



City of Whittier

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City of Desert Hot Springs

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Mayor

Cathy Warner
Mayor Pro Tem

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Council Member

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Council Member

Bob Henderson
Council Member

Jeffrey W. Collier
City Manager

June 2, 2017

The Honorable Scott Matas
Mayor, City of Desert Hot Springs
65-950 Pierson Blvd.
Desert Hot Springs, CA 92240

Dear Mayor Matas:

On March 28, 2017 the Whittier City Council adopted a resolution supporting AB 1408 (Calderon) and a second resolution supporting further crime legislation reform (both enclosed). We ask that the City of Desert Hot Springs support these reforms.

Whittier continues to mourn the February 20, 2017 fatal shooting of Whittier Police Officer Keith Boyer and wounding of Whittier Police Officer Patrick Hazell. This tragic incident could have been avoided if state law had allowed the offender's appropriate incarceration for multiple probation violations and review of the offender's history of violent crime. The City Council also noted widespread increases in property crime and decreases in offender participation in rehabilitative mental health and drug programs that may also have resulted from State legislation and propositions, and considered measures that could reduce the potential negative impacts from existing criminal law.

Assembly Bill 1408

Assembly Majority Leader Ian Calderon amended Assembly Bill 1408 on March 22, 2017 in response to the shooting of the two Whittier officers. AB 1408 would require revocation of probation if the offender has violated probation terms for a third time. The League of California Cities has analyzed the bill language as follows:

Existing law requires the Department of Corrections and Rehabilitation to provide specified information to local law enforcement agencies regarding an inmate released by the department to the agency's jurisdiction on parole or post-release community supervision, including a record of the offense for which the inmate was convicted that resulted in parole or post-

release community supervision. This bill would require the department to also provide the local law enforcement agency with copies of the record of supervision during any prior period of parole.

Existing law provides the procedure by which the Board of Parole Hearings considers an indeterminately sentenced inmate's suitability for parole and generally requires a panel of the board, or the board, sitting en banc, to grant parole on the inmate's minimum eligible parole date unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration. This bill would require the panel or board, sitting en banc, to consider the entire criminal history of the inmate, including all current or past convicted offenses, in making this determination.

Existing law requires the county agency supervising the release of a person on post-release community supervision to petition a court to revoke, modify, or terminate post-release community supervision if the agency determines, following application of its assessment processes, that intermediate sanctions are not appropriate. This bill would require the county agency supervising the release of a person on post-release community supervision to also petition a court to revoke, modify, or terminate post-release community supervision if the person has violated the terms of his or her release for a third time. The bill would allow a peace officer to arrest a person without warrant who fails to appear at a hearing to revoke, modify, or terminate post-release community supervision. By imposing additional duties on county agencies administering post-release community supervision, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

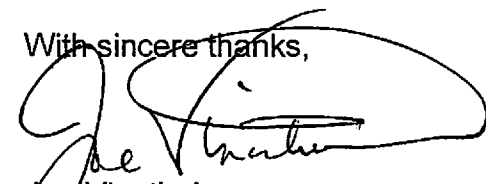
Additional Legislative Reforms

The City of Whittier is also interested in exploring additional strategies for reducing the unintended negative impacts of existing criminal law. For example, there is some interest in seeing parole hearings televised on the CAL channel so the public can watch. Another concept is to require enhanced sentencing if the violator is a member of a criminal gang. Also, Proposition 47 reduced all thefts to misdemeanors if they involve \$950 or less worth of cash or goods; one suggestion has been to find a way to drop the misdemeanor level to a lower level such as the previous \$450. Other potential measures might include the following strategies:

- Enable the courts to consider the totality of an offender's history when sentencing, rather than the most recent offense, to identify patterns of violence and escalating criminal behavior.
- Redefine violent crime to include resisting arrest and other crimes that involve force that are now classified as non-violent.
- Use County probation and State parole in such ways as to enable the oversight authority to return individuals to State prison for multiple violations.
- Mandate the use of State parole rather than County probation for suspects convicted of prior violent crimes.
- Redefine recidivism as incarceration, release, and return rather than requiring a prior offender to commit a new crime resulting in arrest, trial, conviction and incarceration.
- Encourage the timely release of Prop 47 funds as promised to invest in evidence-based rehabilitation and treatment programs.
- Seek increased State funding for AB109 sweeps by local law enforcement to assure compliance with the terms of release.
- Establish ineligibility for early release on violations of parole and probation sentences for those with violations of parole and probation that return them to custody.

We appreciate your thoughtful consideration of potential criminal law reform and solicit your support for AB 1408 and additional measures. We would be pleased to know if your City Council determines to adopt these resolutions or take other definitive actions toward this goal. We ask that upon adoption, you communicate your action to your state assembly member and state senator. Support from the City of Desert Hot Springs is particularly important since your State Senator Jeff Stone is a member of the Senate Public Safety Committee, which is soon considering such legislation. Please contact City Manager Jeff Collier at jcollier@cityofwhittier.org or 562-567-9301 for further information.

With sincere thanks,



Joe Vinatieri
Mayor

Thanks!

Enclosures: City of Whittier Resolutions