

Implementation of Prop. 47 varies widely from county to county

ACLU report shows effects of measure differ statewide

By L.J. Williamson

Citing vastly disparate statistics from local law enforcement agencies statewide, an American Civil Liberties Union report released Tuesday found implementation of controversial Proposition 47 has varied widely from county to county.

Among its many findings, the report, entitled "Changing Gears: California's Shift to Smart Justice" showed that some counties have prioritized low-level arrests while others de-prioritized them.

In one example of the sharply divergent numbers the ACLU found, the Fresno Sheriff's Department reported arrests for low-level offenses were up by 77 percent in the first six months of 2015 compared to the first six months of 2014, while their Los Angeles counterpart reported an increase in low-level arrests of just 10 percent over the same time period. In contrast, the Sacramento Sheriff's Department reported that arrests for the same offenses were down by 43 percent. Numbers were provided by county sheriff's departments and represented a small sample of the hundreds of law enforcement agencies in the state, according to the report.

"The ACLU report was interesting because it showed how crucial local implementation is to the success of Prop. 47," said Milena Blake, staff attorney of the Justice Advocacy Project at Stanford Law School, which helped to craft the measure. "Local policies and procedures really impact the amount of savings that counties and the state will see from Prop. 47."

The report also found that jail populations initially fell after the implementation of Prop. 47 but are once again rising, and that agencies have been focused on individual agency roles rather than collaborative planning.

The lack of coordination rankles retired Santa Clara County Judge Eugene M. Hyman, who has made similar observations in the past about Prop. 47's implementation. Hyman would like to see a more cooperative response among county agencies.

"A board of supervisors could see this report and say, what are we doing in this county? Are we talking? Are we trying to do something?" Hyman said. "Someone can show leadership as a result of this - it could be a judge - but someone has to step up and say, I want to get all the partners and stakeholders of our county together and start making meaningful efforts to making this work."

Ventura County Sheriff Geoff Dean, who said the measure's impact in his county has largely been negative, reported the average length of a jail stay in the county has increased by about 20 percent and total jail population in the county has increased "100 percent of what it was."

Year one may have been some growing pains and some resistance to change, said Margaret Dooley-Sammuli, director of Criminal Justice and Drug Policy at the ACLU of California, but year two should be about taking

on the mandate from voters to stop relying on draconian sentencing and do more to address underlying issues.

"Law enforcement can't solve this problem on their own, but they've got to be part of the solution to making this happen," she said. "We're hoping this report not only educates policy makers but also influences the dialogue around the kind of culture change we need to see ... we hope that this report serves to make those conversations more meaningful and valuable."

Among the report's recommendations are for counties to allocate more resources to resentencing to alleviate application backlogs, simplify the process of record expungement, design new drug treatment programs, tap into realignment funding to expand access to substance abuse and mental health care, and give law enforcement more options outside of arrest, such as mental health diversion programs.

lj_williamson@dailyjournal.com