

RESOLUTION NO. 2017-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, PROMOTING LEGISLATIVE REFORMS TO IMPROVE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW

WHEREAS, the City of Desert Hot Springs, along with the County of State of California, is facing increased crime which endangers the health and safety of police officers, residents, and property;

WHEREAS, there have been recent local, regional, and statewide decreases in offender participation in rehabilitative mental health and drug programs;

WHEREAS, these increases in crime and decreases in offender participation in rehabilitation programs may have resulted from existing State legislation and propositions;

WHEREAS, the City Council mourns the February 20, 2017 fatal shooting of Whittier Police Officer Keith Boyer and wounding of Whittier Police Officer Patrick Hazell, and has considered measures that could reduce the potential negative impacts from existing criminal law, including these avenues:

- 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.
- Use County probation and State parole in such ways as to enable the oversight authority to return individuals to State prison for multiple violations.
- 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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

Section 1. Recitals

That the recitals set forth above are true and correct and are hereby incorporated herein as findings of the City Council

Section 2. Unintended Negative Impacts of Existing Criminal Law

The City Council strongly supports legislative strategies to mitigate the unintended negative impacts of existing criminal law.

Section 3. Effective Date

That this resolution shall take effect immediately upon its adoption.

Section 4. Certification

That the City Clerk shall certify to the passage and adoption of this resolution, enter the same in the book of original resolutions of the City and make a minute of passage and adoption thereof in the records of the proceedings of the City Council in the minutes of the meeting at which the same is passed and adopted.

Section 5. Severability

That if any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are severable and that the City Council hereby declares that it would have adopted this resolution irrespective of the invalidity of any particular portion thereof.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the 5th day of July, 2017, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, CMC, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney