



COMMUNITY CORRECTIONS PARTNERSHIP

Presents

PROPOSITION 47:

A look at Stanislaus County



Proposition 47

A Look at Stanislaus County

January 2012 – November 2015

JILL SILVA

Chief Probation Officer

Chair, Community Corrections Partnership

Prepared by:

Trisha Birchard and Janice Cree

Crime and Intelligence Analyst

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Introduction

This report represents a preliminary analysis of Proposition 47 and its effect on Stanislaus County. The information is presented to provide the reader with a better understanding of Proposition 47 and its impact on law enforcement, the judicial system and the quality of life in Stanislaus County. This report includes documented crimes, arrests, cases that have been sent to the District Attorney's Office, jail populations and Probation supervision populations. This report is intended to demonstrate where Stanislaus County has been, where it presently stands and provide a point of reference for the future.

Acknowledgements

I would like to thank all of the Law Enforcement Agencies within Stanislaus County for sharing their data: Modesto Police Department, Stanislaus County Probation Department, Stanislaus County Sheriff's Department, Stanislaus County District Attorney's Office, Ceres Department of Public Safety, Turlock Police Department, Newman Police Department, Oakdale Police Department, Union Pacific Rail Road Police Department, CSU Stanislaus Police Department and CHP – Stanislaus.

Demographics

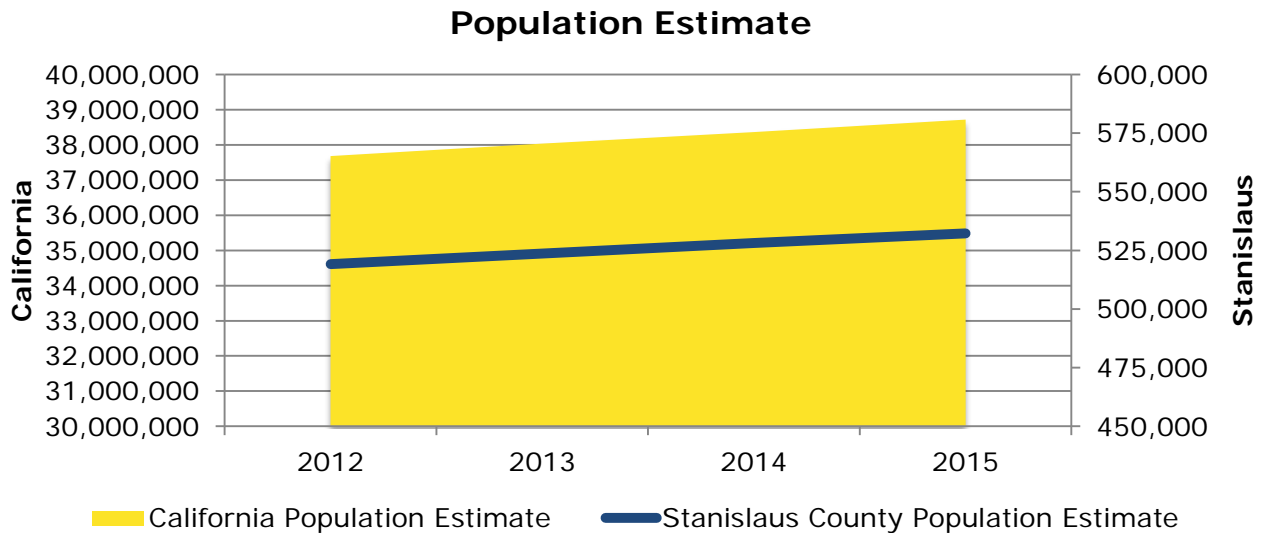
Stanislaus County was formed in 1854 and is located in the Central Valley of California midway between Redding in northern California and Bakersfield to the south; in an area known as the San Joaquin Valley. Stanislaus County covers 1,495 square miles and is 16th most populous county in California. The City of Modesto has been the designated County Seat since 1872.

According to the 2014 US Census Bureau¹¹, Stanislaus County has a culturally diverse population with a median age of 33.3 years. As of 2014, 77.2 % of Stanislaus County's residents had completed a high school education⁹ and 16.4% had attained a Bachelor's degree or higher. In comparison, 81.5% of Californians have completed high school and 31% have attained a Bachelor's degree or higher in education.

The recent recession affected many aspects of life in Stanislaus County, from employment to the poverty level to the median household income. In 2014, the US Census Bureau¹¹ estimated the median household income in Stanislaus County for the population aged 16 years and older at \$49,573 with an unemployment rate of 16.3%, and a poverty rate of 20.3%. In comparison, the median household income in California in 2014 was estimated at \$61,489 annually, with an unemployment rate of 11% and a poverty rate of 16.4%.

County Population

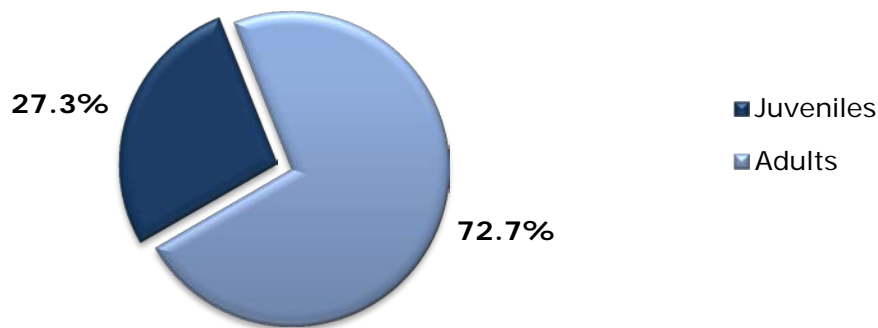
In 2015, California Department of Finance⁸ estimated the population of Stanislaus County at 532,297 individuals; with 79% living in one of the nine towns in Stanislaus County and the rest living within unincorporated areas. From 2012 through 2015, the population grew approximately 2.5%; which was slightly lower than California's growth rate of 2.7%.



Population Distribution

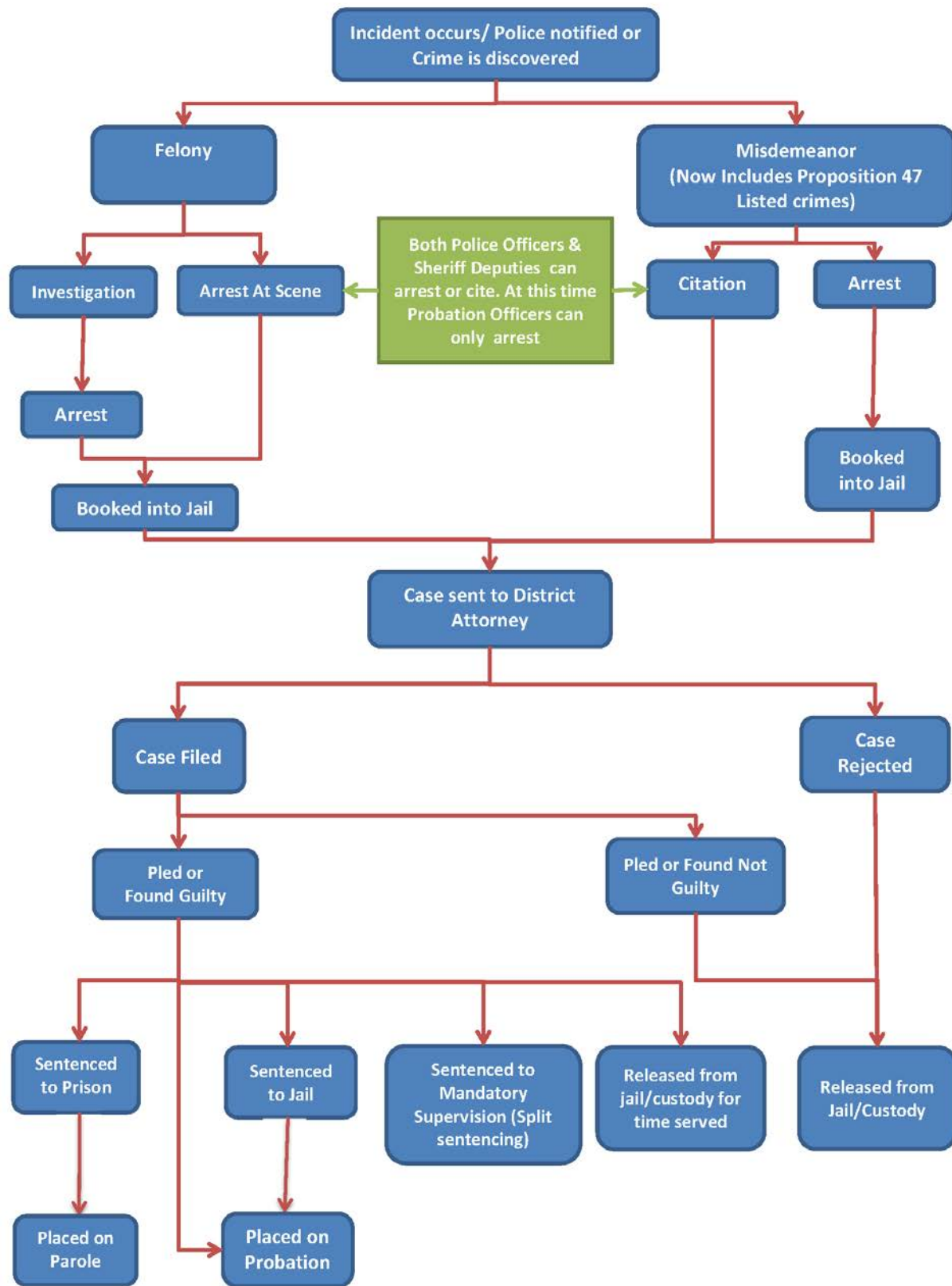
For the purpose of this report, the age distribution has been divided into two categories: 1) juveniles under 18 years of age and 2) adults 18 years and older.

2014 Stanislaus County Age Distribution



According to the US Census Bureau, in 2014, adults represented 72.7% of Stanislaus County's population and juveniles accounted for the remaining 27.3%. In California, the adults represented 76.4% of the population and juveniles accounted for 23.6%. The adult and juvenile judicial systems differ in numerous ways. The primary focus of this report pertains to the adult judicial system.

Criminal Justice Flow Chart



What is Proposition 47

In November 2014, California voters approved Proposition 47, a ballot initiated statute that reclassified non-serious and non-violent property and drug crimes from a felony offense to a misdemeanor.

Proposition 47 ensures prisons focus on violent and serious offenders and maximizes the alternatives for non-serious and non-violent offenders. Savings from the prison are to be invested into prevention and support programs in K-12 schools, victim services and mental health and drug treatment programs. Individuals who commit serious and violent crimes like: rape, murder, and child molestation will not benefit from Proposition 47 nor will individuals who have a prior conviction for specified violent or serious crimes.

In addition, any person currently serving a sentence, or who has been convicted of any of the reclassified offenses has the ability to petition the court and have their sentence considered for reduction. Before a sentence can be reduced, a thorough review of the individual's criminal history and a risk assessment is conducted to ensure the individual does not pose a risk to public safety.

Passage of Proposition 47

Voters in California passed Proposition 47¹, also known as the Safe Neighborhood and Schools Act, by a margin of 60% (4,238,156) to 40% (2,871,943). The voters in Stanislaus County, along with twenty-two other counties, opposed the initiative and thirty-five counties passed it. Voters in Stanislaus County opposed the initiative 52.4% (46,552) to 47.6% (42,261).

Laws & Proposition 47

Property Crimes

Proposition 47 amended several property crimes and created two new laws, §1170.18 PC, petition for resentencing and reduction, and 459.5 PC, shoplifting.

Shoplifting is defined as:

entering a commercial establishment with intent to commit larceny while that establishment is open during regular business hours, where the value of the Property that is taken or intended to be taken does not exceed nine hundred fifty dollars (\$950) . . . Shoplifting shall be punished as a misdemeanor . . .

In addition to creating a new shoplifting law, Proposition 47 raised the threshold of property crimes such as: forgery of a check; making/passing bad or counterfeit check; theft (grand and petty); receipt/possession of stolen property and petty theft with a prior conviction. The value of the property taken or forged determines severity of the crime. If the value does not exceed nine hundred and fifty dollars (\$950), the crime is

considered a misdemeanor and is punishable by up to one (1) year in county jail. If the value exceeds \$950, a felony may be charged.

In forgery cases, the value of the check(s) cannot be aggregated; the crime is a misdemeanor as long as each check does not exceed \$950. However, under the crime of making/passing a bad/counterfeit check the value of the checks can be aggregated.

