



THE CITY OF SAN DIEGO  
**REPORT TO THE CITY COUNCIL**

DATE ISSUED: January 19, 2016 REPORT NO. 16-006

ATTENTION: Public Safety and Livable Neighborhoods Committee  
Agenda of:

SUBJECT: Assembly Bill 109 and Proposition 47 Update

SUMMARY

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE COMMITTEE OR THE CITY COUNCIL.

BACKGROUND

In March 2011, Assembly Bill 109 – the Public Safety Realignment Act – was signed by California Governor Jerry Brown. The law, which took effect October 1, 2011, was influenced by a mandate to reduce the overcrowding population in the California prison system. Under this realignment, individuals sentenced for non-serious, non-violent and non-sex offenses must serve their sentences in county jails instead of state prison. Thousands of prisoners sentenced prior to AB 109, for non-violent offenses, were released early. The responsibility for the supervision of those released was transferred to the probation department of their respective counties. These subjects are considered Post Release Community Supervision Probationers (PRCS) or Post Release Offenders (PRO's). Additionally, since October 2011, subjects convicted of non-violent felony crimes, who would have previously been sent to prison, are now sentenced to county jail. Upon release from jail, these subjects are categorized as Mandatory Supervision Offenders (MSO's).

To assist counties with the management of both PRO's and MSO's under the AB 109 umbrella, a series of "Trailer Bills" were passed. Essentially, the program is funded with a dedicated portion of the sales tax revenue and the Vehicle License Fees (VLF) outlined in trailer bills AB118 and SB89.

In 2015, the City of San Diego's share of funds was determined to be \$1.139 million. Of this \$1.139 million, \$900 thousand was initially designated to patrol divisions to manage their AB 109 population, \$57,500 was designated for the crime lab for equipment and overtime associated

with AB 109 related cases. Later in the year, the remaining \$181,500 was dispersed to the crime lab and patrol divisions for additional case processing and AB 109 operations.

On November 4, 2014, the voters of California passed Proposition 47, a law that reduces some felonies to misdemeanors, including shoplifting; forgery; fraud/bad checks; grand theft; petty theft; possession of methamphetamine, cocaine, heroin, or concentrated cannabis; and receiving stolen property. The law went into effect immediately and was retroactive with no limit to how long ago an offense may have occurred. Five months after the passing of proposition 47, the Public Defender's Office had already filed approximately 18,000 petitions requesting cases be reclassified in San Diego County.

#### SDPD & PROBATION AB 109 MANAGEMENT PROGRAM (C3 Project)

Together with the County of San Diego Probation Department, the Department designed a program to manage the AB 109 probationers residing within the City. The program, although not limited to compliance checks, is primarily focused on random visitations of AB 109 probationers by SDPD and probation officers, to ensure adherence to their respective probation conditions. The San Diego Police Department works in collaboration with all law enforcement agencies in the county to meet the goals of this program.

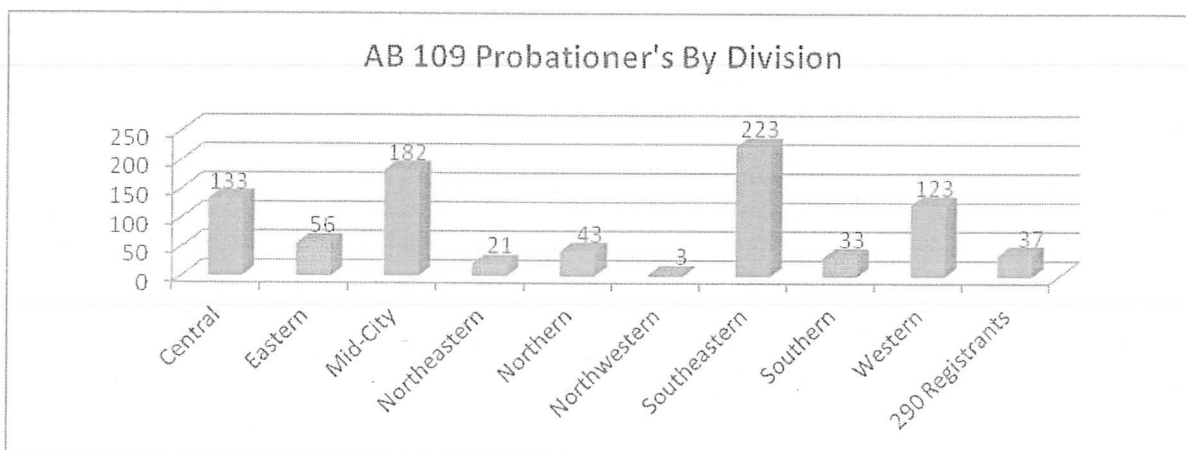
Utilizing analysts from the Department, Probation Department and Sheriff's Department, a list of AB 109 probationers, including their address of record, if known, is compiled annually. Although the number of AB 109 probationers residing within the City varies slightly year to year, over the course of the past few years the number has repeatedly been over 800. All nine San Diego Police Divisions, and the 290 Unit (Sex Registrant Unit), selected a representative to manage their AB 109 population and corresponding funds.

