



PUBLIC SAFETY POLICY COMMITTEE
Thursday, March 16, 2023
10:00 a.m. – 2:00 p.m.

Register for this meeting:

<https://us06web.zoom.us/j/89686615569?pwd=c1JBQ2xTbkV0Mzc0TEpYQzRjd3FEUT09>

Immediately after registering, you will receive a link and confirmation email to join the meeting.

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AGENDA

I. Welcome and Introductions

*Speakers: Chair, Ray Marquez, Council Member, Chino Hills
Vice Chair, Claudia Frometa, Mayor, Downey
Cal Cities President Ali Sajjad Taj, Council Member, Artesia
Cal Cities Executive Director and CEO Carolyn Coleman*

II. Public Comment

III. General Briefing

IV. Impacts of Fentanyl

Speaker: Joanne Genis, Community Member

V. Sponsored Fentanyl Legislation - City of San Diego

Informational

*Speaker: Adrian Granda, Director, Department of Government Affairs,
Office of Mayor Todd Gloria, San Diego*

VI. Legislative Update (Attachment A)

Informational

Speaker: Elisa Arcidiacono, League of California Cities

- AB 1708 (Muratsuchi) Review

VII. Legislative Agenda(Attachment B)

Action

- AB 15 (Dixon): Public Records: Parole Calculations and Inmate Release Credits.

VIII. Substance Use Discussion

Informational

Speaker: Sam Quinones, Author, "The Least of Us, True Tales of America and Hope in the Time of Fentanyl and Meth" and "Dreamland, The True Tale of America's Opiate Epidemic"

IX. Adjourn

Next Meeting: Thursday, June 22, 10:00 a.m. - 2:00 p.m., Pomona (in-person)

Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:

- 1. Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or*
 - 2. A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.*
- A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at Cal Cities meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.*



AB 1708 (Muratsuchi)

Co-Sponsored by the League of California Cities, California Police Chiefs Association, California Retailers Association, and California District Attorneys Association

Staff: Elisa Arcidiacono, Legislative Representative (916) 720-8025

1. AB 1708 (Muratsuchi) Theft.

This measure would require a person convicted of petty theft or shoplifting, if the person has two or more prior convictions for specified retail theft-related offenses, to be punished by imprisonment in the county jail for up to one year. Additionally, this measure would offer pre-plea diversion opportunities.

Bill Description:

Specifically, this measure would:

- Refine the definition of shoplifting and would specifically exclude certain offenses from prosecution as shoplifting, including, among others, the theft of a firearm or vehicle, identity theft, and credit card fraud.
- Require a person convicted of petty theft or shoplifting, if the person has two or more prior convictions for specified theft-related offenses, to be punished by imprisonment in the county jail for up to one year.
- Authorize a city or county prosecuting authority or county probation department to create a diversion program for persons who commit repeat theft offenses.
- Provide that the provisions of the bill that amend Proposition 47 would become effective only upon approval by the voters at the next statewide general election.

Background:

In the November 4, 2014 election, California voters approved Proposition 47, with 59.6% of the vote. The stated purpose of Proposition 47 is to “ensure that spending focused on violent and serious offences and to maximize alternatives for nonserious, nonviolent crime” and to invest the savings into “prevention and support programs for schools, victims services, and mental health and drug treatment.”

Proposition 47 amended various provisions of the Government Code, Penal Code, and Health and Safety Code to reclassify the penalties associated with possessory drug offenses and property offenses of less than \$950 from felonies or wobblers to misdemeanors. In addition, individuals can petition or apply to courts to amend their criminal records. Generally, individuals previously convicted of a “super strike,” or a registerable sex offence as specified, are not eligible for the reduced penalties and record relief under Proposition 47.

Since its enactment, there have been numerous legislative attempts to repeal and/or amend Proposition 47, most of which failed passage by the Legislature, or were vetoed. In addition to the failed legislative attempts to repeal and/or amend Proposition 47, a citizen-initiated measure designed to reverse some reforms made by Proposition 47, the

Criminal Sentencing, Parole, and DNA Collection Initiative (Proposition 20), was on the ballot in the November 2020 election. The voters rejected Proposition 20 by 61.7%.

Fiscal Impact:

The bill would require these reforms to be placed on the ballot with associated costs. Additionally, these changes will likely have impacts on the programs and services funded through "Proposition 47 savings" as costs of incarceration will increase.

Existing Cal Cities Policy:

Cal Cities supports the promotion of public safety through stiffer penalties for violent offenders.

Cal Cities has supported AB 1599 (Kiley, 2022) which would have repealed Proposition 47 entirely. Additionally, Cal Cities supported the 2020 ballot initiative Proposition 20.

Cal Cities 2023 Strategic Priorities include improving public safety in California communities. This includes:

- Pursuing strategies and resources to address crime and its underlying causes.
- Partnering with all levels of government and diverse organizations to improve community safety through prevention and early intervention programming, workforce recruitment and retention, and improved re-entry services.