There are exceptions however. If the individual who is being charged has had one or more prior convictions for any of the following types of crimes; the individual can be charged with a felony regardless of the property value. The exceptions are:

- Any offense requiring registration pursuant to subdivision (c) of Section 290,
- "Sexually Violent Offenses",
- Oral copulation, sodomy or sexual penetration of a child who is under the age of 14 and is more than 10 years younger than the perpetrator,
- Lewd and lascivious act with a child under the age of 14,
- Homicide (or attempted homicide),
- Solicitation to commit murder,
- Assault with a machine gun on a peace officer or firefighter,
- Possession of a weapon of mass destruction, or
- Any serious and/or violent felony offense punishable in California by life imprisonment or death

Prior to Proposition 47, an individual could be convicted of petty theft with a prior (666 PC) if they had three or more previous convictions of petty theft, grand theft, auto theft, burglary, carjacking, robbery, or felony possession of stolen property; which were punishable by imprisonment in county jail not to exceed one year.

Under Proposition 47, Petty Theft with a Prior (666 PC) is only applicable to individuals who have previously been convicted of any of the crimes listed above as exceptions.

Drug Possession

Property crime was not the only type of crime affected by Proposition 47, drug possession laws also changed. Before Proposition 47, drug possession, under §11350 H&S, was punishable by imprisonment; however, the law did not specify the sentence or amount of time to be served. Instead, the sentence was determined by §1170(h) PC which states:

a felony punishable pursuant to this subdivision where the term is not specified in the underlying offense shall be punishable by a term of imprisonment in a county jail for 16 months, or two or three years.

Under Proposition 47, an individual convicted of possession of Heroin/Cocaine (§11350 H&S) shall be punished by imprisonment in county jail for not more than one year,

unless the individual had a prior conviction for one of the exception crimes (see p5). Then individual shall be punished pursuant to §1170(h) PC, making the crime a felony.

The above holds true for possession of concentrated cannabis (§11357 H&S) as well as possession of Methamphetamine (§11377 H&S) except where the possession is authorized by the law and the person does not have a prior conviction for the exception crimes (see p5), then they shall be punished pursuant to §1170(h) PC.

Petitioning for Reduction of Prior Convictions

The passage of Proposition 47 also created §1170.18 PC; which allows an individual previously convicted of one or more of the felony offense(s) now considered misdemeanors (possession of: heroin/cocaine; methamphetamine; concentrated cannabis; shoplifting; forgery; making/passing a bad/counterfeit check; receipt/possession of stolen property [under \$950]; grand/petty theft and petty theft with a prior) the ability to petition the court to have the conviction reduced.

Resentencing is not automatic, the court must first determine if the petitioner satisfies the requisite criteria. When the court does consider a petition for resentencing, the court can also use its discretion to determine if the petitioner would pose an unreasonable risk of danger to public safety. The court may use the petitioner's prior criminal history; including the type of crime committed; the extent of the injury to the victim; the length of prior prison sentences; how recently the crimes were committed; the disciplinary record and record of rehabilitation while incarcerated; and any other evidence the court determines to be relevant to the petition.

In determining if the petitioner poses an unreasonable risk of danger to public safety, the court must decide if the petitioner is at risk to commit a new violent crime as found in the list of exception crimes enumerated under heading Property Crimes.

If the petition of an individual currently in custody is granted, the individual will be given credit for time already served and the credit will be applied to the new sentence. Upon release from custody, the individual could be subject to parole for one year or the court could release the individual without parole. The new sentence cannot be longer than the original sentence.

If an individual has completed his or her sentence for a felony conviction for any of the above crimes, they may still submit a petition for resentencing. The court will employ the same methods for considering the petition that are used for considering the petition of an individual who is still in custody.

As of October 2015, the Courts have resentenced 1,076 individuals. Petitions to review cases must be filed within three years of the effective date of Proposition 47.

Proposition 47 and Stanislaus County

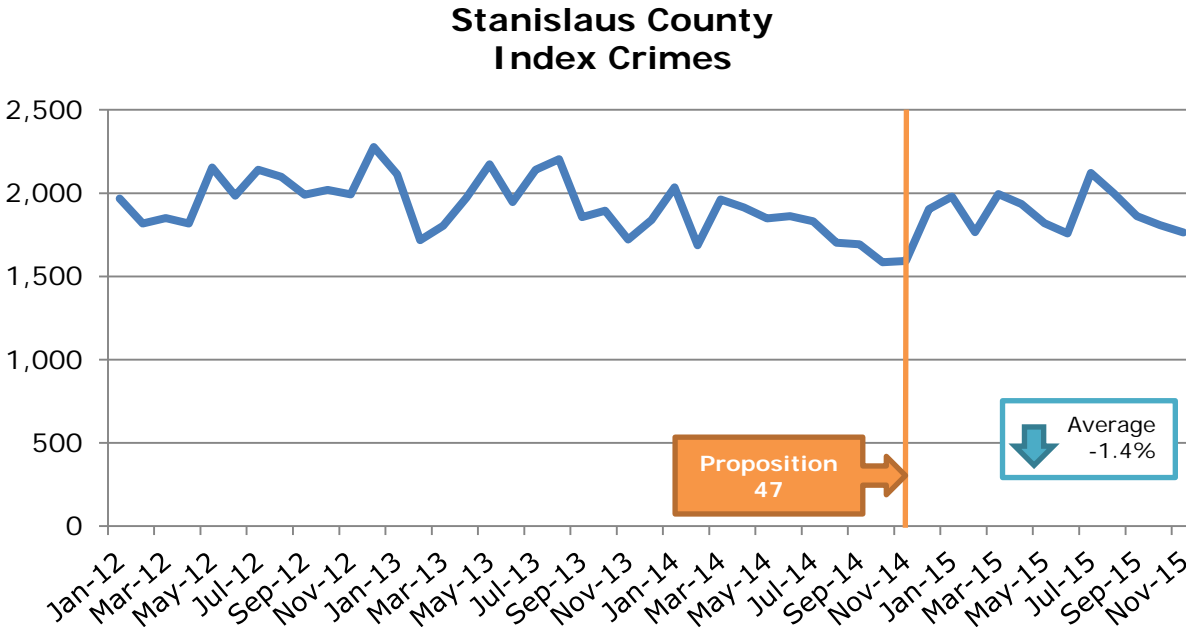
Finding the Answers

In order to analyze the effect of Proposition 47 in Stanislaus County, a baseline or “normal” needed to be established. Data was gathered in the following categories: crimes reported; arrests; citations; case dispositions from the District Attorney; jail population; the length of stay in jail and the probation population. The data between January 2012 and November 2014 was then averaged to establish the baseline. The baseline was then compared to the data reported after the passage of Proposition 47 to analyze the impact. Note, 2015 data has not yet been audited and is subject to change.

This report reflects those findings.

Index Crime

The Federal Government requires law enforcement to track and report seven major crimes to the FBI for the Uniform Crime Report (UCR). These index crimes are considered to be the most serious types of crime and are used to compare crime across the United States. Index crimes are broken into two categories: violent crimes, which are crimes against people and property crimes, which are crimes against property. Index crimes are used to compare crime rates across the United States.

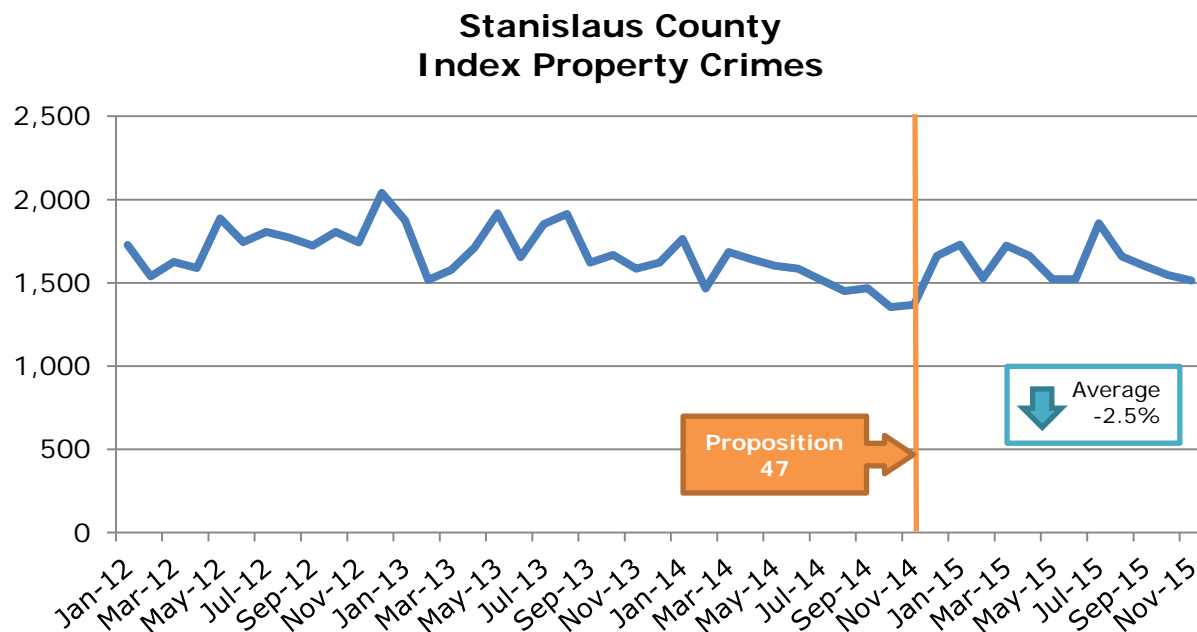


The average number of index crimes reported from January 2012 through November 2014 were 1,920 per month. From December 2014 through November 2015, after the passage of Proposition 47, the average number of crimes reported decreased to 1,892 crimes per month. This represents a decrease of 1.4% or 28 fewer crimes.

This comparison does not take in to consideration the downward crime trend prior to the implementation of Proposition 47. Index crimes had been declining since August 2013 reaching its lowest point in October 2014, the month before Proposition 47 was implemented. Between August 2014 and July 2015 index crimes climbed from 1,585 to 2,121, a 33.8% increase, before dropping back down to 1,763 in November 2015.

Property Crimes

The property crimes that are considered serious enough to be an index crime include residential and commercial burglary, larceny or theft and motor vehicle theft. Property crimes statistics are based on the number of crimes reported to law enforcement.



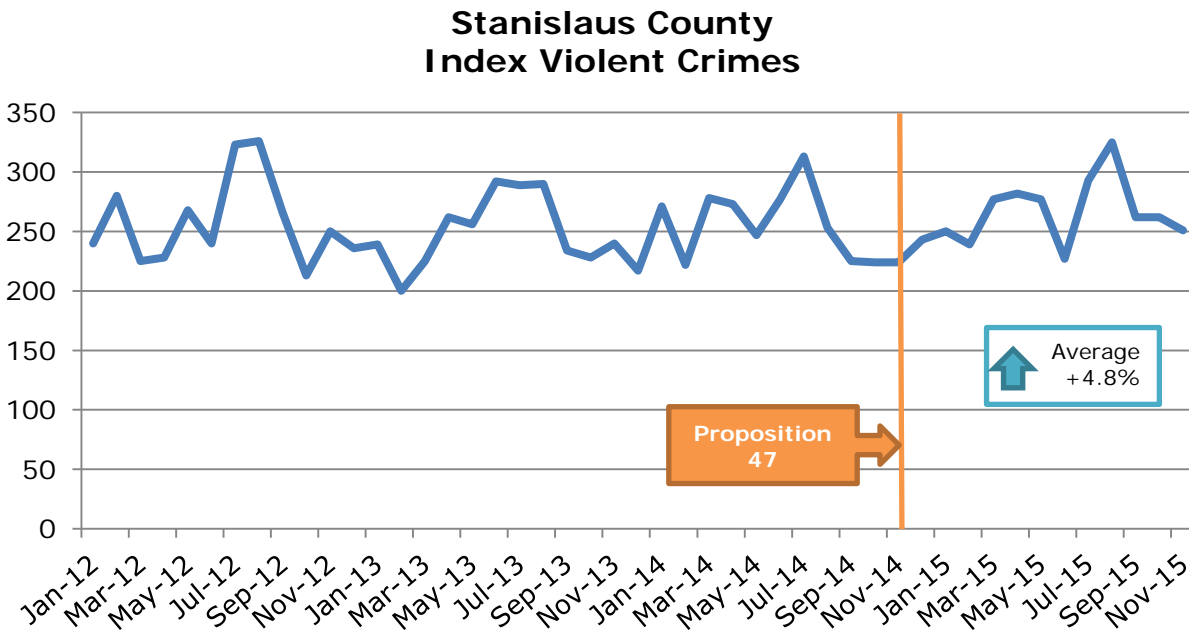
The property crime trend line is very similar to the index crime trend line on the previous page. This is because property crime accounts for the majority of the index crimes reported. For example in 2014, 86.8% of the index crimes in Stanislaus County were property crimes. The remaining 13.2% were violent crimes.

The number of property crimes reported in Stanislaus County averaged 1,669 crimes between January 2012 and November 2014. In the one year following the passage of Proposition 47, the County averaged 1,627 incidents reported per month. This represents a 2.5% decrease below the baseline or 42 fewer incidents per month.

