

REPORT TO THE CITY COUNCIL



DATE: July 5, 2017

TITLE: Resolutions in Support of AB 1408 and Further Legislative Reforms

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Sponsored by: Scott Matas, Mayor

RECOMMENDATION

- 1) Adopt a Resolution of the City of Desert Hot Springs supporting AB 1408, a state measure to require revocation of probation after a third violation; and
- 2) Adopt a Resolution of the City of Desert Hot Springs supporting further legislative reforms to improve the unintended negative impacts of existing criminal law.

BACKGROUND

On June 2, 2017, the Mayor of the City of Whittier, Joe Vinatieri, sent a letter to the City of Desert Hot Springs seeking support regarding the recent fatal shooting of Whittier Police Officer Keith Boyer and the wounding of Whittier Police Officer Patrick Hazell (Exhibit 1). The Whittier City Council has taken a position that this incident could have been avoided, had state law allowed for (1) the suspect's appropriate incarceration for multiple probation violations and (2) a review of the suspect's history of violent crimes. The Whittier City Council is encouraging other agencies to join them by adopting two resolutions, one of which supports Assembly Bill (AB) 1408 and a second to support further legislative reforms to improve the unintended negative impacts of existing criminal law.

DISCUSSION

The proposed resolutions allow the City Council to separately declare support for AB 1408 and additional legislative reforms.

Assembly Bill 1408

At the State level, Assembly Majority Leader Ian Calderon introduced AB 1408 on February 17, 2017 (Exhibit 2). AB 1408 would require revocation of probation if the offender has violated probation terms for a third time. AB 1408 provides a range of important reforms associated with managing the population of ex-offenders who are subject to post-release community supervision and does so in a manner that can be expected to enhance public safety in our communities.

Additional Legislative Reforms

The City of Whittier worked with legislative, administrative, and law enforcement offices at the local, regional, and state levels to discuss possible ways of reducing the unintended negative impacts of existing criminal law. The purpose of such efforts were to suggest guidelines and concepts for reform; the points below are not meant to be interpreted as specific language for a proposed bill.

Based on their discussions, potential measures might include the following strategies:

- Enabling courts to consider the totality of an offender's criminal conviction history when sentencing, rather than the most recent conviction, to identify patterns of violence and escalating criminal behavior.
- Utilizing County Probation Departments and the Division of Adult Parole Operations (DAPO) of the California Department of Corrections and Rehabilitation as oversight authorities to return offenders to State prison after multiple probation or parole violations.

- Redefining "recidivism" as incarceration, release, and return to prison, rather than as defined by the Board of State and Community Corrections (BSCC) as a "conviction of a new felony or misdemeanor committed within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction."
- Encouraging the timely release of grant monies by the BSCC from the "Safe Neighborhood and Schools Fund," created by Prop 47, for local public agency grant programs aimed at supporting mental health treatment, substance abuse treatment, and diversion programs for people in the criminal justice system, with an emphasis on programs that reduce recidivism of people convicted of less serious crimes and those who have substance abuse and mental health problems.
- Increasing State funding for Assembly Bill 109 (AB 109) compliance checks ("sweeps") conducted by local law enforcement to ensure compliance with the probationers' and parolees' terms of release.
- Establishing ineligibility for early parole or probation consideration when an offender is incarcerated as a result of a parole and probation violation.

FISCAL IMPACT

There is no fiscal impact associated with adopting these resolutions.

EXHIBIT(S)

- 1) Letter from the City of Whittier
- 2) Text of Assembly Bill 1408
- 3) Resolution in Support of Assembly Bill 1408
- 4) Resolution in Support of Additional Legislative Reforms