

CITY OF YUBA CITY
BUSINESS FROM THE CITY COUNCIL

Date: October 15, 2019
To: Honorable Members of the City Council
From: Shon Harris, Mayor

Summary

Subject: Reducing Crime and Keeping California Safe Act of 2020
Recommendation: Adopt a resolution in support of the 'Reducing Crime and Keeping California Safe Act of 2020'
Fiscal Impact: None.

Purpose:

To endorse the November 2020 Ballot Measure to expand the list of violent crimes for which early release is not an option.

Background:

The Reducing Crime and Keeping California Safe Act of 2020 is carefully and narrowly designed to fix specific but very serious flaws contained in AB 109 and Propositions 47 and 57 listed below:

Assembly Bill 109 (AB 109)

In 2011, California voters passed Assembly Bill 109 (AB 109), known as "realignment." The purpose of this bill was to reduce the issues of overcrowding that was occurring at the State prison level. Realignment diverted people convicted of certain classes of less serious felonies from the Department of Corrections (state prison) to local county jails.

Proposition 47

In 2014, California voters passed Proposition 47, known as 'The Safe Neighborhoods and Schools Act'. Proposition 47 implemented three broad changes to felony sentencing laws. First, it reclassified certain theft and drug possession offenses from felonies to misdemeanors. Second, it authorized defendants that were serving sentences for felony offenses that would have qualified as misdemeanors under the proposition to petition courts for resentencing under the new misdemeanor provisions. Third, it authorized defendants who have completed their sentences for felony convictions that would have qualified as misdemeanors under the proposition to apply to reclassify those convictions to misdemeanors.

Proposition 57

In 2016, California voters passed Proposition 57, known as 'The Public Safety Rehabilitation Act of 2016'. The purpose of this bill was to enhance public safety, stop the revolving door of crime by emphasizing rehabilitation, and prevent federal courts from releasing inmates. Proposition 57 also moved up parole consideration of nonviolent offenders who have served the full-term of the sentence for their primary offense and who demonstrate that their release to the community would not pose an unreasonable risk of violence to the community.

Analysis:

The new public safety initiative would shorten the list of who can seek earlier parole and reclassify some theft crimes from misdemeanors to felonies. It would also expand the number of crimes where DNA is collected, a list that was limited when some crimes went from felonies to misdemeanors.

The *Reducing Crime and Keeping California Safe Act* has qualified for the November 2020 ballot and is supported by many cities, business owners, victim groups, and law enforcement, including: California District Attorneys Association, California Police Officers Association, Women escaping a Violent Environment (WEAVE), and the California Business Properties Association.

Fiscal Impact:

None.

Alternatives:

Do not adopt the Resolution.

Recommendation:

Adopt a resolution in support of the Reducing Crime and Keeping California Safe Act of 2020.

Attachments:

1. Resolution
2. Keep California Safe Letter

Prepared by:

/s/ Terrel Locke

Terrel Locke
Assistant to the City Manager

Submitted by:

/s/ Michael Rock

Michael Rock
City Manager

ATTACHMENT A

RESOLUTION No. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
SUPPORTING THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF
2020**

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.

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 Yuba City hereby supports the Reducing Crime and Keeping California Safe Act of 2020.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 15th day of October, 2019 by the following vote:

AYES:

NOES:

ABSENT:

Shon Harris, Mayor

ATTEST:

Patricia Buckland, City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY:

Shannon L. Chaffin, City Attorney
Aleshire & Wynder, LLP

ATTACHMENT B

Keep California Safe

A Project of the California Public Safety Partnership Issues Committee

Michael

September 25, 2019

Mayor Shon Harris
City of Yuba City
1201 Civic Center Blvd.
Yuba City, CA 95993

Dear Mayor,

As a fellow mayor, I know that the safety of your people is among your highest priorities. That's why I encourage you to join my city, and dozens of others, in formally endorsing the "Reducing Crime and Keeping California Safe Act of 2020," which will appear on the November 2020 ballot. This measure is carefully and narrowly designed to fix specific but very serious and dangerous flaws contained in AB 109 and Propositions 47 and 57.