From March 2014 through October 2014 there was a steady decrease in property crimes. Since the implementation of Proposition 47, July 2015 had the highest number of property crimes reported with 1,857 incidents; which was 11.3% above the established baseline.

Violent Crimes

Violent crimes can be characterized as crime against a person or individuals. Violent crimes include: murder; rape; robbery & aggravated assault (with deadly weapon and aggravated injury). Unlike property crime, murder, rape and aggravated assault are reported based on the number of victims. Robbery is counted by each incident.



Between January 2012 and November 2014, Stanislaus County averaged 254 violent crimes per month. After Proposition 47, the monthly average increased by 12 violent crimes for a total of 266 violent crimes per month, or 8.75 per day. This equated to a 4.8% increase over the established baseline.

The highest number of violent crime was reported in August 2015 with 325 incidents, a 27.9% increase over the baseline.

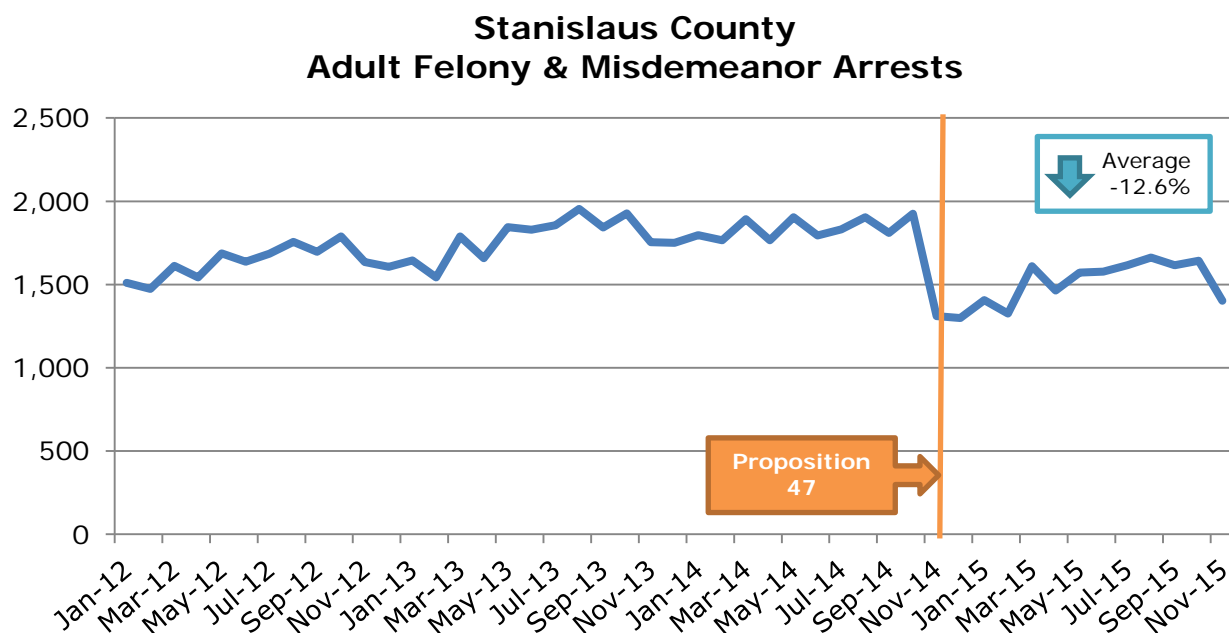
Consequences of Crime

Arrests

Violations of the law can be broken down into three categories: infractions, misdemeanor, and felony offenses. Infractions are not considered criminal offenses and the penalties are financial in nature. A misdemeanor offense is the least severe type of criminal offense and can result in fines, probation or jail time. A felony is considered the most severe criminal offense and; consequently, the penalties are more severe.

An individual can be detained or arrested if there is probable cause to believe they have committed a crime, a judge has issued an arrest warrant or an officer saw the individual commit a crime. Each detainment counts as one arrest. An individual can be arrested for a single offense, or more prolific offenders can be arrested multiple times. For example, if John Smith was arrested for committing a burglary and one week later was arrested for committing a second burglary that would count as two arrests. One individual; two arrests.

Arrests can be effected by all Federal, State and Local law enforcement officers including prosecutors. A bail bond surrender or when an individual turns themselves in for a crime also can count as an arrest.



The above chart depicts the number of arrests made in Stanislaus County. The impact of Proposition 47 was measurable. Proposition 47 changed property crimes and drug possession from felony level to misdemeanor level crimes, which are now being cited instead of arrested.

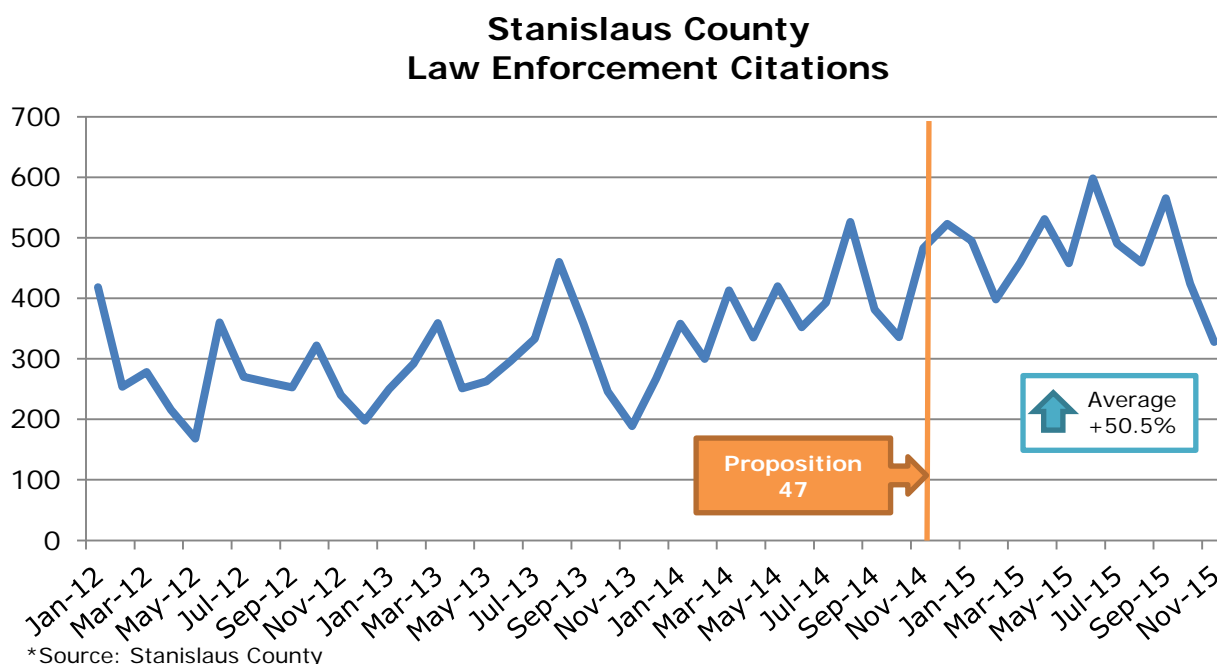
Arrests in Stanislaus County were steadily increasing before Proposition 47; averaging 1,735 per month. After Proposition 47 was implemented, arrests dropped to 1,516 per month. This decrease is 12.6% below the baseline and equates to 219 fewer arrests per month.

From December 2014 through November 2015 the greatest decrease was realized in December 2014 with 1,299 arrests, 25.11% below the baseline.

Citations

A citation is an official summons or notice to appear in court and is issued in lieu of an arrest. Citations are issued for infractions and most misdemeanor level crimes. The exception being when the crime is committed in the presence of an officer, the crime will likely continue or the individual does not have identification or refuses to identify themselves, then they will be arrested. At this time, Probation Officers cannot issue citations for misdemeanor level crimes, which the Probation Department is working towards changing.

The chart depicts criminal citations only.



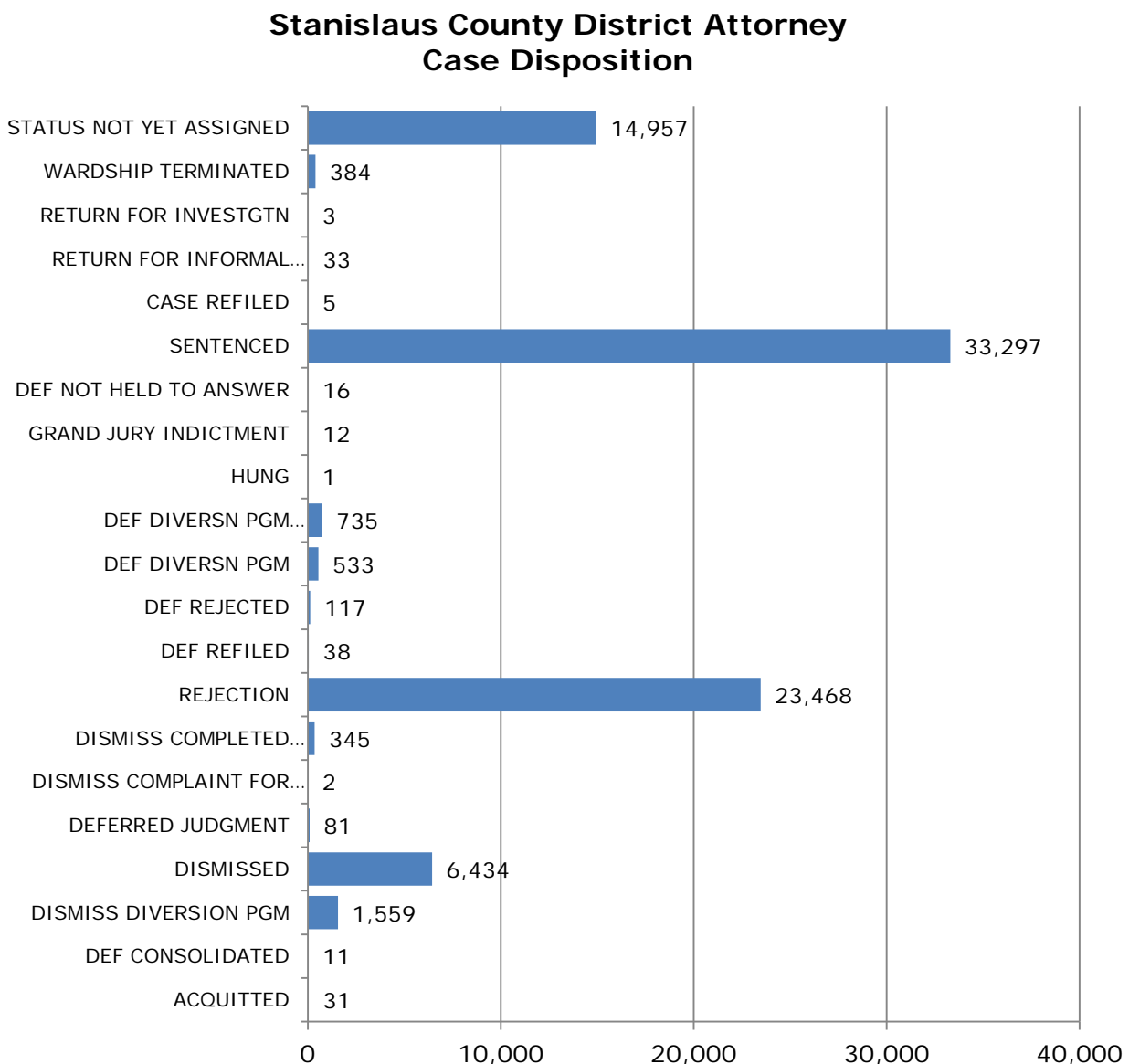
In Stanislaus County between January 2012 and November 2014, on average 317 citations were issued per month. After Proposition 47, the number of citations issued increased 50.5% to 477 citations per month or 160 additional citations.

According to the above trend line, citations were on an upward trend prior to the passage of Proposition 47.

