



**City of Long Beach**  
**Working Together to Serve**

**Date:** April 17, 2018

**To:** Honorable Mayor Garcia and Members of the City Council

**From:** Stacy Mungo, Councilwoman, Fifth District *SM*  
Suzie Price, Councilmember, Third District *SP*

**Subject:** **Agenda Item: Resolution in Support of the Reducing Crime and Keeping California Safe Act of 2018**

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**RECOMMENDATION**

**Recommendation to direct the City Attorney to draft a resolution in support of the Reducing Crime and Keeping California Safe Act of 2018.**

**BACKGROUND**

In an effort to reduce the prison population, increase parole options and lower penalties for drug possession and consumption, several legislative and voter approved initiatives have been adopted over the last several years, including AB 109 and Propositions 47 and 57.

However, along with those changes have come a slew of unintended consequences that have undermined public safety and have had a significant negative economic impact on business. Some examples include:

- 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."
- 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.
- Individuals who steal repeatedly face few consequences, regardless of their criminal record or how many times they steal. 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.
- Such thefts are often committed to support drug habits, yet the recent changes to

California law have reduced judges' ability to order individuals convicted of repeated theft crimes into effective drug treatment programs.

- Recent changes to California law unintentionally eliminated DNA collection for theft and drug crimes. 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. 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.

As a result, public safety leaders, law enforcement agencies, state and local officials and business leaders have come together to address the flaws and unintended consequences of AB 109 and Propositions 47 and 57 through a new initiative called the Reducing Crime and Keeping California Safe Act of 2018.

The Reducing Crime and Keeping California Safe Act of 2018 proposes several "fixes" for these unintended consequences, including:

- 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.
- 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.
  - 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.
- 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, resulting in increased thefts statewide--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.
- 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.
  - 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; rather, it allows 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

### **RECOMMENDATION**

To address the unintended consequences of recent state laws and further protect public safety and the safety of the visitors, businesses and residents of the City of Long Beach, it is recommended that the Mayor and City Council direct the City Attorney to draft a resolution for Council consideration in support of the Reducing Crime and Keeping California Safe Act of 2018.

### **FISCAL IMPACT**

There is no fiscal impact.