#### FISCAL YEAR 2015 PROJECT SUMMARY

In 2015, the San Diego Police Department was granted \$1.139 million to manage the AB 109 population residing within the City. According to the San Diego County Post Release (PRO) & Mandatory Supervision (MSO) Offender division fact sheet in 2015, 817 of the over 2,300 AB 109 subjects in the county resided in the City of San Diego. This number fluctuated slightly on a monthly basis as probationers' status and locations changed.

Each division's initial allocation of the total grant funds was based on the percent of AB 109 subjects residing within that command, although there were additional allocations throughout the project.

Division	Subjects	% of Total	Grant Funds
Central Division	133	16.28%	\$163,690
Eastern Division	56	6.85%	\$72,816
Mid-City Division	182	22.85%	\$234,150
Northeastern Division	21	2.57%	\$31,989
Northern Division	43	5.36%	\$57,109
Northwestern Division	3	.37%	\$18,155
Southeastern Division	223	27.29%	\$256,272
Southern Division	33	4.04%	\$44,571
Western Division	123	15.06%	\$139,300
(Total)	(817)		
290 Unit (not deducted from total)	37	4.53%	\$47,488



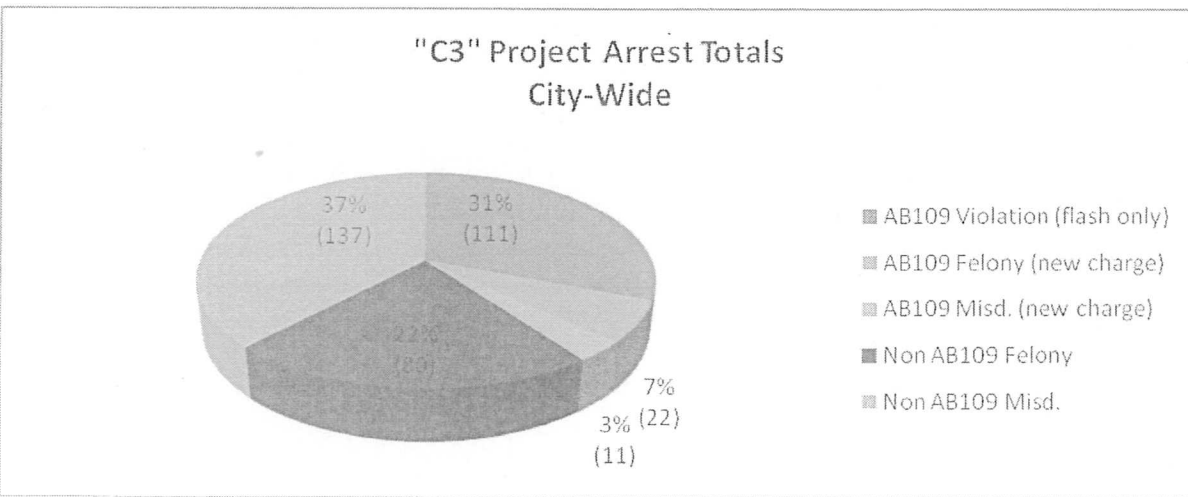
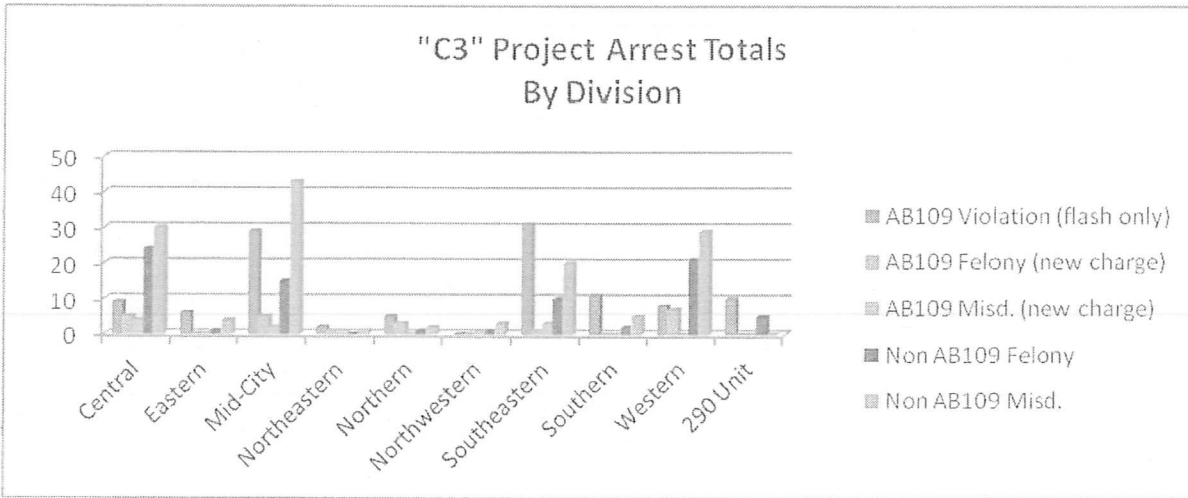
### COMPLIANCE INSPECTION OUTCOMES

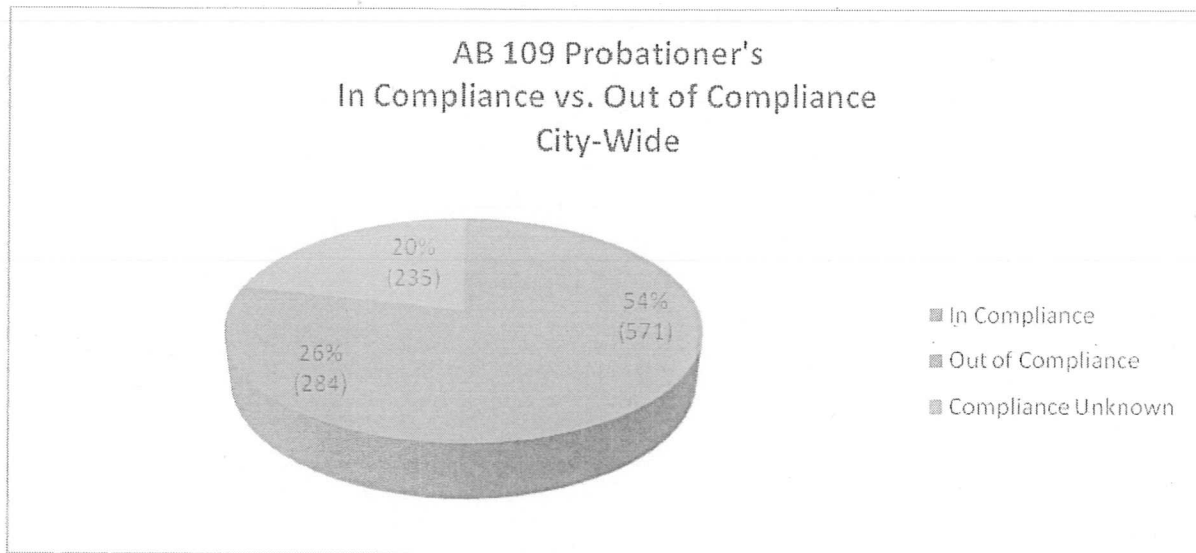
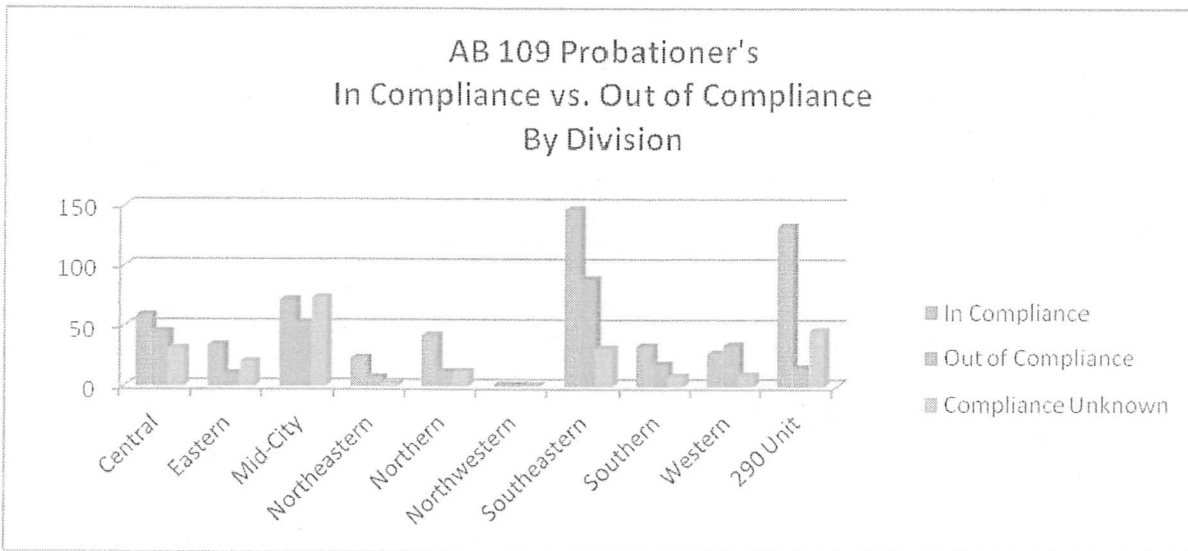
From January 2015 through December 2015, the San Diego Police Department, with the assistance of the San Diego County Probation Department, attempted 985 compliance inspections of AB 109 probationers. Of the 985 attempted compliance checks, a total of 810 compliance inspections were actually conducted. Although the majority of these contacts were residential visits, a small percentage of the subjects were contacted in public.

A total of 284 AB 109 probationers were found to be out of compliance. Of these 284 probationers, 144 were arrested for either a technical violation (flash) or a new criminal charge due to the probationer either not being present at the time the violation was discovered or due to a ruling by the courts in *People vs. Armogeda* (see explanation below). In addition to those AB 109 probationers found to be out of compliance during the inspections, 217 non-AB 109 subjects were also contacted at the locations and arrested for a variety of felony and misdemeanor charges.

As a result of a ruling by the courts in *People vs. Armogeda*, California Penal Code (PC) section 3063.1 was enacted and went into effect on February 20, 2015. PC 3063.1 essentially mandates

“Proposition 36 like” treatment for parole and PRCS offenders that do not have a serious or violent felony prior (strike). There are some caveats to the law, but essentially those without serious or violent felony priors, who are found to be in violation of non-violent drug related offense, must be offered the option of participating in drug treatment programs in lieu of incarceration. This is the case for the first three violations. Examples of non-violent drug related offenses are as follows: Under the influence of a controlled substance, mere possession of a controlled substance, and/or possession of narcotics paraphernalia.





CRIME LAB CASE SUMMARY – FISCAL YEAR 2015

Of the 1.139 million received by the Department for this project in 2015, the Crime Laboratory was allocated \$82,000. Of the \$82,000, \$52,000 was allocated to the Latent Print Unit to be utilized for case analysis and the remaining \$30,000 was allocated for the purchase of new laboratory equipment. From January 2015 through December 2015, the Latent Print Unit processed 403 cases involving latent prints. Based on the total cases processed, 44 hits/suspect identifications have been made.