Stanislaus County District Attorney

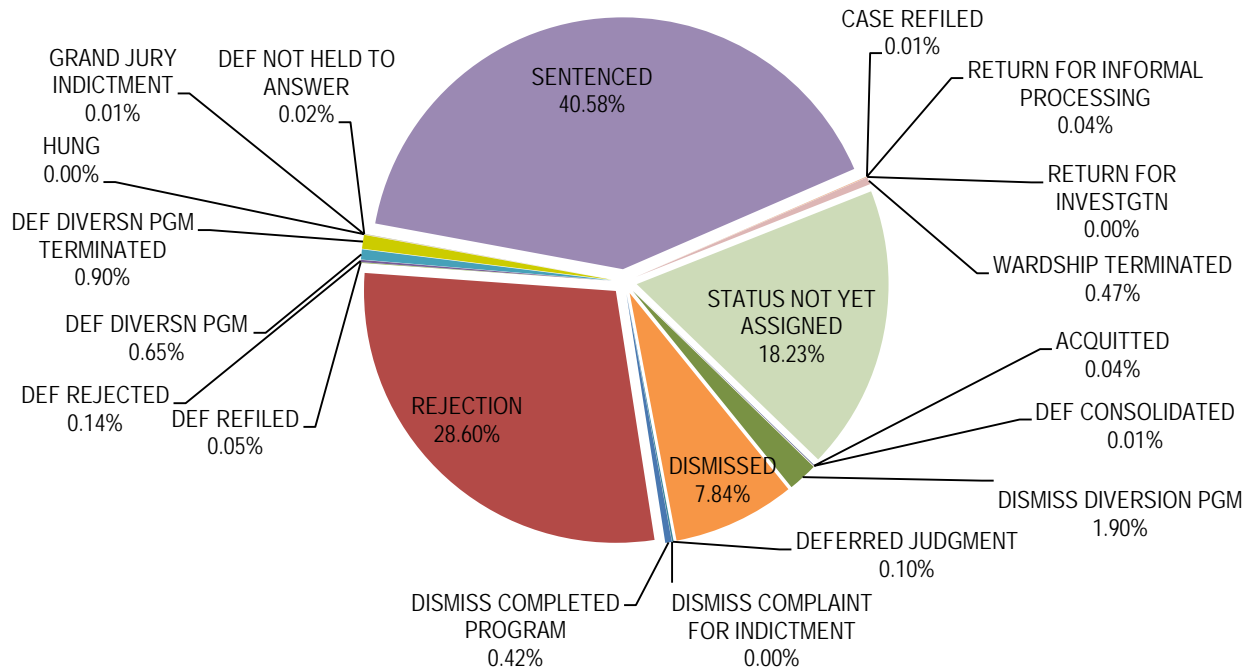
Case Disposition

Once an individual has been arrested for a crime, the case is forwarded to the District Attorney's Office (DA) where it is reviewed. The disposition (dispo) of a case reflects the case status. The following graph depicts the disposition of the 82,062 cases that were sent to the District Attorney's Office from January 2012 through November 2015. During the period analyzed, 33,297 cases resulted in an individual being sentenced, 23,468 cases had been rejected, 14,957 had not yet been assigned, and 6,434 were dismissed. The various case statuses are listed on the left side of the following graph and are subject to change as the case goes through the legal system. For example, charges can later be filed on a case that has been rejected.



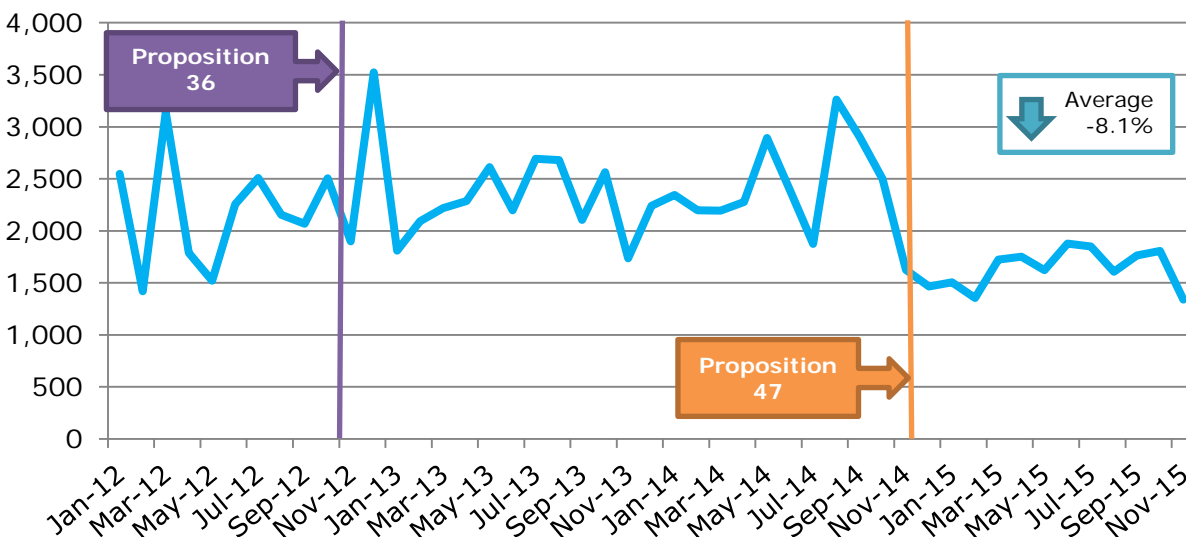
The following pie chart depicts case dispositions as a percentage.

Stanislaus County District Attorney Case Disposition



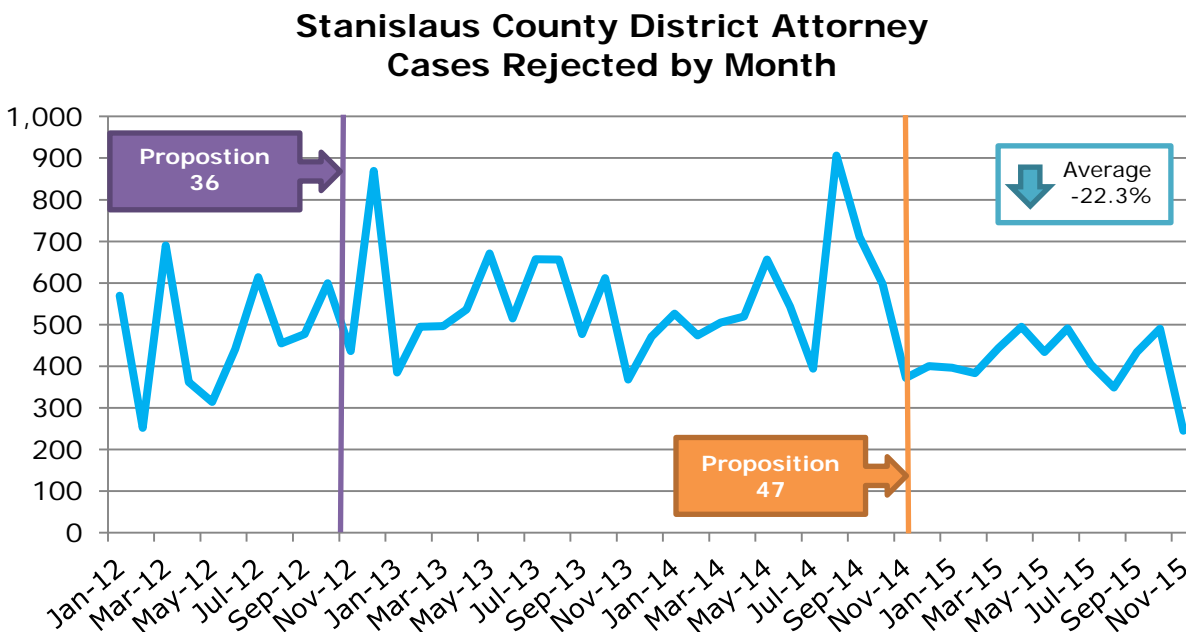
Before Proposition 47, the District Attorney's Office reviewed an average of 1,783 cases per month. Since Proposition 47, the number of cases reviewed has decreased to 1,638 cases per month; a decrease of 8.1% or 145 cases per month.

Stanislaus County District Attorney Cases Disposition by Month



In November 2012, Proposition 36 was passed. Proposition 36 amended the "Three Strikes" law limiting life sentences to new "serious or violent" felony convictions. Proposition 36 also allowed for resentencing of individuals who were serving life sentence for non-serious or non-violent crimes. The passage of Proposition 36 and

subsequent resentencing may be a contributing factor to the increase in cases in December 2012.



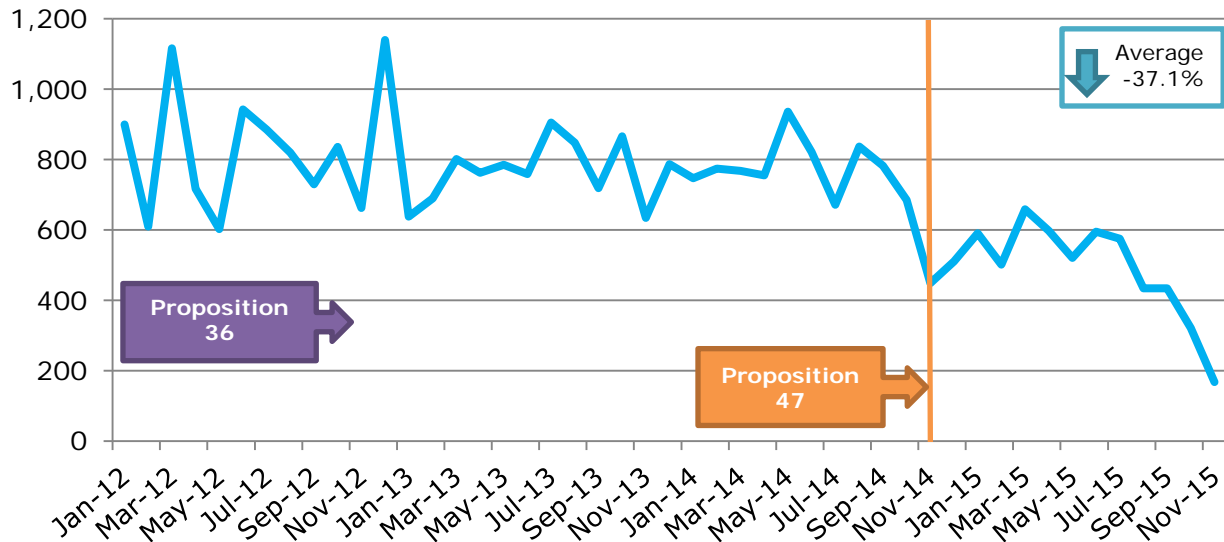
When the District Attorney's office decides not to file charges in a case, the case is rejected. Rejected cases can be resubmitted to the District Attorney's office and charges can be filed up until the statute of limitations expires. The above chart depicts cases that have been rejected by the District Attorney's office.

The District Attorney's office may also determine if further investigation is needed on a case and send it back to the investigating law enforcement agency. The missing information is obtained and the case is resubmitted.

The average number of cases rejected between January 2012 and November 2014 was 530 per month. After December 2014, the average number of cases rejected dropped to 411 per month, which was 22.3% below the baseline or 119 fewer cases per month.

However, the downward trend began before Proposition 47 was implemented. After peaking in August 2014, the number of cases rejected had dropped 59% by November 2014 when Proposition 47 went into effect.

Stanislaus County District Attorney Cases Resulting in a Sentence by Month



Cases that have gone through the legal process and, as the outcome, the individual is convicted or found guilty, result in a penalty or sentence. The sentence can include but are not limited to fines, probation, diversion programs or incarceration in jail or prison.

From January 2012 through November 2014, on average, 782 cases per month resulted in a sentence. After December 2014, the average declined to 493 cases per month, a drop of 37.1% or approximately 289 fewer cases per month.

The number of cases resulting in a sentence began declining in September 2014 and has remained below the baseline since the passage of Proposition 47 with the lowest number occurring in November 2015. This downward trend is consistent with the decrease in the number of cases sent to the District Attorney’s office for review.

Stanislaus County Detention Facilities

AB 109 Realignment from Prison to Jail

The Stanislaus County Detention Facilities or jail are under the purview of the Sheriff and are considered short-term adult facilities. A jail is a local facility whereas a prison is under the purview of the federal or a state government and is a long term facility.

In California, the prisons had struggled with population management and health care for over a decade when two pivotal lawsuits were filed. *Coleman v. Brown*, filed in 1990, and *Plata v. Brown*, filed in 2001, were class action lawsuits alleging unconstitutional levels of health and mental health care in California prisons. By 2006, Governor Arnold Schwarzenegger had issued Proclamation 4278, declaring a state of emergency in California's prisons. In 2009, a three judge panel ordered California to reduce its population by 137.5% within two years. The ruling was affirmed by the US Supreme Court in 2011 and California began the challenge of reducing its prison population.

In October 2011, Assembly Bill (AB) 109 was passed in an effort to reduce the prison population through realignment. The realignment shifted individuals who had committed low level felony offenses from prison to county jails. The crimes committed had to be non-violent, non-serious and not require the offender to register as a sex offender. AB 109 also shifted the supervision of these individuals after their release from Parole to County Probation and provided funding to the counties to offset the cost of realignment.

