



Board Agenda Item 25

DATE: September 27, 2016

TO: Board of Supervisors

SUBMITTED BY: Lisa A. Smittcamp, District Attorney-Public Administrator
Margaret Mims, Sheriff-Coroner

SUBJECT: Resolution Proclaiming Opposition to Proposition 57

RECOMMENDED ACTION(S):

Authorize Chairman to execute Resolution proclaiming opposition to Proposition 57: Criminal Sentences. Parole. Juvenile Criminal Proceedings and Sentencing. Initiative Constitutional Amendment and Statute.

Approval of the recommended action would authorize the Chairman to execute the Resolution proclaiming opposition to Proposition 57 and calls on the voters of Fresno County to vote no on the so-called Public Safety and Rehabilitation Act of 2016.

ALTERNATIVE ACTION(S):

The Board could choose not to execute the resolution in opposition.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. However, should Proposition 57 pass, there could be a fiscal impact.

DISCUSSION:

Over the previous five years, the State of California has seen an unprecedented release of criminals from the state prison system, due to a number of recent release programs such as Realignment, Proposition 36, Proposition 47, so-called Non-Violent Second Strike Release, Elderly Parole and expanded Youthful Offender Parole.

Prison inmates have already been given a substantially increased opportunity to earn credits for good behavior and educational achievements in excess of those authorized by the California Legislature. It is possible for a prison inmate to earn credits to reduce their sentence by as much as two-thirds. The California Attorney General recently reported that thousands of inmates have been released early due to these expanded credits.

While this is occurring, crime in California has shown a dramatic increase from 2014 to 2015. The statewide homicide rate increased almost 10%, Robbery and Aggravated Assault showed similarly substantial increases, and Auto Theft and Theft offenses were both up over 10%.

Proposition 57 would treat dissimilar prison inmates the same by making inmates eligible for early release after serving the sentence for just one of their crimes and would require that any additional crimes, enhancements and prior convictions be disregarded.

Additionally, Proposition 57 has multiple ambiguous terms that are not defined by the initiative, such as just what crimes are considered to be a “non-violent felony” or what would constitute “parole consideration”, that will lead to extensive appellate litigation. Crime victims and taxpayers both suffer when poorly drafted legislation or ballot measures become law, because years of time and millions of dollars are wasted while the meaning and application of the law are argued in the courts.

Furthermore, Proposition 57 would violate long-standing California law that the purpose of imprisonment is punishment and that this purpose is best served by “terms proportionate to the seriousness of the offense with provision for uniformity in the sentences of offenders committing the same offense under similar circumstances.”

Moreover, Proposition 57 would conflict with many other initiatives passed by the voters of California, such as The Victims’ Bill of Rights, Marsy’s Law, The Gang Violence and Juvenile Crime Prevention Act, The Three Strikes Law, The Use a Gun and You’re Done Law, as well as the recent Californians Against Sexual Exploitation Act. Article I, Section 28(f)(5) of the California Constitution mandates truth in sentencing and states:

“Sentences that are individually imposed upon convicted criminal wrongdoers based upon the facts and circumstances surrounding their cases shall be carried out in compliance with the courts’ sentencing orders, and shall not be substantially diminished by early release policies intended to alleviate overcrowding in custodial facilities. The legislative branch shall ensure sufficient funding to adequately house inmates for the full terms of their sentences, except for statutorily authorized credits which reduce those sentences.”

Proposition 57 has been titled “The Public Safety and Rehabilitation Act of 2016”. This title is misleading; it does not reflect the provisions of the proposed act and was crafted in such a way so as to garner public support. Releasing repeat offenders and other inmates earlier than allowed by current law endangers, rather than protects, public safety.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

CAO ANALYST:

Jeannie Z. Figueroa