For example, recent changes to parole laws allow for reduced penalties and even early release of dangerous criminals by the law's failure to define certain crimes as "violent," including individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, and felony domestic violence, to name a few.

As a result, so-called "nonviolent" offenders are back on the street sooner than they otherwise would be — putting our cities' residents, workers, visitors and law enforcement at greater risk. In Whittier we lost Officer Keith Boyer — because a dangerous gang member was on far more lenient AB 109 "post-release community supervision" instead of state parole. And unfortunately, you likely have your own tragic stories to share.

1817 Capitol Avenue • Sacramento, CA 95811 • keepcalsafe.org

Paid for by Protecting California Cooper Ballot Measure Committee, ID 1405068

Fortunately, the Keep California Safe initiative will help fix this problem, as well as address our state's serious serial theft problem, and more. In the two years following Prop. 47's passage, while most states saw a decline in crime, California had the second highest increase in theft and property crimes in the U.S. Our communities have had enough.

Please join me and many other cities across California in endorsing this critical initiative. I've enclosed a sample resolution in support of the Keep California Safe initiative for your review. For the safety of your city moving forward, I sincerely hope you'll give it serious consideration for your next Council Agenda.

In the meantime, please feel free to contact me with any questions at JoeV@bewleylaw.com, or visit keepcalsafe.org for additional information on this important initiative. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Joe Vinatieri". The signature is stylized with a large, sweeping loop at the end.

Joe Vinatieri

Mayor of Whittier

Leadership Committee Member, Keep California Safe



An Initiative for Public Safety

VIOLENT CRIME

What is a 'violent crime'? For California's new parole law, the definition is murky — and it matters *(Los Angeles Times)*

- Expands the list of violent crimes for which early release is not an option
- Under current law, rape of an unconscious person, trafficking a child for sex, assault of a peace officer, felony domestic violence and other similar crimes are not classified as "violent felonies" — making criminals convicted of these crimes eligible for early release
- Gives victims reasonable notice of inmates' release and the right to submit a confidential statement to the Board of Parole Hearings

DNA COLLECTION

California's DNA database gets fewer hits due to Prop. 47 (KCRA)

- Reinstates DNA collection for certain crimes that were reduced to misdemeanors as part of Proposition 47
- Multiple studies have shown that DNA collected from theft and drug crimes has helped solve other violent crimes, including robbery, rape and murder. Since passage of Prop. 47, cold case hits have dropped over 2,000, with more than 450 of those hits connected to violent crimes

SERIAL THEFT

An explosion of California property crimes — due to Prop. 47 *(San Francisco Chronicle)*

- Revises the theft threshold by adding a felony for serial theft — when a person is caught for the 3rd time stealing with a value of \$250
- Prop. 47 changed the dollar threshold for theft to be considered a felony — from \$450 to \$950. As a result, there has been an explosion of serial theft and an inability of law enforcement to prosecute these crimes effectively. Theft has increased by 12% to 25%, with losses of a billion dollars since the law was passed.
- This problem won't be solved legislatively

PAROLE VIOLATIONS

Suspect in Whittier police officer shooting death arrested 5 times in last 7 months *(Whittier Daily News)*

- Requires the Board of Parole Hearings to consider an inmate's entire criminal history when deciding parole, not just his most recent commitment offense; and requires a mandatory hearing to determine whether parole should be revoked for any parolee who violates the terms of his parole for the third time
- AB 109 bases parole solely on an offender's commitment offense, resulting in the release of inmates with serious and violent criminal histories. Moreover, parolees who repeatedly violate the terms of their parole currently face few consequences, allowing them to remain on the street

Keep California Safe

A Project of the California Public Safety Partnership Issues Committee

Paid for by Keep California Safe, a Project of the California Public Safety
Partnership Issues Committee
Committee major funding from
California Correctional Peace Officers Association
Association for Los Angeles Deputy Sheriffs
Los Angeles Police Protective League
Funding details at www.fppc.ca.gov