

OPINION

California's new wave: more crime?

By **Debra J. Saunders**

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“**The Safe Neighborhoods and Schools Act**” isn’t living up to its promise. Also known as Proposition 47, the ballot initiative that passed in November with 60 percent of the vote, the act downgraded drug possession and many property crimes from a felony to a misdemeanor. Proponents argued that lesser punishment for low-level offenders would enhance public safety. San Francisco District Attorney **George Gascón** was the **rare prosecutor who pushed for its passage**, because, as he told The Chronicle, “What we have been doing hasn’t worked, frankly.”

Gascón spokesman **Alex Bastian** told me, “The voters indicated that possessing small amounts of narcotics” should not constitute a felony. Californians don’t want three-year sentences for drug possession. I don’t either, but on the ground, the legal fix is not living up to its hype. Prop. 47 has made it easier for drug offenders to avoid mandated treatment programs. The measure reduced penalties for thefts of goods worth less than \$950. Habitual offenders know that, critics say, and they’ve changed their habits to avoid hard time. The measure’s passage also prompted the state to free some 3,700 inmates.

In San Francisco, theft from cars is up 47 percent this year over the same period in 2014, auto theft is up by 17 percent, robberies are up 23 percent and aggravated assaults are

up 2 percent, according to San Francisco Police spokesman Officer Carlos Manfredi. Burglaries are down 5 percent.

Ticket for speed

The City of Angels saw a 12.7 percent increase in overall crime this year, [according to the Los Angeles Times](#); violent offenses rose 20.6 percent while property crime rose by 11 percent. Mayor Eric Garcetti believes Prop. 47 may explain Los Angeles' change in course from crime reduction to crime increases.

“It used to be that if you were caught in possession of methamphetamine, you would be arrested; you’d end up in drug court or in some other program, probably in custody receiving some type of treatment,” [Yolo County District Attorney Jeff Reisig told the Daily Democrat](#). “Well, now officers give them a ticket — so they have been arrested for a crime. The case actually gets forwarded to my office, and we charge them with a crime, but they never show up to court. They get arrested again, and are given another ticket for methamphetamine. And so we’ve seen that.”

Los Angeles County Sheriff Jim McDonnell says L.A. [substance abuse treatment rolls are down 60 percent](#). Ventura County Sheriff Geoff Dean told the [Ventura County Reporter](#) that Prop. 47 got drug offenders out of jail “but it also got them out of treatment.” He also believes the measure will increase violent crime, as substance abusers commit more robberies and assaults.

[Michael Rushford](#) of the [Criminal Justice Legal Foundation](#) sees Prop. 47 as a toxic extension of Gov. [Jerry Brown’s 2011 “realignment” policy](#). “Realignment” switched the responsibility of incarcerating non-serious nonviolent non-sex-offender felons from state prison to local jails. Then Prop. 47 whittled away at the definition of what constituted a felony. “The most commonly committed felonies no longer carry a prison sentence,” Rushford told me. If the police catch someone, they know, “they’re just going to cite him and let him out again.” If a crime isn’t serious enough to rate a felony, “how much money are you going to spend on it?”

When I went out on patrol of homeless encampments with San Francisco police officers earlier this month, more than one officer suggested voters repeal Prop. 47 if they want fewer squatters in the city.

Bastian took issue with the suggestion that Prop. 47 essentially decriminalizes petty crimes. The ballot measure is “not decriminalizing,” he said. “It’s taking felonies and making them misdemeanors.” Police still can arrest offenders — and should.

Earlier this year, Gascón showed up at a Chronicle editorial board meeting with a chart that showed a rise in reported crimes from 44,675 in 2012 to 52,736 in 2014 — but fewer arrests in 2014 (7,891) than 2012 (7,946). And that was before Prop. 47 passed. “I don’t want to go into what police officers are thinking or not thinking,” Bastian told me. “The reality is that when arrests go down it could have an impact on crime going up.”

Thus continues the finger-pointing between San Francisco prosecutors and police.

‘Catch and release’

Have “realignment” and Prop. 47 made police feel that there’s not much point in sticking out one’s neck because the result could be that the criminal they arrest will go away for a matter of months, at the most, and the offender could be out of jail the next day? Palm Springs Police Chief Al Franz told television station KESQ that he calls the new regime “catch and release.”

It was not that long ago that the 1994 voter-approved “three strikes and you’re out” initiative gave California a reputation as the over-incarceration state. In 2006, there were 163,000 inmates in state prisons. In 2009, the **U.S. Supreme Court ordered** the state to reduce the state prison population to 137.5 percent of design capacity — which is one inmate per cell. Gov. Jerry Brown proposed a “realignment” plan to shift the burden of incarceration from what the court’s considered overcrowded state prisons to overcrowded county jails. It was a brilliant move politically as it **passed the hot potato of releasing inmates from Sacramento to local sheriffs.**

In March, after three years of realignment and five months of Prop. 47, the state prison population was down to 112,300. That’s 50,000 fewer state inmates. A change that big

cannot come without consequences — and those consequences likely are not safer neighborhoods.

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