*. The act seeks to fix loopholes in AB109, Proposition 47, and Proposition 57 that have resulted in many of these unintended consequences.
6. The initiative will not undue the focus on rehabilitation outlined in the prior measures. It will help to crack down on repeat offenders and protect our most vulnerable victims from dangerous individuals who take advantage of our laws, our businesses and our communities.
7. The *Reducing Crime and Keeping California Safe Act of 2018* will do the following:
 - Re-designates crimes such as rape of an unconscious person, trafficking a child for sex, assault of a Peace Officer, and felony domestic violence as “violent felonies” for which early release is not an option
 - Reinstates DNA collection for offenses reduced to misdemeanors under Proposition 47.
 - Revises the theft threshold by adding a felony for serial theft when a subject is caught stealing for a third time and the value is over \$250.
 - Requires the Parole Board to consider an inmate’s entire criminal history when deciding parole, not just the most-recent commitment offense.
8. The California Police Chiefs Association is encouraging all local communities to adopt resolutions in support of this initiative. San Luis Obispo County Police Chiefs, the Sheriff, and the District Attorney are pursuing these resolutions as well because of the impact in our communities.

Options

1. Take no action;
2. Approve the attached resolution in support of the *Reducing Crime and Keeping California Safe Act of 2018*.

Analysis and Conclusions

Over the past several years, the California Legislature and the electorate have passed a number of initiatives related to public safety including AB109, Proposition 47, and Proposition 57. The cumulative effects of these initiatives have had a detrimental effect on local communities, which can no longer be

ignored. The *Reducing Crime and Keeping California Safe Act of 2018* will fix loopholes in AB109, Proposition 47, and Proposition 57 that have resulted in many unintended consequences.

Fiscal Impact

There is no fiscal impact in supporting the Act. However, if the Act is approved and implemented, it is anticipated to reduce long-term costs to the City and community through a reduction in crime.

Recommendation

Approve Resolution 18-XXX in support of the *Reducing Crime and Keeping California Safe Act of 2018*.

Attachments

1. Resolution 18-XXX

RESOLUTION NO. 18-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES SUPPORTING THE
REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018.

WHEREAS, protecting every person in our state, including our most vulnerable children, from violent crime is of the utmost importance. Murderers, rapists, child molesters and other violent criminals should not be released early from prison; and

WHEREAS, since 2014, California has had a larger increase in violent crime than the rest of the United States. Since 2013, violent crime in Los Angeles has increased 69.5%. Violent crime in Sacramento rose faster during the first six months of 2015 than in any of the 25 largest U.S. cities tracked by the FBI; and

WHEREAS, The FBI Preliminary Semiannual Uniform Crime Report for 2017, which tracks crimes committed during the first six months of the past year in U. S. cities with populations over 100,000, indicates that last year violent crime increased again in most of California's largest cities; and

WHEREAS, recent changes to parole laws allowed the early release of dangerous criminals by the law's failure to define certain crimes as "violent." These changes allowed individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, battery on a police officer or firefighter, and felony domestic violence to be considered "nonviolent offenders."; and

WHEREAS, as a result, these so-called "non-violent" offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge; and

WHEREAS, violent offenders are also being allowed to remain free in our communities even when they commit new crimes and violate the terms of their post release community supervision, like the gang member charged with the murder of Whittier Police Officer, Keith Boyer; and

WHEREAS, this measure reforms the law so felons who violate the terms of their release can be brought back to court and held accountable for such violations; and

WHEREAS, nothing in this act is intended to create additional "strike" offenses which would increase the state prison population, nor is it intended to affect the ability of the California Department of Corrections and Rehabilitation to award educational and merit credits; and

WHEREAS, recent changes to California law allow individuals who steal repeatedly to face few consequences, regardless of their criminal record or how many times they steal; and

WHEREAS, as a result, between 2014 and 2016, California had the 2nd highest increase in theft and property crimes in the United States, while most states have seen a steady decline. According to the California Department of Justice, the value of property stolen in 2015 was \$2.5 billion with an increase of 13 percent since 2014, the largest single-year increase in at least ten years; and

WHEREAS, grocery store operators around the state have seen unprecedented increases in the amount of losses associated with shoplifting in their stores, with some reporting up to 150% increases in these losses from 2012 to present, with the largest jumps occurring since 2014; and

WHEREAS, shoplifting incidents have started to escalate in such a manner that have endangered innocent customers and employees; and

WHEREAS, individuals who repeatedly steal often do so to support their drug habit. Recent changes to California law have reduced judges' ability to order individuals convicted of repeated theft crimes into effective drug treatment programs; and

WHEREAS, California needs stronger laws for those who are repeatedly convicted of theft related crimes, which will encourage those who repeatedly steal to support their drug problem to enter into existing drug treatment programs. This measure enacts such reforms; and

WHEREAS, collecting DNA from criminals is essential to solving violent crimes. Over 450 violent crimes including murder, rape and robbery have gone unsolved because DNA is being collected from fewer criminals; and

WHEREAS, DNA collected in 2015 from a convicted child molester solved the rape-murders of two six-year-old boys that occurred three decades ago in Los Angeles County. DNA collected in 2016 from an individual caught driving a stolen car solved the 2012 San Francisco Bay Area rape/murder of an 83-year-old woman; and

WHEREAS, recent changes to California law unintentionally eliminated DNA collection for theft and drug crimes. This measure restores DNA collection from persons convicted for such offenses; and

WHEREAS, permitting collection of more DNA samples will help identify suspects, clear the innocent, and free the wrongly convicted, and

WHEREAS, this measure does not affect existing legal safeguards that protect the privacy of individuals by allowing for the removal of their DNA profile if they are not charged with a crime, are acquitted, or are found innocent.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Paso Robles hereby supports the Reducing Crime and Keeping California Safe Act of 2018.

PASSED AND APPROVED THIS 20th day of March 2018, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven W. Martin, Mayor

Attest:

Kristen L. Buxkemper, Deputy City Clerk