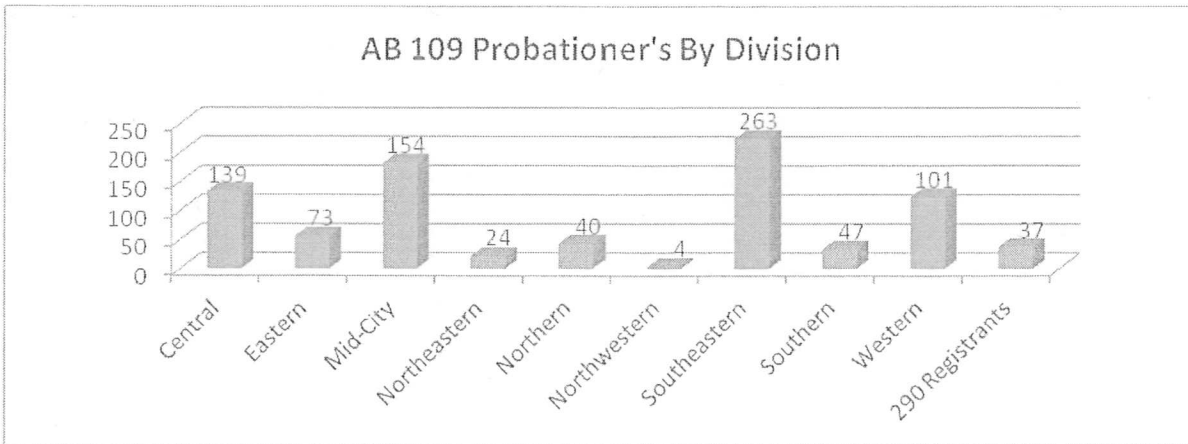
FISCAL YEAR 2016 C3 PROJECT UPDATE

The San Diego region received a reduced amount of funding from the State this year for AB 109 compliance inspections and enforcement. In 2016, the San Diego Police Department has been granted \$593 thousand to manage the AB 109 population residing within the City, nearly half of last year's funding. According to the San Diego County Post Release (PRO) & Mandatory Supervision (MSO) Offender division fact sheet in 2016, 845 of the over 2,200 AB 109 subjects in the county resided in the City of San Diego, an increase of 28 probationers.

Of the \$593 thousand, \$520 thousand was allocated to the nine patrol divisions and the 290 Unit for compliance check operations, while the remaining \$73,000 was set aside for the crime lab, training, and equipment.

Each division's allocation of the total grant funds, like the previous year, was based on the percent of AB 109 subjects residing within that command. On January 5, 2016, an AB 109 Program meeting with the Probation Department and SDPD Divisional representatives was held to discuss objectives and goals, pre-planning compliance operations, and monthly reporting requirements. Currently, compliance operations are in the planning stages or have occurred throughout the City.

<b>Division</b>	<b>Subjects</b>	<b>% of Total</b>	<b>Grant Funds</b>
Central Division	139	16.45%	\$82,000
Eastern Division	73	8.64%	\$43,000
Mid-City Division	154	18.22%	\$91,000
Northeastern Division	24	2.84%	\$14,000
Northern Division	40	4.73%	\$23,000
Northwestern Division	4	.47%	\$5,000
Southeastern Division	263	31.12%	\$155,000
Southern Division	47	5.56%	27,000
Western Division	101	11.95%	\$60,000
(Total)	(845)		
290 Unit (not deducted from total)	37	4.38%	\$20,000



PROPOSITION 47 STATISTICS

According to SANDAG, on November 3, 2014 (one day before Prop 47 passed), the total jail population in San Diego County was 5,782 and by October 1, 2015, it had dropped to 5,104. This 12 percent decrease reflects the release of some offenders who were reclassified, but may also be related to a decrease in arrests for Prop 47 offenses.

Information compiled from the San Diego Police Department's Crime Analysis Unit showed some significant changes since the passing of Prop 47. The following statistics illustrate the impact on arrests, bookings, and citations for the 12 month period from November 2014 through October 2015 compared to the same time period a year prior.

**San Diego Police Department Adult Arrests  
November through October**

<b>All Adult Arrests:</b>	<b>Nov 2013 – Oct 2014</b>	<b>Nov 2014 – Oct 2015</b>	
<b>Category</b>	<b>Pre-Prop 47</b>	<b>Post-Prop 47</b>	<b>% Change</b>
Adult Felony	14,175	9,516	-32.9%
Adult Misdemeanor	34,546	33,074	-4.3%
<b>Total Adult Arrests</b>	<b>48,721</b>	<b>42,590</b>	<b>-12.6%</b>

The data revealed that overall adult arrests and cites decreased 12.6% during the twelve months after Proposition 47 passed (November 2014 through October 2015) when compared to the same twelve months a year prior (November 2013 through October 2014).

