

## PUBLIC SAFETY: KEY ISSUES FOR 2022

### THEME

- Republicans are invested in making sure that California is a place for opportunity to thrive and where residents can feel safe from violence and theft. To do that, Republicans are fighting to solve our public safety challenges by properly funding our courts, our local law enforcement agencies, and closing loopholes that criminals are taking advantage of (Proposition 47/57).

### ISSUES

#### PROPERTY CRIMES, INCLUDING VEHICLE THEFT, ON THE RISE.

- There is growing concern about property crime in California. In 2018, the Public Policy Institute of California found that the passage of Proposition 47 of 2014 resulted in a rise in larceny/theft of 9%, mostly attributable to thefts from vehicles. Thefts from motor vehicles averaged 16,000 to 17,000 a month statewide before Proposition 47 passed in November 2014 and increased to 19,000 to 20,000 a month in the next two years. San Francisco has the highest property crime of any major city in the U.S.<sup>1</sup> From 2019 to 2020, theft of "motor vehicle accessories" rose from 55,209 to 69,349, an increase of 25.6%. The motor vehicle theft rate increased 19.9% in 2020 (from 352.2/100,000 population in 2019 to 422.4 in 2020). The state has experienced a number of high profile "smash and grab" organized retail theft incidents. Union Pacific Railroad has reported a dramatic rise in cargo theft from their trains in Los Angeles County.<sup>2</sup>

### SOLUTIONS

- **Provide additional, dedicated state funding for law enforcement task forces related to organized theft and vehicle burglary. Add new state funding for law enforcement task forces to address theft of vehicle parts and components, such as catalytic converters.**
- **Crack down on sellers of stolen goods and make it easier to trace the ownership of catalytic converters.**
- **Reform Proposition 47 limits on penalties for property crimes.** (See below.)

#### PROPOSITION 47 AND PROPOSITION 57 REFORMS NEEDED.

- Proposition 57 allows early parole release for all prison inmates except those convicted of a narrow list of "violent" felonies. Proposition 47 decreased penalties for most drug possession offenses and for theft of property worth \$950 or less. Some have criticized these laws for being too lenient, for leading to an increase in property crime, and for removing the incentive to participate in drug court programs.

### SOLUTIONS

- **Restore pre-Proposition 47 penalties for serial theft, contingent on approval by the voters.** Prior to the passage of Proposition 47 in 2014, a criminal who committed petty theft who had three or more prior convictions relating to theft would face a potential felony charge. This proposal would restore that ability to ensure that repeat theft offenders can face a felony charge for petty theft or shoplifting. This proposal requires approval by the voters because it amends provisions of Proposition 47.
- **Repeal Proposition 47, contingent on approval by the voters.** Changes to marijuana-related possession penalties made by Proposition 47 would be retained. Otherwise, the changes made by that Proposition would be repealed.
- **Add human trafficking involving children to the definition of "violent felony" to exclude those offenders from eligibility for parole pursuant to Proposition 57.** Individuals who commercially sexually exploit children should not be eligible for early parole.

## **MENTAL ILLNESS AND CRIME, ESPECIALLY BY THE HOMELESS.**

- A high percentage of homeless individuals suffer from mental illness, substance abuse, or both. Federal census data indicates that 25% of the homeless have a “severe” mental illness and 45% have a mental illness diagnosis.<sup>3</sup> Between 2012 and 2017, the proportion of jail inmates on psychotropic medication rose 25%, to 20% of the total inmate population.<sup>4</sup>

### **SOLUTIONS**

- **Increase state funding for homeless and mental health court programs.** Collaborative courts have better outcomes than traditional criminal justice procedures for these populations and can include a mix of accountability and rehabilitation programming for offenders. They need more resources.
- **Provide grant funding to help ensure that fewer criminals released from jail will be homeless upon release.** This can include housing navigation services, transportation to housing, and housing vouchers.
- **Provide funding for a grant program to provide medication-assisted treatment (MAT) for individuals on criminal justice supervision (e.g., probation, post-release community supervision) in the community.** Researchers have found that MAT is an effective strategy to reduce recidivism and drug overdoses.
- **Enhance training for law enforcement on how to interact with mentally ill offenders.** A 2015 law expanded training on this topic to 15 hours, but it only applied to officers graduating from academy training after that date. Additional crisis intervention training on how to recognize mental health problems and work with other county agencies to address the person’s behavior can improve outcomes.

## **FENTANYL TRAFFICKING AND OVERDOSES.**

- Consumption of the powerful synthetic opiate drug fentanyl has led to a large increase in the number of drug overdoses in California. Approximately 2 milligrams of fentanyl is enough for a lethal overdose. Fentanyl overdoses killed 712 San Francisco residents in 2020 — nearly triple the amount of people who lost their lives in the city to COVID-19.<sup>5</sup> Sacramento County experienced large increases in fentanyl overdoses, exceeding the number of homicide victims in that county in 2021.<sup>6</sup> Kern County had an 84% increase in fentanyl overdoses between 2020 and 2021.<sup>7</sup> “The U.S. Centers for Disease Control and Prevention estimated that more than 100,000 Americans — including about 10,000 in California — died of drug overdoses during the year-long period that ended April 2021. That’s a record high and a nearly 29% increase from the year before. Almost 64% of the deaths” were caused by fentanyl.<sup>8</sup>

### **SOLUTIONS**

- **Create a commission to study alternate strategies to combat fentanyl trafficking and overdoses.**
  - **Provide funding for law enforcement task forces to coordinate fentanyl interdiction and to require coordination of state and federal law enforcement activities to prevent fentanyl smuggling.**
  - **Provide that testing kits to determine the presence of fentanyl are not illegal drug paraphernalia.** This will allow greater use of testing kits to identify adulterated drugs that contain fentanyl.
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## **RISE IN HATE CRIMES, PARTICULARLY THOSE TARGETING ASIAN AMERICANS.**

- Hate crimes in California have reached their highest reported level in a decade, reaching 1,330 offenses in 2020. Asian Americans saw hate crimes more than double, from 43 in 2019 to 89 cases in 2020. The 107% jump was the biggest percentage increase among all demographic groups.<sup>9</sup> SB 81 (Skinner) of 2021 requires judges to dismiss sentencing enhancements under nearly all circumstances.<sup>10</sup>

## **SOLUTIONS**

- **Provide that the provisions of SB 81 of 2021 do not apply to hate crime-related sentencing enhancements.** Hate crimes are too serious to be dismissed merely because the defendant meets one of the broad “mitigating” factors added by that law.
- **Require local law enforcement agencies to update hate crime statistics on their websites every month.** Statewide hate crime statistics are reported on July 1 of the year following the crimes they report; that means that the data can be up to 18-24 months out of date and makes it difficult to identify trends in a timely manner.

## **OPPOSITION TO POLICIES WHICH ENDANGER PUBLIC SAFETY**

- **Republicans oppose new proposals that reduce funding for law enforcement, weaken accountability for crimes, undermine the rights of crime victims, or which endanger public safety.** California has gone too far in the direction of weakening our criminal justice system, undermining public safety, failing to hold criminals accountable for their acts, and harming victims of crime. Republicans will oppose proposals to repeal the Three Strikes law, to eliminate life without parole sentencing for aggravated murder, and to give violent felons the same eligibility for early parole as nonviolent felons.

