



# COUNTY OF SAN DIEGO

## BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

### AGENDA ITEM

**DATE:** September 23, 2014

**19**

**TO:** Board of Supervisors

**SUBJECT:** Opposition to Proposition 47 (DISTRICTS: ALL)

#### **Overview**

Proposition 47, also known as “The Safe Neighborhoods and Schools Act”, would reduce penalties for stealing a gun, commercial burglary, identity theft, using a victim’s access card and forging others, writing bad checks, petty theft, receiving stolen property, stealing livestock and produce, and possession of controlled substances, including date rape drugs, from felonies to misdemeanors in the State of California.

Despite its title, this proposition is anything but safe for our communities. By reducing felonies to misdemeanors, this measure will severely impact the safety of our streets and our County jail population by releasing dangerous offenders from State prison, including those with prior convictions for serious and violent felonies, such as robbery, residential burglary and carjacking. Our local jails have already been heavily burdened by the shifting of state prisoners through Assembly Bill 109’s public safety realignment to the County for their housing and supervision, and this measure will only serve to exacerbate the problem.

Furthermore, the measure provides no direct funding to law enforcement toward the goals of reducing crime and victimization. Although the measure requires biennial audits of the programs it funds, it merely specifies that the results have to be reported to the Legislature and the public. There is very little accountability to ensure that the funds go to successful or accepted programs. This measure will actually result in increased costs to the county requiring resentencing hearings for state prisoners and a second bite of the apple for inmates already deemed dangerous in the Proposition 36 resentencings.

Therefore, with the support of Sheriff Bill Gore and District Attorney Bonnie Dumanis, today’s action will adopt a resolution stating the County of San Diego’s opposition to Proposition 47.

#### **Recommendation(s)**

**CHAIRWOMAN DIANNE JACOB, SHERIFF BILL GORE, AND DISTRICT ATTORNEY BONNIE DUMANIS**

1. Adopt the resolution titled:

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A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS  
OPPOSING CALIFORNIA STATE PROPOSITION 47.

**Fiscal Impact**

N/A

**Business Impact Statement**

N/A

**Advisory Board Statement**

N/A

**Background**

Proposition 47, also known as “The Safe Neighborhoods and Schools Act”, would reduce penalties for stealing a gun, commercial burglary, identity theft, using a victim’s access card and forging others, writing bad checks, petty theft, receiving stolen property, stealing livestock and produce, and possession of controlled substances, including date rape drugs, from felonies to misdemeanors in the State of California.

Despite its title, this proposition is anything but safe for our communities. By reducing felonies to misdemeanors, this measure will severely impact our County jail population by shifting dangerous offenders from State prison. Under this measure, the redefinition of certain crimes from felonies to misdemeanors would be retroactive for offenders serving state and local prison terms, requiring resentencing hearings in each case. Therefore, it is estimated that as many as 10,000 current felons could be eligible for early release including those with prior convictions for serious and violent felonies such as robberies, residential burglary and carjacking.

Each of these resentencing hearings will result in costs to the County to house the offenders in our County jails that are already near capacity, costs for prosecution and defense attorneys to prepare, costs to investigate and staff these hearings, and costs to the community in terms of public safety if the defendants are released early from prison. Additionally, this measure creates a new definition of dangerousness that will be applied to the Proposition 36 resentencings, and those who have already been deemed too dangerous by the San Diego Superior Court for release to the community will be eligible for a second hearing and a more likely discharge from state prison.

Our local jails and county agencies have already been heavily burdened by the shifting of state prisoners through Assembly Bill 109’s public safety realignment, and this measure will only serve to exacerbate the problem. The changes included in this measure are dangerous, especially while public safety realignment is in its infancy.

Proposition 47 would remove the district attorney's discretion to charge shoplifting, burglary, forgery, check fraud, use of stolen access cards, grand theft and receipt of stolen property as felonies if the loss value is less than \$950. This means that stealing a firearm would be a straight misdemeanor unless its value exceeds \$950. The same standard would apply to narcotics, including "date rape" drugs. Possession of marijuana is already a misdemeanor offense and

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would not be impacted by this measure.

Furthermore, the measure provides no direct funding to law enforcement toward the goals of reducing crime and victimization. The measure limits the use of the funds set aside for victims to providing grants to trauma recovery centers. Although the measure requires biennial audits of the programs it funds, it merely specifies that the results have to be reported to the Legislature and the public. There is very little accountability to ensure that the funds go to successful or accepted programs. Moreover, the actual formula for determining savings is vague and illusory, as all of these charges currently can be issued as felonies or misdemeanors, except possession of cocaine or heroin, and thus, it is almost impossible to establish that any one future case would necessarily have been charged as a felony.

The logic behind proposition 47 is flawed, and represents yet another attempt to shift public safety problems onto local governments and the communities we serve.

Therefore, with the support of Sheriff Bill Gore and District Attorney Bonnie Dumanis, today's action will adopt a resolution stating the County of San Diego's opposition to Proposition 47.

**Linkage to the County of San Diego Strategic Plan**

Today's proposed action supports the Safe Communities Initiative of the County of San Diego's 2014-2019 Strategic Plan of protecting residents from crime by opposing a state proposition that could lead to the release of state felons into our communities.

Respectfully submitted,

DIANNE JACOB  
Supervisor, District 2

BILL GORE  
Sheriff

BONNIE DUMANIS  
District Attorney

ATTACHMENT(S)  
Resolution

**SUBJECT:** Opposition to Proposition 47 (DISTRICTS: ALL)

**AGENDA ITEM INFORMATION SHEET**

**REQUIRES FOUR VOTES:**         Yes       No

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED**  
    Yes       No

**PREVIOUS RELEVANT BOARD ACTIONS:**  
N/A

**BOARD POLICIES APPLICABLE:**  
N/A

**BOARD POLICY STATEMENTS:**  
N/A

**MANDATORY COMPLIANCE:**  
N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):**  
N/A

**ORIGINATING DEPARTMENT:** Chairwoman Dianne Jacob

**OTHER CONCURRENCES(S):** Sheriff and District Attorney

**CONTACT PERSON(S):**

Bob Spanbauer  
\_\_\_\_\_  
Name  
619-531-5522  
\_\_\_\_\_  
Phone  
Robert.spanbauer@sdcounty.ca.gov  
\_\_\_\_\_  
E-mail

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Name  
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Phone  
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E-mail