

Safe Schools and Neighborhoods Act (Proposition 47) Implementation

I. BACKGROUND

Relationship Between Community Health and Safety

The fundamental premise of our statewide community safety strategy is that health, and the lack of it, is one of the largest drivers of crime and violence. For example, approximately 80 percent of people arrested have a substance abuse issue, 50 percent of people in jail have a mental health problem, and 61 percent of California youth have experienced some form of childhood trauma, which is a risk factor for involvement in the juvenile justice system.

With this in mind, our safety strategy is based on three principles: (1) use health solutions for health problems, (2) keep people out of the criminal justice system and in the community where they can access health and other services, and (3) invest public dollars in health, youth development/leadership and other programs that prevent violence.

Importance of safety came from sites

State and National Policy Landscape for Community Safety

We have an unprecedented window of opportunity to make fundamental changes to California's criminal justice system. The state and national environment for justice reform includes several high-profile developments:

- Attorney General Eric Holder and his Justice Department have made policy and program changes to emphasize diversion, rehabilitation and re-entry. AG Holder has publicly advocated for changes in sentencing guidelines to make sentences more proportionate to offenses – e.g., fewer long sentences for low-level, nonviolent offenses.
- President Obama has launched My Brother's Keeper, an initiative to address needs of boys and men of color, including issues that put young people at greater risk of being involved with violent crime.
- California has a two-year reprieve from the deadline of a Supreme Court decision forces the state to reduce its prison population. During this time, there will be tremendous pressure to take concrete action that will close out the settlement.
- In November 2013, California voters approved Proposition 36, which reformed the state's "three-strikes" law.
- In Los Angeles County – home to more than 25 percent of the state population – the Los Angeles City Attorney, District Attorney, Sheriff and several county supervisors are open-minded elected officials.

- In November, Proposition 47 (the Safe Schools and Neighborhoods Act) passed with 60 percent of the statewide vote in a low-turnout election. The measure passed in 9 of 12 BHC counties.

Proposition 47

The new law has 3 main components:

1. Six low-level, nonviolent felonies have been reclassified as misdemeanors. People currently incarcerated for these offenses are eligible for resentencing.
2. Formerly incarcerated people previously convicted of the covered offenses may retroactively have their records changed to reflect a misdemeanor (vs. felony) conviction. This has implications for employment, professional licensing and public programs and benefits such as housing, social services and financial aid.
3. Combined state and county cost savings are estimated at \$500 million to \$1 billion annually. State savings (misdemeanor convictions cannot result in state prison time) will be calculated and redirected as follows:
 - 65% to the Board of State and Community Corrections (BSCC) for substance abuse and mental health programs.
 - 25% to the California Department of Education for truancy prevention programs.
 - 10% to the Victims Compensation Board for crime victim trauma recovery centers.

In effect, Proposition 47 begins to rightsize the criminal justice system by directing resources away from costly and ineffective prisons/jails and towards preventative services and programs that address physical, mental, social and emotional health issues that drive crime and violence.

II. IMPACT ON COUNTIES AND BHC SITES

Proposition 47 will have a significant and direct impact on county budgets and millions of Californians across the state.

Fiscal Implications for Local Government

In its analysis of Proposition 47, the nonpartisan Legislative Analyst's Office estimated that the measure would result in county cost savings in the range of several hundred million dollars. The Center on Juvenile and Criminal Justice's (CJCJ) analysis translates this to \$400-700 million per year across all 58 counties. Estimated jail bed and fiscal savings for BHC counties are listed below:

County	Savings (millions)		Jail beds freed		Jail beds freed (as % of Avg. Daily Population)		Prop 47-affected people
Alameda	\$11.8	\$20.6	294	883	9%	27%	1,178
Contra Costa	\$11.0	\$19.3	276	827	19%	57%	1,103
Del Norte	\$0.4	\$0.7	9	28	10%	31%	38
Fresno	\$16.1	\$28.1	402	1,205	14%	43%	1,607
Kern	\$15.3	\$26.7	382	1,146	15%	44%	1,528
Los Angeles	\$99.9	\$174.8	2,497	7,490	14%	41%	9,986
Merced	\$3.4	\$6.0	85	255	11%	32%	340
Monterey	\$3.8	\$6.7	95	285	9%	27%	380
Orange	\$29.7	\$51.9	741	2,224	11%	33%	2,966
Riverside	\$24.1	\$42.2	603	1,808	15%	46%	2,411
Sacramento	\$15.6	\$27.3	390	1,171	10%	31%	1,561
San Diego	\$28.4	\$49.7	710	2,131	13%	40%	2,841

It is important to note that while Proposition 47 was very specific about reallocation of state prison savings, it did not address county budgets. In other words, Los Angeles County could accrue \$150 million per year in jail bed savings and allocate towards anything from jail expansion to youth programs or mental health and treatment beds.