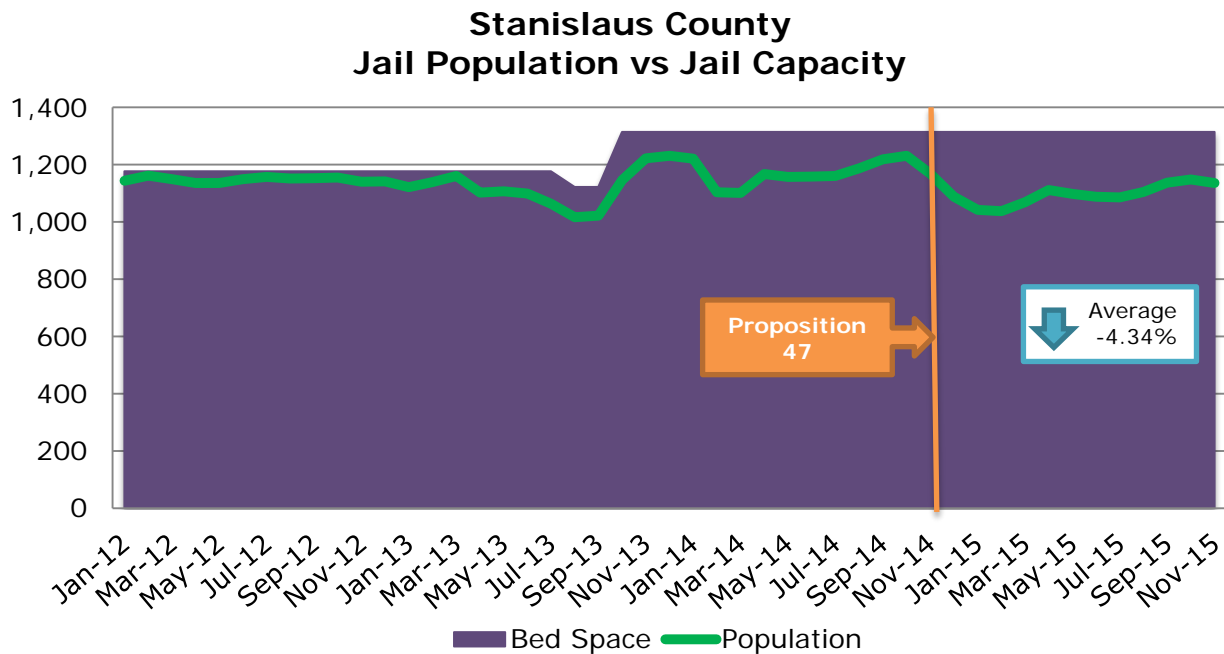
To oversee the realignment, Community Corrections Partnership (CCP) committees were created in each county. In Stanislaus County, the CCP includes members from the Probation Department, Sheriff's Department, Police Departments, District Attorney's Office, Public Defender's Office, County Superior Courts, County Mental Health Department, County CEO, County Board of Supervisors and Community Based Organizations. In 2011, the CCP funded the addition of 150 beds to the jail; the funding included additional staff, programs and treatment services. In 2012, the CCP funded an additional 72 beds.

In November 2012, Proposition 36 revised California's three strikes law to limited life sentences to violent or serious felony offenses and some sex offenses. Individuals who were serving life sentences for three strike convictions could be appealed to the courts for re-sentencing. Proposition 47 was the latest measure to affect jail populations.

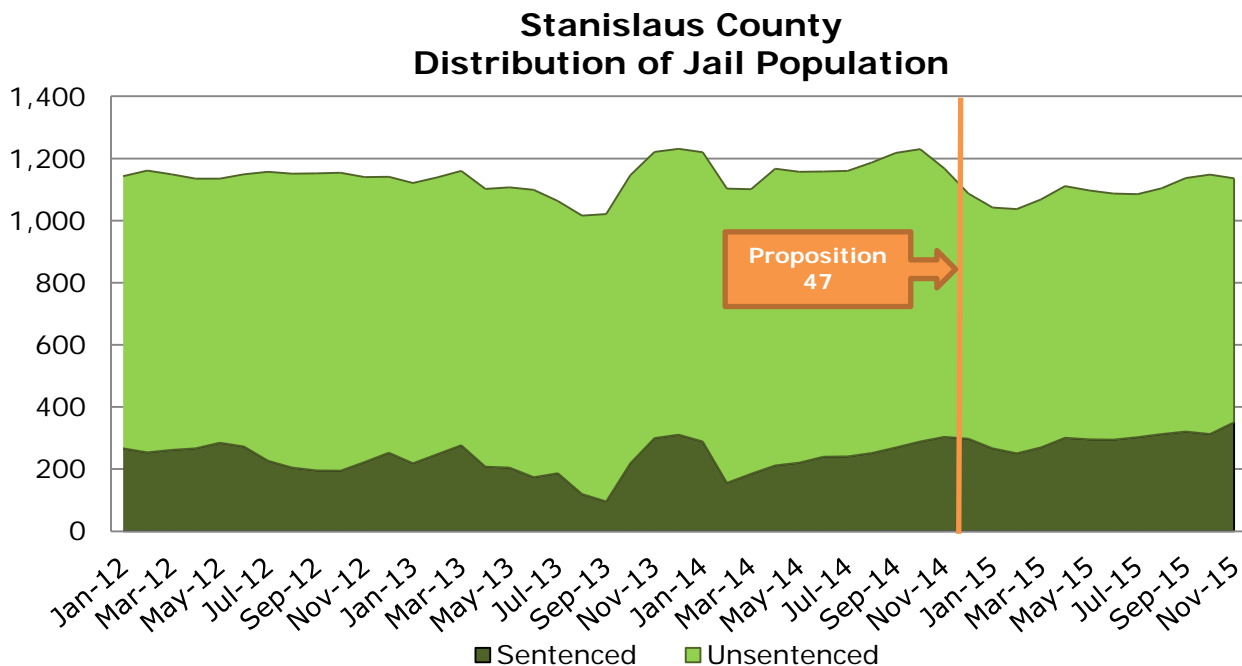
Jail Populations

Jail populations can be affected by many factors including but not limited to jail capacity, changes in the law, the number of crimes committed, the number of offenders who are arrested, length of trials and length of sentences. The following chart compares the jail population to its capacity or occupancy. From January 2012 through July 2013, the jail had space for 1,176 individuals. In August 2013, the Men's Honor Farm closed and the

bed space decreased to 1,122. In October 2013, Unit 2 opened increasing the bed space to 1,314.



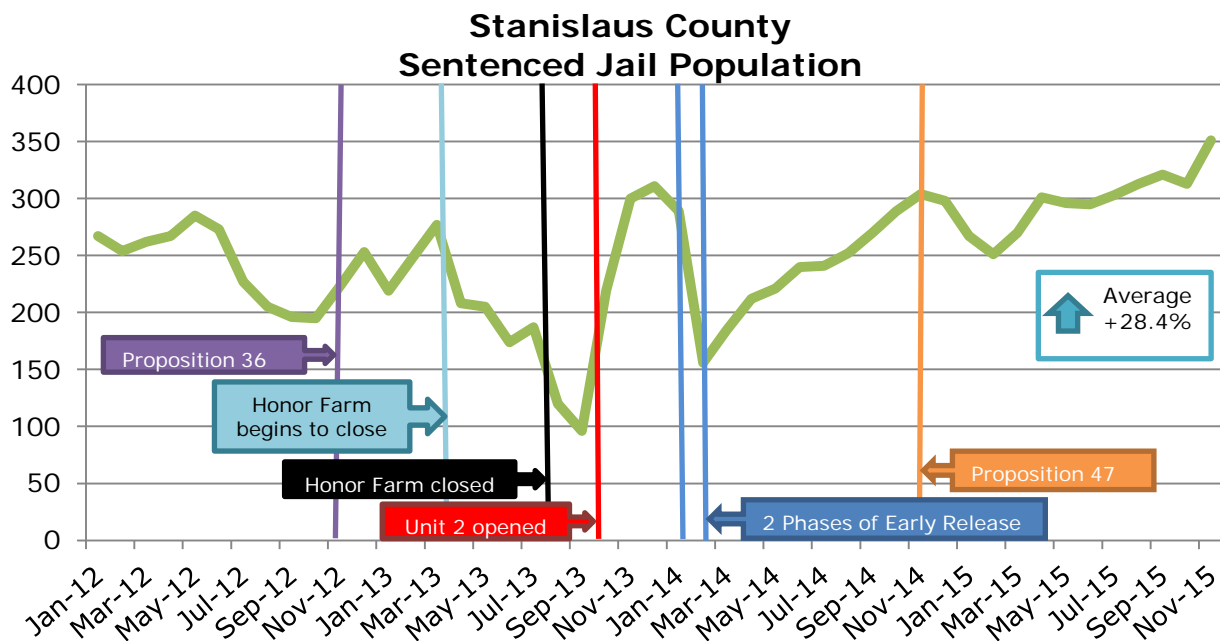
The adult jail population before Proposition 47 averaged 1,145 individuals per month. After Proposition 47, the population fell 4.3% to 1,095, or 50 fewer occupants. The following chart breaks down the population based on where they are in the legal process.



The jail population includes individuals who are in custody for felony or misdemeanor level crimes and are going through the legal process, individuals who have been convicted and are serving a sentence as well as individuals who are being held for

probation or parole violations, or who are being held on a warrant. It does not include those who are assigned to an Alternative Work Program.

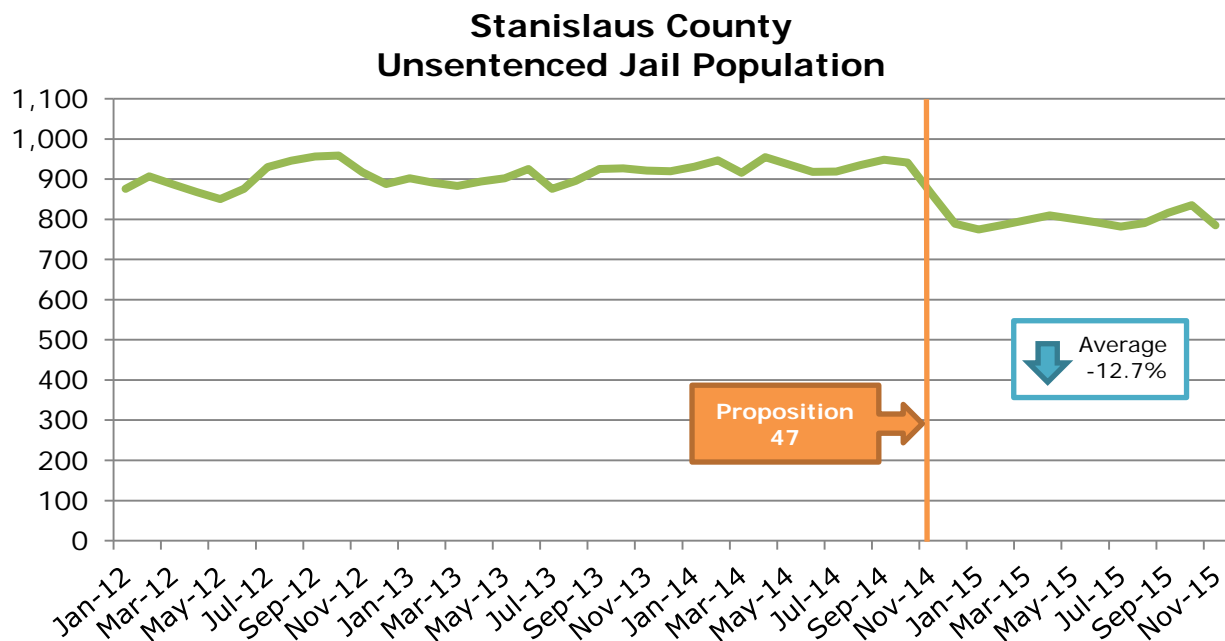
Before Proposition 47, on average, 79.7% of the jail population was unsentenced or going through the legal process. This population includes individuals awaiting arraignment to be formally charged, a preliminary hearing to review the evidence in support of the charges, trial or sentencing. The remaining 20.3% of the jail population were serving a sentence. After the passage of Proposition 47, the number of individuals who were serving a sentence increased to 27.2% and those who were in the legal process decreased to 72.8%.



The above chart depicts the number of individuals serving a sentence and demonstrates the impact jail capacity and changes in the law can have on jail populations. This segment of the population can also fluctuate substantially to the availability of jail alternatives such as electronic monitoring and early release policies. In April 2013, the jail began closing the men's Honor Farm (teal line) and by August (black line) the men's Honor Farm had closed completely. As a result of the reduction in bed space, there were fewer individuals in custody for a short period. In October 2013 (red line), the jail opened Unit 2; which increased capacity. Subsequently the population increased. Between January and February 2014 (blue lines) sentenced individuals were released early as part of population management, and the decrease from January 2015 through February 2015 was primarily due to Proposition 47, according to jail personnel.

Through all of the aforementioned changes, the average sentenced population between January 2012 and November 2014 was 232 individuals; from December 2014 to November 2015, the sentenced population had increased by 66 individuals on average

or 28.4% up to 298. The increase in the sentenced population is contrasted by the decrease in the unsentenced population.