# **PUBLIC SAFETY: KEY TERMS AND CRIME TRENDS**

## **KEY TERMS.**

- **Felony:** A crime for which imprisonment in state prison for one year or more is authorized by law. As a result of the realignment legislation (see definition below), the term also includes a crime for which imprisonment in county jail for more than one year is authorized.
  - **Misdemeanor:** A crime for which the maximum imprisonment is no more than one year (defined as 364 days to avoid certain immigration consequences for a conviction) in county jail.
  - **Proposition 47 of 2014:** A ballot initiative that reduced various property crime penalties, except in circumstances where the person was previously convicted of a narrow list of violent felonies or an offense requiring registration as a sex offender. It eliminated potential felony penalties applicable when a person is convicted of petty theft and has three or more prior convictions of theft offenses, except where the person has previously been convicted of one of a narrow list of violent felonies. It reduced the penalty for simple possession of most controlled substances from a low-level felony to a misdemeanor, unless the person has previously been convicted of a short list of violent felonies or an offense requiring registration as a sex offender. It provided that the savings calculated under its provisions are allocated: (1) 25% to for truancy prevention-related programs; (2) 10% to make grants to trauma recovery centers to provide services to victims of crime, and (3) 65% for rehabilitation programs.
  - **Proposition 57 of 2016:** A ballot measure that provided that any person convicted of a “non-violent felony offense” and sentenced to state prison “shall be eligible for parole consideration” after completing the full term for his or her “primary offense.” It provided that Department of Corrections and Rehabilitation has the authority to award credits earned for good behavior and rehabilitative or educational achievements for all offenses.
  - **Realignment:** With regard to criminal justice, 2011 legislation that limited judges’ ability to sentence felons to state prison. It provided, with some exceptions, that a felon could be sentenced to prison only if he or she is sentenced to more than a year and is convicted (or was previously convicted) of a “serious felony,” a “violent felony,” or specified sex offenses. Otherwise, the person is sentenced to county jail, probation, or a fine.
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- **Serious felony:** One of 42 types of felony offenses enumerated in Penal Code section 1192.7(c). It is not synonymous with all felony offenses that are serious in nature. For example, human trafficking is not a serious felony or a violent felony.
- **Violent Felony:** One of 23 felony offenses enumerated in Penal Code section 667.5(c). It is not synonymous with all felony offenses that are violent in nature. For example, assault by means of force likely to produce great bodily injury and human trafficking are not defined as a violent felonies under California law.

**CRIME TRENDS.** The violent crime rate increased 0.8 percent in 2020 (from 433.5 per 100,000 population in 2019 to 437.0 in 2020), while the property crime rate decreased 7.7 percent in 2020 (from 2,290.3 in 2019 to 2,114.4 in 2020). The homicide rate increased 31.0 percent in 2020 (from 4.2 in 2019 to 5.5 in 2020).<sup>11</sup> Statewide statistics are not yet available for 2020, but from news accounts crime appears to be rising, particularly in urban areas.

<sup>1</sup> <https://www.sfchronicle.com/crime/article/The-Scanner-San-Francisco-ranks-No-1-in-13267113.php>

<sup>2</sup> <https://ktla.com/news/local-news/spiraling-crisis-thefts-from-cargo-trains-have-spiked-in-l-a-county-company-says/>

<sup>3</sup> <https://www.hcs.harvard.edu/~hcht/blog/homelessness-and-mental-health-facts>

<sup>4</sup> <https://psmag.com/social-justice/the-number-of-mentally-ill-inmate-in-california-jails-is-rising>

<sup>5</sup> <https://calmatters.org/newsletters/whatmatters/2021/12/california-opioid-drug-overdose-deaths/>

<sup>6</sup> <https://www.sacbee.com/news/local/crime/article255582396.html>

<sup>7</sup> <https://www.kget.com/news/local-news/2021-fentanyl-death-numbers-may-show-84-increase-year-over-year/>

<sup>8</sup> <https://www.mercurynews.com/2021/12/06/overdose-epidemic-plagues-california-fentanyl-is-driving-uptick-in-deaths/>

<sup>9</sup> <https://data-openjustice.doj.ca.gov/sites/default/files/2021-06/Hate%20Crime%20In%20CA%202020.pdf>

<sup>10</sup> The law defines as mitigating factors:

- Application of the enhancement would result in a discriminatory racial impact.
- Multiple enhancements are alleged in a single case. In this instance, all enhancements beyond a single enhancement are required to be dismissed.
- The application of an enhancement could result in a sentence of over 20 years. In this instance, the enhancement is required to be dismissed.
- The current offense is connected to mental illness.
- The current offense is connected to prior victimization or childhood trauma.
- The current offense is not a "violent felony" (as narrowly defined in Penal Code § 667.5(c)).
- The defendant was a juvenile when they committed the current offense or prior offenses.
- The enhancement is based on a prior conviction that is over five years old.
- Though a firearm was used in the current offense, it was inoperable or unloaded.

(Penal Code § 1385(c)(3).) The law requires the judge to give "great weight" to evidence that any of the mitigating circumstances enumerated in the bill are true unless it finds the dismissal of the enhancement would endanger public safety. It defines the term "endanger public safety" as "a likelihood that dismissal would result in physical injury or other serious danger to others."

<sup>11</sup> <https://data-openjustice.doj.ca.gov/sites/default/files/2021-06/Crime%20In%20CA%202020.pdf>