**San Diego Police Department Adult Arrests  
November through October**

<b>Adult Narcotics Bookings:</b>	<b>Nov 2013 – Oct 2014</b>	<b>Nov 2014 – Oct 2015</b>	
<b>Division/Category</b>	<b>Pre-Prop 47</b>	<b>Post-Prop 47</b>	<b>% Change</b>
<b>Felony &amp; Misdemeanor</b>			
Northern	673	339	-49.6%
Northeastern	210	134	-36.2%
Eastern	306	192	-37.3%
Southeastern	632	325	-48.6%
Central	1,298	811	-37.5%
Western	950	508	-46.5%
Southern	434	209	-51.8%
Mid-City	1,307	626	-52.1%
Northwestern	78	23	-70.5%
Unknown	95	49	-48.4%
<b>Total Adult Narcotics Bookings</b>	<b>5,983</b>	<b>3,216</b>	<b>-46.2%</b>

There was a considerable shift in some violations from the adult felony category to the adult misdemeanor category, most noticeably in narcotics offenses.

Adult bookings for narcotics violations decreased 46.2% (3,216 narcotics violations during the twelve months after Proposition 47 passed compared to 5,983 during the same time period the year prior).

<b>Adult Narcotics Arrests:</b>			
	Nov 2013 – Oct 2014	Nov 2014 – Oct 2015	
<b>Division/Category</b>	<b>Pre-Prop 47</b>	<b>Post-Prop 47</b>	<b>% Change</b>
<b>Felony &amp; Misdemeanor</b>			
Northern	776	559	-28.0%
Northeastern	226	220	-2.7%
Eastern	335	253	-24.5%
Southeastern	736	578	-21.5%
Central	1,496	1,139	-23.9%
Western	1,112	853	-23.3%
Southern	439	220	-49.9%
Mid-City	1,504	1,217	-19.1%
Northwestern	81	37	-54.3%
Unknown	102	65	-36.3%
<b>Total Adult Narcotics Arrests</b>	<b>6,807</b>	<b>5,141</b>	<b>-24.5%</b>

The table above displays overall arrests and citations for narcotics violations decreased 24.5% (5,141 narcotics violations during the twelve months after Proposition 47 passed compared to 6,807 during the same time period a year prior).

#### San Diego Police Department Adult Arrests November through October

<b>Adult Narcotics Arrests:</b>			
	Nov 2013 – Oct 2014	Nov 2014 – Oct 2015	
<b>Division/Category</b>	<b>Pre-Prop 47</b>	<b>Post-Prop 47</b>	<b>% Change</b>
<b>Adult Felony</b>			
Northern	436	66	-84.9%
Northeastern	122	33	-73.0%
Eastern	194	65	-66.5%
Southeastern	536	143	-73.3%
Central	913	250	-72.6%
Western	690	149	-78.4%
Southern	203	57	-71.9%
Mid-City	878	197	-77.6%
Northwestern	50	5	-90.0%
Unknown	82	29	-64.6%
<b>Adult Felony Total</b>	<b>4,104</b>	<b>994</b>	<b>-75.8%</b>




The data illustrates all adult felony arrests decreased 32.9%, due to a 75.8% decrease in felony narcotics arrests (994 adult felony narcotics arrests during the twelve months after Proposition 47 passed compared to 4,104 arrests during the same time period a year prior).

**San Diego Police Department Adult Arrests  
November through October**

**Adult Narcotics Arrests/Cites:    Nov 2013 – Oct 2014    Nov 2014 – Oct 2015**

Division/Category	Pre-Prop 47	Post-Prop 47	% Change
<b>Adult Misdemeanor</b>			
Northern	340	493	45.0%
Northeastern	104	187	79.8%
Eastern	141	188	33.3%
Southeastern	200	435	117.5%
Central	583	889	52.5%
Western	422	704	66.8%
Southern	236	163	-30.9%
Mid-City	626	1,020	62.9%
Northwestern	31	32	3.2%
Unknown	20	36	80.0%
<b>Adult Misdemeanor Total</b>	<b>2,703</b>	<b>4,147</b>	<b>53.4%</b>

Misdemeanor narcotics violations increased by 53.4% (4,147 misdemeanor narcotics arrests and cites during the twelve months after Proposition 47 passed compared to 2,703 during the same twelve months a year prior).

  
Shelley Zimmerman  
Chief of Police