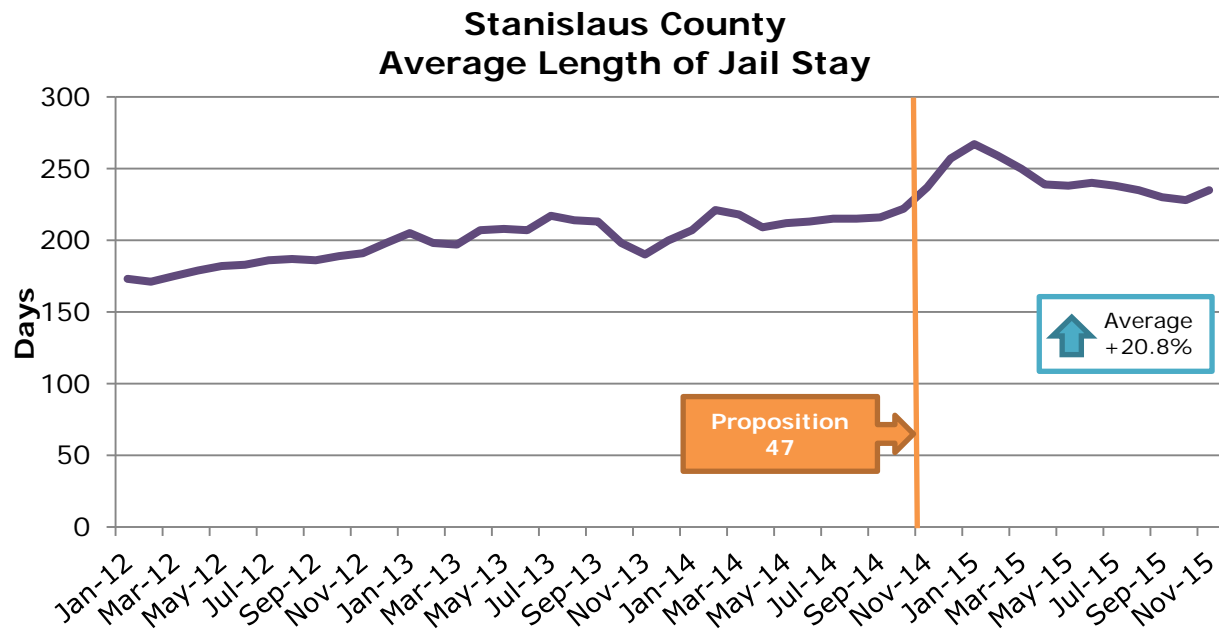
The unsentenced jail population between January 2012 and November 2014 averaged 912 individuals per month. From December 2014 through November 2015, the unsentenced population dropped to 797 per month, a decrease of 12.7%.

The unsentenced adult population began to decrease November 2014 when Proposition 47 was passed and has remained below previous levels. This decrease is consistent with the 12.6% decrease Stanislaus County realized in arrests. Both decreases correlate with the passage of Proposition 47 and can be attributed to Proposition 47's effect on property crimes and drug possession. Before Proposition 47, these crimes were felonies which resulted in arrest and detainment in the jail. As a result of Proposition 47, the crimes became misdemeanors which most frequently resulted in citations, which are sent directly to court, by-passing the jail (see Criminal Justice Flow Chart on p3).

The reduction in this segment of the jail population has alleviated the need to find alternative jail solutions or to release individuals who are serving a sentence early. This is demonstrated in the previous graph that showed an increase in the sentenced jail population as well as the next graph that shows an increase in the length of stay.

Length of Stay

The following graph depicts the average length of stay for individuals who were detained in jail while they were going through the legal process, serving a sentence, were arrested on warrants and/or were held for probation or parole violations.

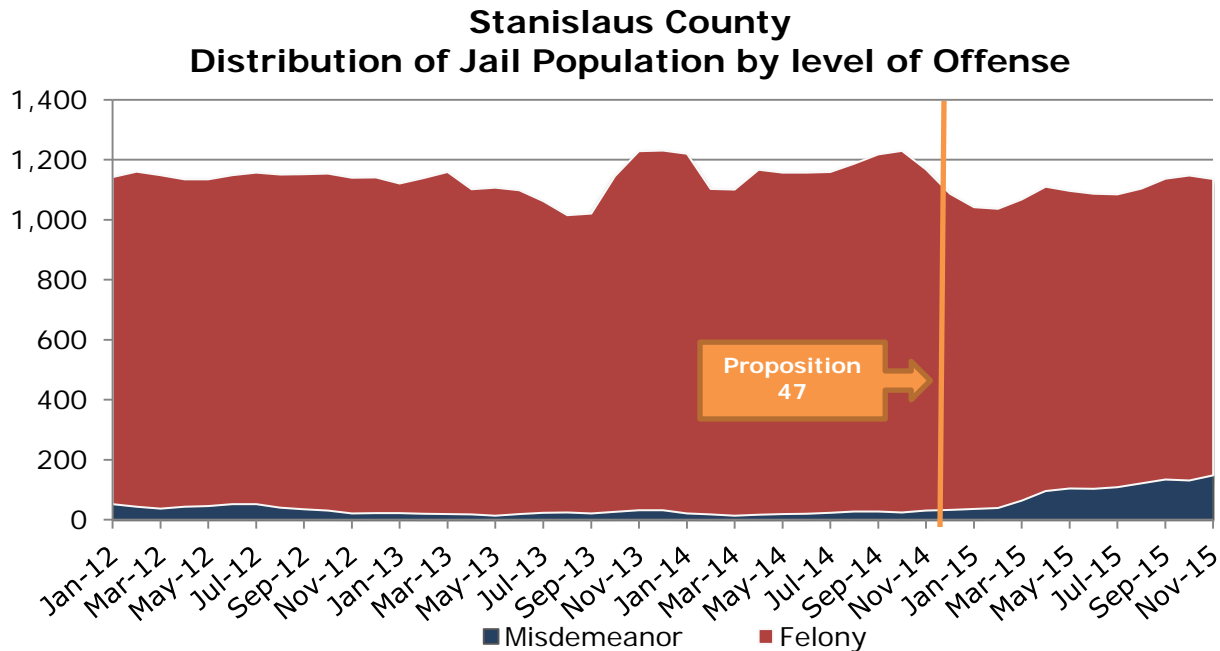


The average length of stay for an individual from January 2012 through November 2014 was 201 days. The average length of stay between December 2014 and November 2015 was 235 days, a 20.8% increase or an average increase of 42 days per stay.

Felony and Misdemeanor Populations

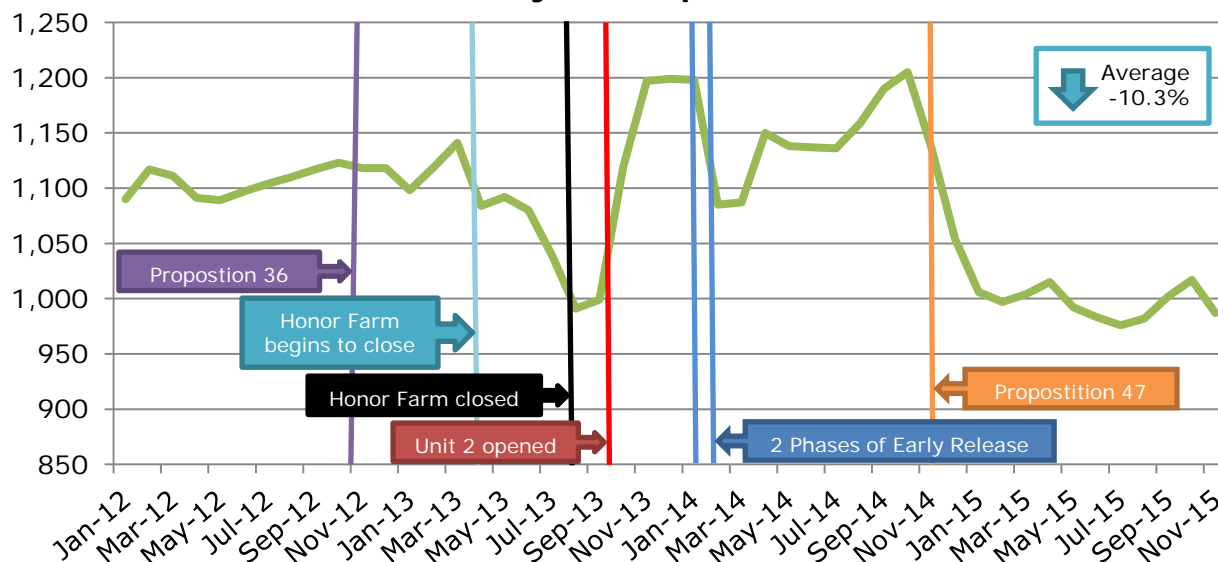
The jail population includes individuals who are in custody for felony or misdemeanor level crimes; with felony being the most severe offense and misdemeanor the least.

The following chart shows the distribution of the population based on the level of the offense.



The felony population between January 2012 and November 2014 made up 97.5% of the jail population; the remaining 2.5% of the population were in custody for misdemeanor offenses. From December 2014 through November 2015 the felony population dropped to 91.4% of the population and the misdemeanor population increased to 8.6%.

Stanislaus County Felony Jail Population

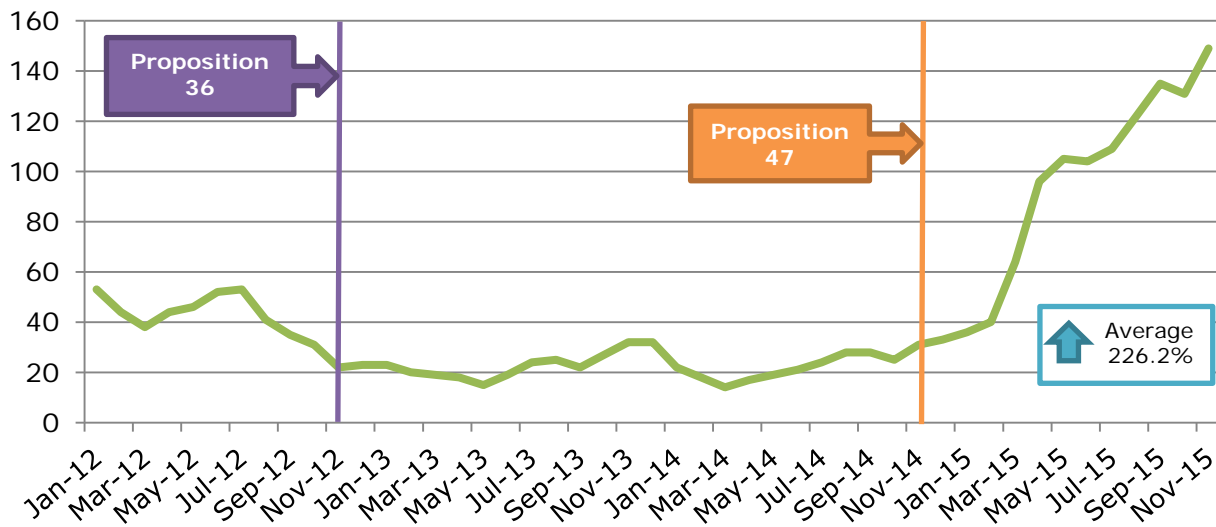


The felony population averaged 1,116 individuals per month from January 2012 through November 2014. From December 2014 through November 2015 the felony adult population dropped to 1,001 individuals, a decrease of 10.3% or 115 fewer individuals.

As the largest segment, the felony population was impacted more significantly by changes in bed space than the misdemeanor population throughout the period examined. The decrease in felony population from April through August 2013 coincides with the closing of the men's honor farm; the increase in October 2013 coincides with Unit 2 opening, and the decrease in February 2014 coincides with the early release of individuals for population management. Lastly, the implementation of Proposition 47 reduced the felony population to lows comparable to the period between the honor farm's closure and opening of Unit 2 where it has remained. The post-Proposition 47 reduction is consistent with what would be expected from the reclassification of drug possession and property crimes from felonies to misdemeanors. The reduction in the felony population at the jail alleviated some of the need for early release through population management and has increased the available bed space. Some of that bed space has been filled by misdemeanor offenders.

While most misdemeanors result in a citation punishable by a fine or probation, there are circumstances when a misdemeanor can lead to an arrest and jail time. For example, if a crime is committed in the presence of an officer, or if there is a reasonable likelihood the crime will continue; which happens with assault and battery cases, or if an individual is caught carrying a loaded firearm in public, that individual can be arrested for a misdemeanor offense. A misdemeanor arrest warrant can also be obtained. The maximum penalty for a misdemeanor offense is one year in jail.

Stanislaus County Misdemeanor Average Adult Jail Population



The average misdemeanor population from January 2012 through November 2014 was 29 individuals. Since the implementation of Proposition 47, the misdemeanor population has grown substantially realizing a 226.2% increase in the average when compared to the prior baseline. The trend line is currently on an upward trajectory.

Probation

Probation is the conditional, supervised release of an individual who has been convicted of a crime. Probation is ordered by the Courts and can be in lieu of, or in addition to, a jail sentence. Probation Departments are community based and are under the purview of the Chief Probation Officer. Probation differs from Parole; which is under the purview of the State of California. Parole is a supervised early release program for individuals who have been sentenced to and served time in a state prison. The Federal Government has a similar program for individuals who have committed federal crimes.

Stanislaus County Probation Department has three divisions: 1) Administrative Services, 2) Juvenile Institutional Services, and 3) Adult and Juvenile Field Services. The focus of this report will be limited to two components of Adult Field Services: 1) Supervision, and 2) Services.

Probation Officers supervise individuals who have committed low level offenses. The level of supervision corresponds with the severity of the offense. For example, an individual who committed a misdemeanor offense such as petty theft would have a different level of supervision than a burglar. The implementation of AB 109 brought new challenges to probation as did Proposition 47.

AB109 Public Safety Realignment shifted individuals who were convicted of a non-violent, non-serious or non-sex offenses from State jurisdiction to County jurisdiction. Rather than serving prison sentences; time was to be served in the local jail. Supervision also shifted from State parole to County probation. The seriousness of the offenses committed by individuals affected by AB109 exceeded the crimes committed by Traditional probationers; however, and new levels of supervision had to be created.

AB109 created two new categories of probation: 1) 1170H or Mandatory Supervision (Split Sentencing), and 2) Post Release Community Supervision (PRCS).

Mandatory Supervision provided the courts with the option of split sentencing. A judge could split a sentence between jail time and a period of supervision.

Post Release Community Supervision (PRCS) applies to individuals who would have been under the supervision of Parole prior to AB109.

Whereas AB109 increased the purview and raised the level of supervision provided by the Probation Department, Proposition 47 had the effect of reducing the number of Traditional probationers.

Probation Populations

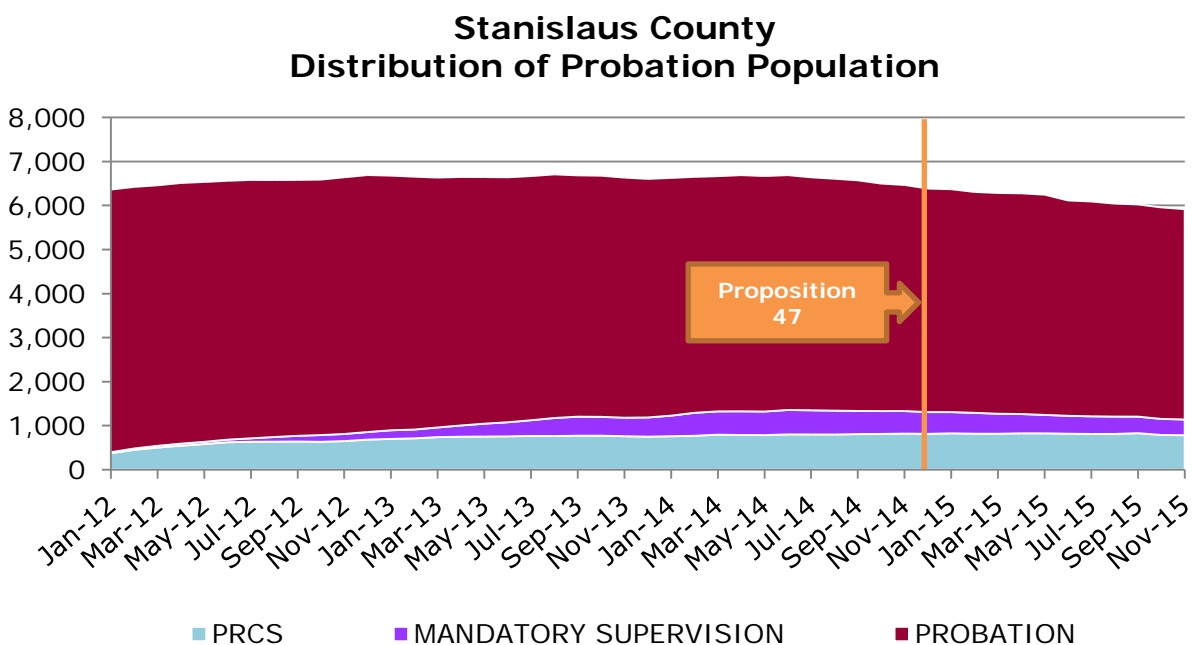
Probation ordered by the Court is referred to as a "grant". Individuals can have multiple grants of probation and each grant can be for a different type of probation (IE: PRCS, Mandatory Supervision or Traditional probation). In order to keep the population

accounting accurate, individuals are counted using a hierarchy. Utilizing this method ensures individuals are only counted one time regardless of the number of grants they may have.

The grant hierarchy in order of importance is:

- I. Post Release Community Supervision (PRCS)
- II. Mandatory Supervision (1170H)
- III. Traditional Probation

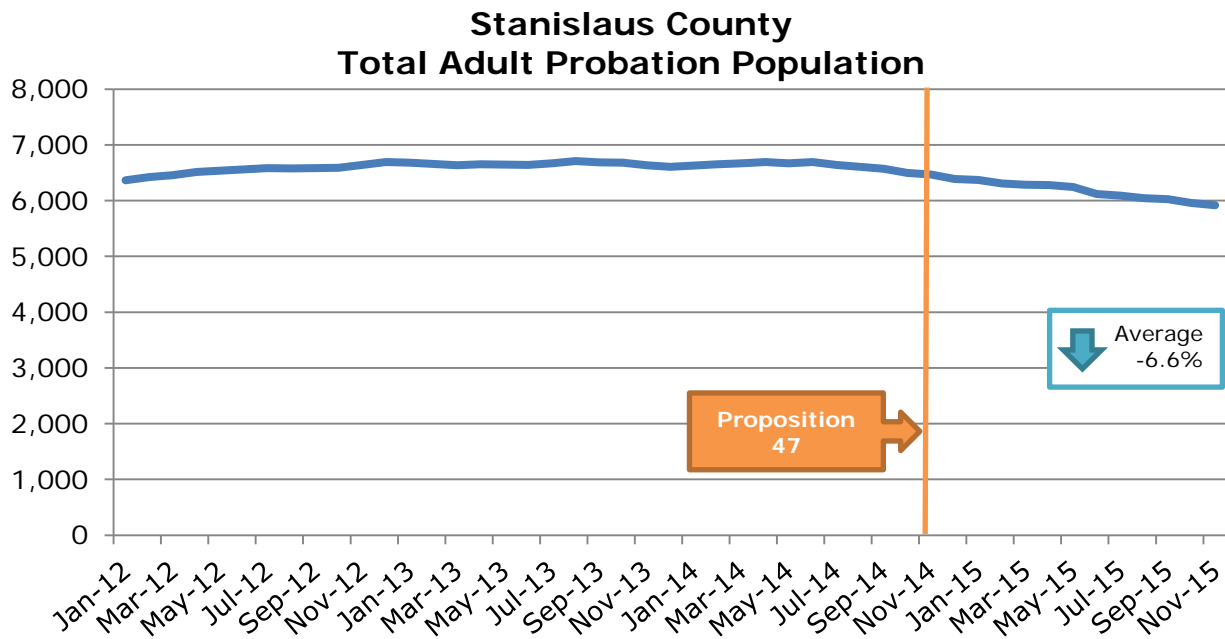
Only the grant highest on the hierarchy is counted, thus avoiding double and triple counting individuals with multiple grants. For example, if an individual has two grants of probation, one for mandatory supervision, and one for Traditional probation; the grant for mandatory supervision will be counted, and the grant for Traditional probation will not.



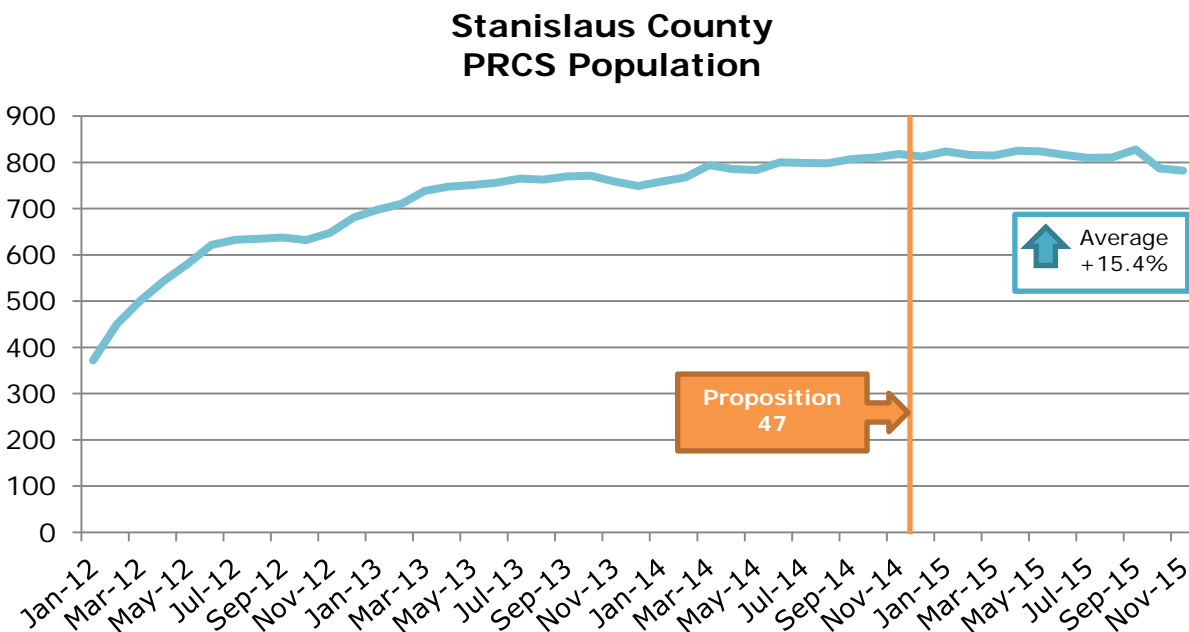
From January 2012 through November 2014, the PRCS population accounted for 10.7% of the probation population. From December 2014 through November 2015, the PRCS population increased to 13.2%.

Individuals on Mandatory Supervision initially made up 4.7% of the probation population; from December 2014 through November 2015 increased to 6.8% of the population.

Traditional probation has steadily decreased over time, however at 84.7%, it still accounted for the majority of the probation population before Proposition 47 was implemented. From December 2014 through November 2015, Traditional probation dropped to 80% of the Adult population.



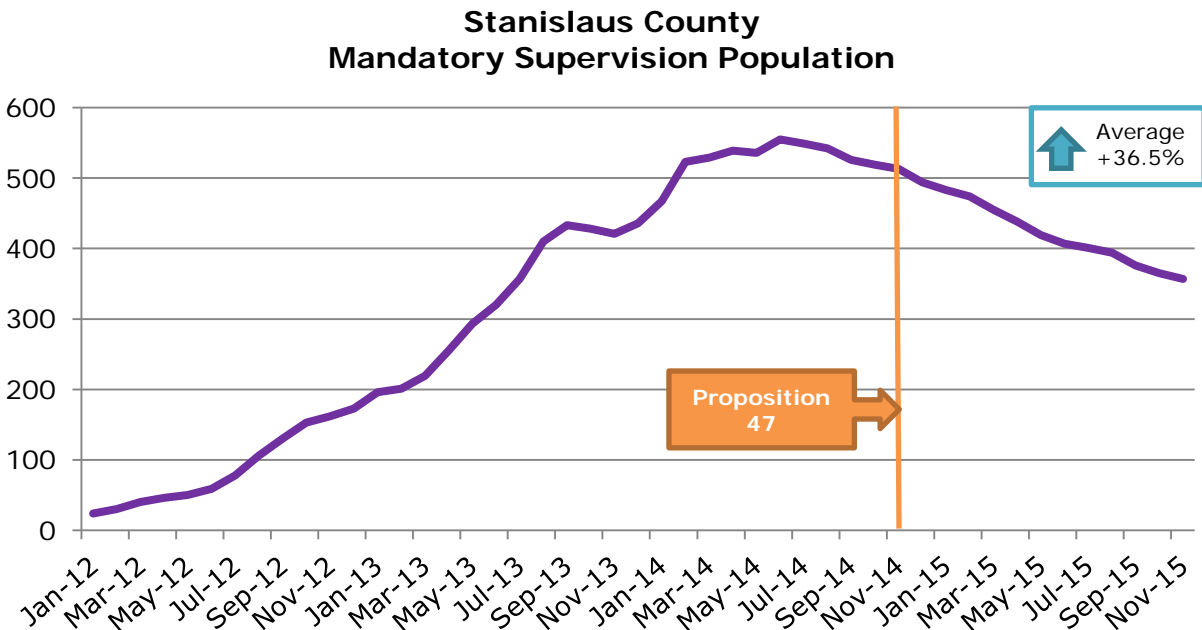
From January 2012 through November 2014, the adult probation population, which included PRCS, Mandatory Supervision & Traditional Probation populations, averaged 6,606 individuals per month. From December 2014 through November 2015, the adult probation population dropped 6.6% to 6,169, a decrease on average of 437 fewer individuals on probation each month.



AB109 became effective in October 2011, just three months prior to the period examined in this report. Implementation was gradual; which accounts for the low PRCS population in the first half of 2012. Between January 2012 and April 2015, the number of individuals under PRCS supervision increased at a rate of approximately 3% per

month. The influx begins to plateau around March 2014 and peaked at 828 in September 2015.

PRCS population averaged 704 individuals per month from January 2012 to November 2014. After Proposition 47, the PRCS population averaged 813 individuals per month, an increase of 15.4%.



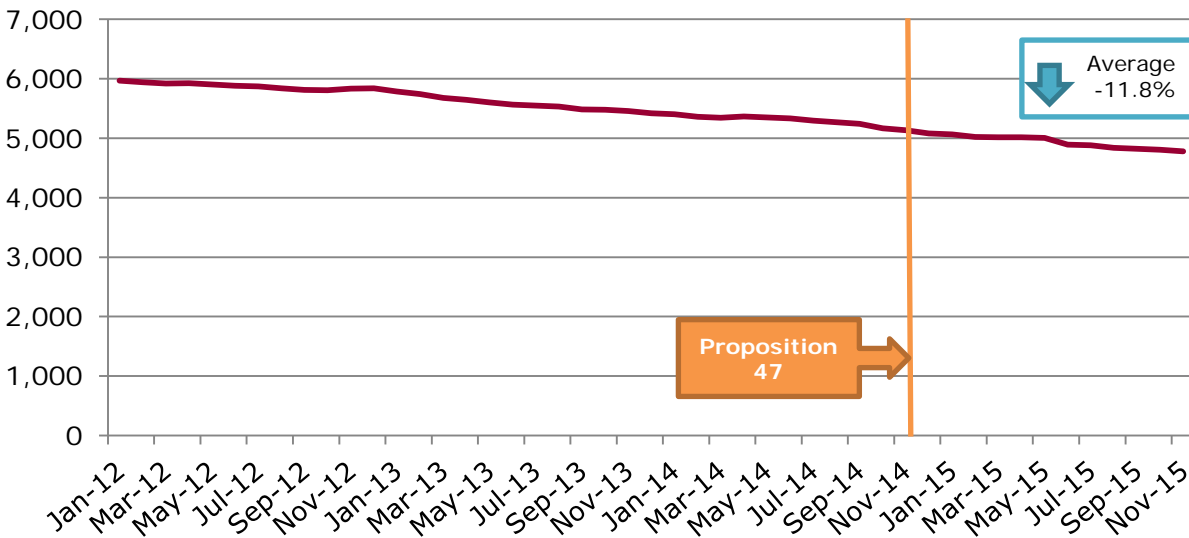
Mandatory Supervision was another classification created by AB109. From January 2012 through June 2014, the number of individuals on Mandatory Supervision increased on average at a rate of 11.9% per month; peaking in June 2014 with 555 individuals supervised. Since June, the population dropped 36.7%.

Mandatory Supervision averaged 309 individuals per month from January 2012 to November 2014 and from December 2014 through May 2015 averaged 422 individuals per month, an increase of 36.5%.

AB109 was implemented 3 months prior to the period examined. Without the benefit of longevity, the use of a 35-month baseline does not accurately compare the impact Proposition 47 had on Mandatory Supervision and on PRCS. If the comparison is limited to the 12 months prior and the 12 months after Proposition 47 was approved, PRCS realized a 2.93% increase in population and the Mandatory Supervision population decreased 18.8%. This is a more accurate reflection of impact of Proposition 47.

Individuals under PRCS supervision have committed crimes that are more serious, and less likely to be affected by Proposition 47. This is reflected in the steady population. Individuals under Mandatory Supervision have committed crimes that are less serious than the PRCS population. The Mandatory Supervision population has been on a downward trend since June 2014.

Stanislaus County Traditional Adult Probation Population



From January 2012 through November 2014 the average number of individuals on Traditional probation was 5,593. From December 2014 through May 2015 the average number of individuals decreased to 4,935, a decline of 11.8% or 658 fewer individuals on Traditional probation on average.

Proposition 47 does not appear to have had much of an effect on the Traditional probation population. The Traditional probation population was declining before Proposition 47 and continued its downward trend after its the implementation. Proposition 47 did effect Probation Officers ability to enforce probation terms and conditions when probationers violate them. Prior to Proposition 47, Probation Officers would arrest probationers for drug possession or committing property crimes. Since the passage of Proposition 47, many of these became citable offenses. At this time, Probation Officers cannot issue citations for misdemeanor level crimes, which the Probation Department is working towards changing.

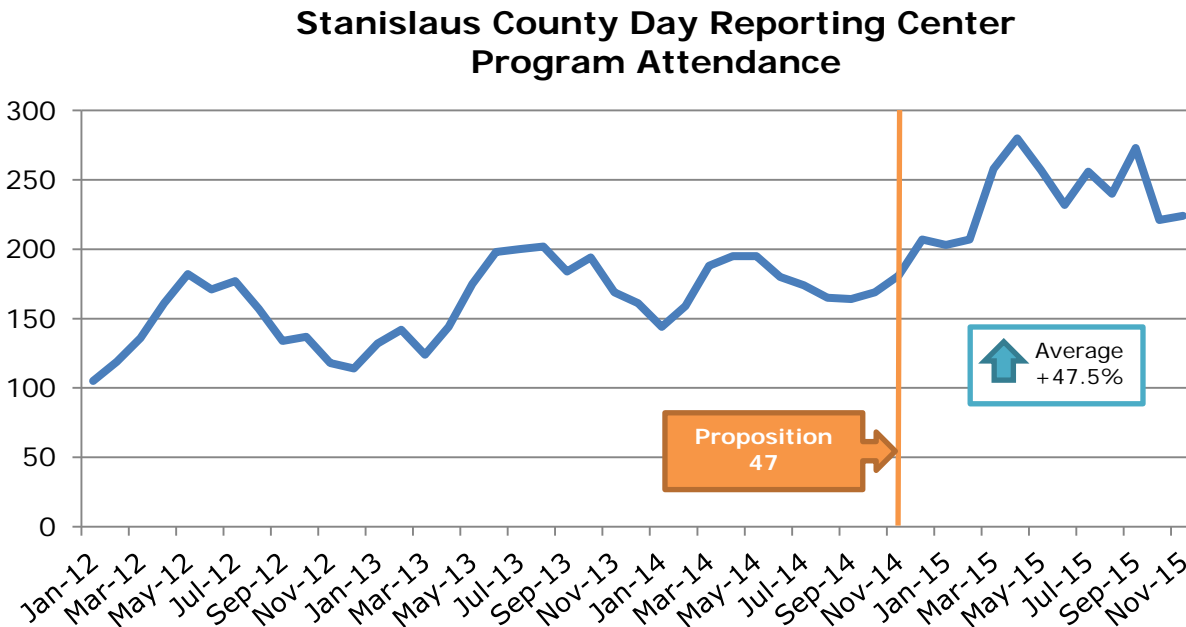
Services

Stanislaus County Probation Department offers services and programming to individuals who are on probation. Individuals are referred for programing or classes, based on their risk/need assessment that is performed at intake.

In August 2015, the Day Reporting Center (DRC) opened. The Day Reporting Center¹² was built in partnership with the Stanislaus County Sheriff Department and is designed to offer a myriad of services to offenders who are under the jurisdiction of the Probation Office. The overall goal is to extend a variety of services in an effort to reduce the likelihood of recidivism and/or a commitment back to custody. The DRC serves as a one-stop shop for offenders to meet with their Probation Officer, submit to drug and/or alcohol testing and receive a variety of rehabilitative services. The DRC includes a

partnership with the Stanislaus County Sheriff's Department, Behavioral Health and Recovery Services and several contracted community based providers.

Some of the programs include; Cognitive Behavioral Therapy, GED Preparation Course, Work Maturity, Anger Management Counseling, Drug & Alcohol Counseling, Moral Reconciliation Therapy (formerly Property Crimes), Thinking for Change (T4C), Seeking Safety, Principles and Values, Domestic Violence/ Batterer's Treatment, and Successfully Transitioning Into the Community (S.T.I.C.). The chart below depicts the rate of attendance of the programs being offered.



Before the passage of Proposition 47 Program attendance averaged 161 individuals per month after Proposition 47 program attendance averaged 238 individuals per month. The increase equates to a 47.54% increase or an additional 77 individuals attending per month.

Conclusion

"Statistics is the science of learning from experience", said Bradley Efron, a Statistics Professor from Stanford University. By looking at the historical data before the implementation of Proposition 47 and comparing it to the year after; trends have begun to emerge which can assist Stanislaus County to develop strategic plans for the future.

In Stanislaus County, the judicial system was operating at maximum capacity. Since the implementation of Proposition 47, a look across the statistical spectrum shows that in many respects Proposition 47 has eased some of the pressure on the judicial system. With the reclassification, property crimes have realized a slight decrease, the numbers of arrests have decreased, and the numbers of cases reviewed by the District Attorney's office have decreased. The jail population has shifted with a greater number of

individuals serving more of their sentences in custody and the caseload of the Probation Department has also decreased.

Perception should not be overlooked however, and violent crime is an important indicator of the community's perception of safety. The increase in violent crime was nominal in Stanislaus County, but in the City of Modesto, violent crime increased 14 percent in 2015. The violent crime trend will need to be closely watched.

Expectations of our judicial system have changed as well. Today, law enforcement and Probation routinely work to engage community as a means to affect change and problem-solving has become a team effort. AB109 has expanded the scope of the Probation Department; their clientele has become more high-risk and the programs offered to rehabilitate clients have expanded. Probation Officers department-wide are now armed and routinely work in concert with front line law enforcement. Proposition 47 attempts to narrow the focus of the judicial system to serious and/or violent offenders.

Statistics don't tell the whole story however. Quality of life is an intangible measure. This report did not address quality of life issues such as: homelessness, mental health, victimization, and drug addiction. Proposition 47 had ramifications which will ultimately affect quality of life issues if an alternative solution is not found. For example, the judicial system lost a mechanism to leverage addicts into treatment. Programs such as the Drug Court have realized substantial reductions. Without leverage, the question becomes how individuals can be motivated to seek the assistance they need.

There have been growing pains in the community with the implementation of AB109, Proposition 36 and Proposition 47. Alternative programs to incarceration and early intervention will be key components to Proposition 47's success, and only time will reveal their effectiveness. The solution is rarely one dimensional or immediate. It requires changing a culture; which will be a long-term endeavor requiring a holistic approach. Ultimately, it's too soon to judge whether Proposition 47 will be a long term success.

Formulas

- **Percentage Change:** $(\text{New \#} - \text{Old \#}) / \text{Old \#} * 100$
- **Baseline or Average Pre Proposition 47:** (Total statistics January 2012 – November 2014) / 35 [the number of months]
- **Baseline or Average Post Proposition 47:** (Total statistics December 2014 – November 2015) / 12 [the number of months]

Data Sources

1. California Secretary of State; Statewide Election Results.
<<http://www.sos.ca.gov/elections/prior-elections/statewide-election-results>>
2. The list of the types of previous convictions that would negate Proposition 47 can be found in Clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of California Penal Code 667.
3. A Proposition 47 quick reference on the laws affected can be found at:
https://www.post.ca.gov/Data/Sites/1/post_docs/resources/Proposition47/Proposition47ReferenceGuide.pdf
4. Arrest and jail data provided by Stanislaus County Sheriff's Department.
5. Case disposition data provided by the Stanislaus County District Attorney's Office.
6. Part I Index Crime data provided by Stanislaus County law enforcement entities, based on FBI Uniform Crime Reporting (UCR).
7. Citation data was provided by the Stanislaus County Superior Court, Records.
8. State of California, Department of Finance, *E-4 Population Estimates for Cities, Counties, and the State, 2011-2015, with 2010 Census Benchmark*. Sacramento, California, May 2015
<<http://www.dof.ca.gov/research/demographic/reports/estimates/e-4/2011-20/view.php>>
9. United States Census Bureau: 2014 American Community Survey 5-year estimates; Community Facts; Educational Attainment. <factfinder.census.gov/>
10. United States Census Bureau: 2014 American Community Survey 5-year estimates; Community Facts; ACS Demographics and Housing Estimates.
<factfinder.census.gov/>
11. United States Census Bureau: 2014 American Community Survey 5-year estimates; Community Facts; Selected Economic Characteristics; Table DP03.
<factfinder.census.gov/>
12. Day Reporting Center Program Catalog.