Human Impact

The new law's provisions on reclassification of felony records will be felt in the daily lives of millions of people. Californians for Safety and Justice estimates that at least one million people will be eligible for record changes that can mitigate a conviction's post-incarceration effects, known as collateral consequences. The one million figure is an estimate; we believe the actual number could be as high as two million. The San Diego County Public Defender's Office reviewed its records for the past 25 years and concluded that approximately 200,000 people would be eligible under Proposition 47.

Collateral consequences include eligibility for health and social services, housing, employment and education. For example, felonies and certain misdemeanors will disqualify a person from relief under Delayed Action for Childhood Arrivals or Delayed Action for Parental Arrivals (DACA, DAPA). Reclassifying a felony could grant that person relief under DACA/DAPA, which would in turn make them eligible for health coverage through Medi-Cal.

Other collateral consequences are less formal, but equally far-reaching. For example, many employers require applicants to disclose whether they have prior convictions. This has a chilling effect on the formerly incarcerated, regardless of amount of time that has passed since their conviction; whether it was nonviolent/low-level and unrelated to the job; and treatment, community service, education or job training obtained in the interim.

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III. STATEWIDE IMPLEMENTATION AND GRANTMAKING STRATEGY

Our implementation and grantmaking strategy is made up of four interlocking components – policy advocacy, changing the narrative/communications, education and outreach, and WE Connect and other events (see attached diagram).

Interlocking Components and Connection to Drivers of Change

The four components reinforce and build upon each other to advance people power, change the narrative and support our other drivers of change. For example, local advocates and service providers will conduct door-to-door neighborhood canvassing and outreach at local events to make people aware that they can have felonies reclassified. Record reclassification provides outreach workers with a tangible benefit to offer. At the same time, our partners can reach Proposition 47-eligible people, their families and friends with information on other benefits and programs such as Medi-Cal, Cal Fresh, CalWORKS, housing, etc.

These in-person contacts are also opportunities to educate, mobilize and continue to engage community residents – many of whom are infrequent and/or first-time voters who were contacted in the lead-up to the November 2014 election. For example, a person might be referred to an upcoming Do the Math event and Do the Math campaign to pressure the county board of supervisors to spend jail savings on mental health treatment, substance abuse and other re-entry services. The campaign would include both advocacy and strategic communications, such as paid media on the tradeoff between incarceration and health and employment, as well as op ed articles from mental health professionals and clergy. At the WE Connect event, people would have the opportunity to meet with a legal aid attorney or deputy public defender who could help them complete reclassification paperwork, enroll in Medi-Cal and find out about other services mentioned in the door-to-door canvassing.

Support for Community Safety and Health Strategy

In addition to building upon each other, the four parts of our Proposition 47 strategy are connected to our larger statewide community safety strategy and work.

- **Advocacy:** At the state level, advocacy directly supports the third safety principle by encouraging effective investments in health and treatment (Board of State and Community Corrections, Victims Compensation Board) and youth and schools (Department of Education). At the county level, cost savings could be used opportunistically as a funding source for investments in youth development, health, treatment and violence prevention.
- **Hold the Narrative/Communications:** Our communications work cuts across all three safety principles, but is particularly needed to highlight the connection between health and safety for policymakers and the public at large (safety principle one).
- **Education & Outreach and WE Connect & Events:** Taken together, these components will help local partners reach and educate returning citizens on the range of health and other supports that will help them become healthy and productive members of the community (safety principles one and two). WE Connect and other events are large-scale opportunities for trusted messengers and organizations to guide the formerly incarcerated through the process of filling out reclassification paperwork and enroll them in health care and other programs. These hands-on venues are especially important for a disconnected population that largely distrusts government.

IV. OVERVIEW OF MAJOR STRATEGY COMPONENTS

Communications

Polls and results from the 2013 (three strikes reform) and 2014 (Proposition 47) elections show that the public believes in investing in health and prevention. Further progress is possible. But we will need a robust communications effort to defend Proposition 47 and, by extension, uphold the idea that addressing public needs is the most effective strategy for creating community safety.

Our topline communications strategy is twofold:

1. Promote the approval and implementation of Prop 47 as a bold step toward common-sense justice reform and prevention. California has spoken out strongly against extreme prison-first punishment, and in favor of using our tax dollars to invest in health, education and prevention. The will of the people must be carried out, especially in making sure state and local cost savings are applied to youth services, health and other approaches that truly improve safety.

2. Promote the benefits of record-clearing in California, the largest effort of its kind in U.S. history. Through issue education and outreach, eligible Californians will learn how to clear their names so they may take full advantage of newly available services, especially health and education, and become engaged in advocacy for healthier communities.

This strategy will be carried out through a combination of communications activities to hold the public narrative and support local issue education.

Activities for holding the narrative include:

- Mainstream Media Advocacy
 - Use public forums and meetings related to Proposition 47 to remind policymakers about honoring the will of the voters who strongly endorsed a new vision for justice in California. We will hold public officials accountable for investing cost savings from prison spending in a transparent and equitable way that prioritizes health and prevention.
 - Promote news coverage of individuals whose rights are being restored under Prop 47. These are stories of redemption and making the most of second chances thanks to Proposition 47's new approach to justice. In doing so, we will emphasize the essential role of health, education and social services.
 - Follow-up with journalists who have reported the law enforcement perspective to challenge the assertions and suggest alternative story ideas. Write letters to the editor and/or op-ed columns to rebut misleading claims and reframe Prop 47 as a bold step forward for California.

- Telling Our Own Story
 - Identify a range of thought leaders advocating for justice reform to help build broader base of support. This could include progressive law enforcement, judges, crime victims, district attorneys, educators, business leaders, political conservatives and others.
 - Build on success of Do the Math cost comparisons with a new set of graphics that more directly tie investments in health, education and prevention to safety.
 - Use paid media/advertising to promote key messages in support of investing in prevention as a safety strategy
 - Prepare list of Top 10 most effective investments to prevent crime and reduce safety, and call on state officials to support these strategies to counter calls for more spending on the justice system

- Create a series of videos featuring stories of individuals whose rights have been restored.
- Support youth and community voice in promoting the benefits of Prop 47 and continued reform of our justice system.

Grantees include:

Advocacy

Many of our partners are already engaged with the three state government agencies administering Proposition 47 savings.

Schools advocates have been working with the California Department of Education on the Local Control Funding Formula and school discipline. Since Proposition 47 dollars are earmarked for truancy prevention, there is a natural connection. In fact, several schools advocates and members of the Alliance for Boys and Men of Color (BMOC Alliance) are already in conversation with policymakers on how priorities for these funds, how they will be allocated, and whether they will address trauma and social and emotional health (safety principles one and two).

Over the past year, the BMOC Alliance, juvenile justice and adult criminal justice advocates have been putting pressure on the Board of State and Community Corrections (BSCC) to make its decisionmaking more transparent, include community members and the formerly incarcerated in its processes, and spend its existing grant dollars on public health and violence prevention. The core group of advocates includes the Center on Juvenile and Criminal Justice, Children's Defense Fund, PICO California, ACLU, California Budget Project, Commonweal, Anti-Recidivism Coalition, and Californians for Safety and Justice.

Californians for Safety and Justice has been following the Victims Compensation Board even before it was designated in 2013 as the fiscal agent for state trauma recovery center grants, two of which were awarded to partners in our trauma work – the Long Beach Trauma Recovery Center and University of California, San Francisco.

Advocacy grantees include:

Education and Outreach

Community outreach is essential to fulfilling the vision of Proposition 47 and restoring the rights and opportunities of the formerly incarcerated. For TCE and its partners, this outreach is a way to highlight new eligibility for vital health and social services, as well as engage more people in the movement toward health and justice for all.

As noted above, our BHC partners can leverage Proposition 47 in their efforts to energize youth, build people power and advance local BHC priorities (see description of reinforcing components earlier in this section).

Issue education activities include:

- Supporting www.MyProp47.com, Californians for Safety and Justice's online clearinghouse, with "how to" information about record reclassification and links to local resources.
- Developing local issue education materials such as door hangers and flyers that can be customized for specific communities, including inclusion of BHC logos, partner branding and local web sites. All materials will be created in English and Spanish, with additional languages as requested.
- BHC program managers and partners are in the process of developing local Proposition 47 strategies that may include using the Do the Math framework to advocate for cost savings to be invested in prevention.
- Healthy Communities has set aside program and communications dollars for these campaigns, to be coordinated by regional program managers in collaboration with Healthy California.

Grantees include:

WE Connect & Other Events

Events such as WE Connect and community health and resource fairs are opportunities to combine legal services such as felony record reclassification with the broader array of services available in our BHC communities. The people who are most directly impacted by Proposition 47 are also probably eligible, but unaware of their how to access, public programs and services such as Medi-Cal, CalFRESH, the Earned Income Tax Credit, etc. WE Connect can also combine outreach efforts on Proposition 47, DACA/DAPA and ACA enrollment.

The upcoming Manifest: Justice event in Los Angeles in May will have a Proposition 47 component. We are also in the discussion and early planning stages for Proposition 47-themed WE Connect events in Los Angeles and potentially Salinas.