



# City of Culver City

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## Staff Report

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**File #:** 16-316, **Version:** 1

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**CC - (1) Discussion of a Position on Proposition 57: Criminal Sentences. Juvenile Criminal Proceedings and Sentencing. Initiative Constitutional Amendment and Statute, Appearing on the November 8, 2016 Statewide Ballot; and (2) Adoption of a Resolution Opposing Proposition 57; or (3) Direction to Send a Letter Supporting Proposition 57; or (4) Take no Position on Proposition 57; and (5) Direction to the City Manager as Deemed Appropriate.**

**Meeting Date:** October 24, 2016

**Contact Person/Dept:** Shelly Wolfberg/City Manager's Office

**Phone Number:** 310-253-6000

**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☒

**Public Hearing:** ☐

**Action Item:** ☒

**Attachments:** ☒

**Commission Action Required:** Yes ☐ No ☒ **Date:**

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (10/19/16);

**Department Approval:** John M. Nachbar, City Manager (10/18/16)

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### **RECOMMENDATION**

Staff recommends the City Council:

1. Discuss a position on Proposition 57: Criminal Sentences. Juvenile Criminal Proceedings and Sentencing. Initiative Constitutional Amendment and Statute, appearing on the November 8, 2016 statewide ballot; and
2. Adopt a Resolution opposing Proposition 57; or
3. Direct staff to draft a letter from the City Council supporting Proposition 57 and transmit the letter to the Yes on 57 organization; or
4. Take no position on Proposition 57; and
5. Provide direction to the City Manager as deemed appropriate.

## **BACKGROUND**

At the September 24, 2016 City Council Meeting, Council Member Eriksson discussed Proposition 57 and opposition by law enforcement and prison associations. He received consensus from the City Council to agendaize a discussion of the item for tonight's City Council Meeting.

## **DISCUSSION**

The Proposition 57 initiative measure (Attachment 1) adds a section to the California Constitution and amends sections of the Welfare and Institutions Code, as follows:

1. Allows parole consideration for persons convicted of nonviolent felonies upon completion of full prison term for primary offense, as defined.
2. Authorizes the California Department of Corrections and Rehabilitation (CDCR) to award sentence credits for rehabilitation, good behavior, or educational achievements.
3. Requires the CDCR adopt regulations to implement new parole and sentence credit provisions and certify they enhance public safety.
4. Provides juvenile court judges shall make determination, upon prosecutor motion, whether juveniles age 14 and older should be prosecuted and sentenced as adults.

According to the Secretary of State:

A YES vote on this measure means: (1) certain state prison inmates convicted of nonviolent felony offenses would be considered for release earlier than otherwise; (2) the state prison system could award additional sentencing credits to inmates for good behavior and approved rehabilitative or educational achievements; and (3) youths must have a hearing in juvenile court before they could be transferred to adult court.

A NO vote on this measure means: (1) there would be no change to the inmate release process; (2) the state's prison system could not award additional sentencing credits to inmates; and (3) certain youths could continue to be tried in adult court without a hearing in juvenile court.

The State's Legislative Analyst's Office indicates, "The measure could also affect crime rates in varying ways. On the one hand, if the measure results in offenders spending less time in prison and more time in the community, it could result in these offenders committing additional crimes or crimes sooner than they otherwise would have. On the other hand, the measure could lead to more offenders participating in educational and rehabilitative programs that reduce the likelihood of them committing crimes in the future. The net effect of the above factors is unknown."

### **Support and Opposition for Proposition 57**

A list of those who support Proposition 57 can be found on [www.vote4prop57.com](http://www.vote4prop57.com) <<http://www.vote4prop57.com>>, and a list of those who oppose the Measure can be found on [www.stop57.com](http://www.stop57.com) <<http://www.stop57.com>>. Additionally, Police Chief Bixby opposes Proposition 57 and concurs with the arguments opposing Proposition 57, as indicated below from the California Police Chiefs Association:

1. Proposition 57 includes drastic changes to the parole system that could release hundreds of dangerous felons into local communities.
2. California is currently experiencing a double digit spike in crime, and passing a new initiative to release more felons from prison will further erode public safety.
3. This initiative grants the politically appointed Board of Parole Hearings full authority over release decisions once an inmate has served his or her base time, which only covers the punishment for the primary offense and doesn't include enhancements for gang ties, drug dealing, use of a weapon, or repeat offenses.
4. In doing so, sentencing enhancements essentially become "points of consideration" for the political parole board, rather than impactful enhancements that have a measurable effect on time served.
5. The legislative definition of "nonviolent" is in stark contrast to the public's idea of nonviolent: this initiative allows for early parole consideration for individuals convicted for rape; acid attacks; assaults on peace officers; assault with a deadly weapon; vehicular manslaughter; and solicitation for murder.
6. This provision diminishes the severity of an inmate being charged for multiple offenses. Under this new system, someone caught for one burglary can do the same amount of time as someone caught for dozens.
7. Centralizing all authority away from local law enforcement to the parole board is also of paramount to concern to police chiefs and dismantles the checks and balances in our criminal justice system.
8. This initiative allows the Secretary of the CDCR to have the full authority over the prisoner credit earning system. Granting this authority to a political appointee raises serious concerns about the influence of any one Governor in sentencing determinations.

The City Council is requested to consider taking a position on Proposition 57 and direct the City Manager as deemed appropriate. If the City Council chooses to take a position to oppose Proposition 57, a copy of a Resolution stating that position (based on the sample League of California Cities Resolution) is included as Attachment 2. In the event the City Council chooses to take a position to support Proposition 57, staff will prepare a letter from the City Council, which can be submitted to Yes on 57 organization.

## **FISCAL ANALYSIS**

The State's Legislative Analyst's Office indicates Proposition 57 "would result in temporary fiscal effects in the near term due to (1) additional savings from the release of offenders currently in prison who would be eligible for parole consideration and (2) an acceleration of parole costs to supervise those individuals who are released from prison earlier than otherwise." Further, costs to counties and cities could increase, should additional public safety resources be required to address potential increases in crime.

## **ATTACHMENTS**

1. Proposition 57
2. Resolution in Opposition of Proposition 57

## **MOTION**

That the City Council:

1. Discuss Proposition 57; and
2. Adopt a resolution opposing Proposition 57; or
3. Direct staff to draft a letter from the City Council supporting Proposition 57 and transmit the letter to the Yes on 57 organization; or
4. Take no position on Proposition 57; and
5. Direct the City Manager as deemed appropriate.