Staff Comments:

This measure proposed modest changes to fix Proposition 47. The coalition supporting the measure has a keen interest in addressing crime and its underlying causes. This surgical approach takes into account the need for community-based services and programs for those living with mental illness and/or substance use issues. Addressing those needs coupled with increased accountability will undoubtedly have positive impacts on recidivism rates statewide.

The coalition continues to discuss amended language that will improve the bill and its viability with the Legislature.

**Public Safety Policy Committee
Legislative Agenda
March 2023**

Staff: Elisa Arcidiacono, Legislative Representative (916) 720-8025

1. AB 15 (Dixon) Public Records: Parole Calculations and Inmate Release Credits.

This measure would provide that Department of Corrections and Rehabilitation (CDCR) records pertaining to an inmate's release date and what the inmate did to earn any release credits are public records and are subject to disclosure under the California Public Records Act.

Bill Description:

Specifically, this measure would:

- Provide that CDCR records pertaining to an inmate's release date and what the inmate did to earn any release credits are public records and are subject to disclosure under the Public Records Act.
- Provide that a disclosure of such information shall be sufficiently detailed and include the number of days of credit that were based on each of the following categories:
 - Good behavior;
 - Rehabilitation and education program participation; and
 - Pretrial release credits.
- Provide that such disclosure shall also include the types of rehabilitative and education programs that the inmate participated in and completed.
- Provide that this does not require the disclosure of CDCR records that are subject to the privacy protections of HIPAA.

Background:

Under existing law, prison inmates may be released from prison prior to the completion of their full sentence if they have an indeterminate sentence and have served their minimum term, if they are eligible for early release under some provisions of law granting them the ability to be released early upon a determination by the Board of Parole Hearings or by a court (e.g., Youth Offender Parole Hearings, elderly parole hearing, Proposition 57 parole hearing for "nonviolent felony offenses), or where the inmate has a determinate sentence and is granted early release credit. By statute, inmates sentenced to a determinate term may earn up to 50% off their sentence or up to 66% if the inmate participate in fire camp. Inmates sentenced for a "violent felony" may only earn up to 15% off their sentence. Inmates sentenced under the Three Strikes law may earn only 20% off their sentence, by statute.

Proposition 57 of 2016 gave CDCR the power to grant additional credit, above and beyond these statutory limits "for good behavior and approved rehabilitative or educational achievements." CDCR is required to "adopt regulations in furtherance of these provisions," and the CDCR Secretary is required to "certify that these regulations

protect and enhance public safety."

CDCR passed permanent regulations (after having a series of emergency regulations), effective August 8, 2022, that significantly expanded early release credit earning for inmates. They provide that inmates serving a term for a "violent" felony may earn up to 33% off their sentence, up from 20% under the prior regulations and more than the 15% maximum permitted by statute. Inmates sentenced under the Three Strikes law who are serving a sentence that is not a violent felony could earn up to 66% off their sentence, up from the 50% maximum permitted under the prior regulations and the 20% permitted by statute.

Under existing law, the California Public Records Act generally requires state and local agencies to make their records available for inspection by the public, subject to specified criteria and with specified exceptions. It is not apparent what exemption CDCR has claimed does not obligate them to release these records when requested. (Government Code § 7920.000 et seq.).

Fiscal Impact:

Unknown.

Existing Cal Cities Policy:

Law Enforcement

Cal Cities supports policies that promote a victim's right to seek restitution, create restrictions on the early release of state inmates from incarceration for the purpose of alleviating overcrowding, and limit parole hearing opportunities for state inmates serving a life sentence or paroled inmates with a violation.

Staff Comments:

This measure failed in the Assembly Public Safety Committee but was unanimously granted reconsideration for a future hearing. Members of the committee seemed inclined to want to get to a solution on transparency for victims and their communities.

Support and Opposition:

Support

- California District Attorneys Association
- California Police Chiefs Association
- California State Sheriffs' Association
- Claremont Police Officers Association
- Palos Verdes Police Officers Association
- Upland Police Officers Association
- Inglewood Police Association
- LA School Police Officers Association
- Riverside Sheriffs' Association
- Corona Police Officers Association
- Newport Beach Police Association
- Santa Ana Police Officers Association
- Arcadia Police Officers Association
- Fullerton Police Officers Association

California Coalition of School Safety Professionals
Pomona Police Officers Association
Placer County Deputy Sheriffs' Association
Burbank Police Officers Association
Riverside Police Officers Association
Culver City Police Officers Association
Crime Victims United of California

Opposition

California Attorneys for Criminal Justice
California Public Defenders Association (unless amended)
Communities United for Restorative Youth Justice
Ella Baker Center for Human Rights
Initiate Justice
San Francisco Public Defender's Office
Transformative In-Prison Workgroup

Staff Recommendation:

Staff recommends the committee discuss AB 15 and make a recommendation to the Board.

Committee Recommendation:

Board Action: