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Stanford report concludes Prop. 47 is operating as advertised

By L.J. Williamson

The controversial measure Proposition 47 is operating "largely as designed and advertised," the Stanford Justice Advocacy Project concluded in a progress report released Wednesday, though skepticism over the initiative's efficacy remains.

The report found that Prop. 47 has decreased the population of California's jails and prisons by 13,000 inmates, will save state and county governments more than \$300 million annually, reduced early releases from county jails due to overcrowding by approximately 35 percent statewide, and that less than 5 percent of state prisoners released under Prop. 47 have been convicted of new crimes and returned to prison.

The low recidivism rate means that "any increase in crime over the past year should not be attributed to inmates freed from prison under Proposition 47," the report concluded.

In an interview Thursday, report author and project director Michael Romano said that criticism of Prop. 47 has not been based on "any actual evidence or data."

"I hope we'll begin to have a conversation based on evidence and data rather than anecdotes and scare tactics," he said.

"This report definitively shows the concerns and changes were not just helpful but necessary," said Alex Simpson, professor at California Western School of Law. "The biggest thing is that it shows that the prison population is finally getting under control, and that we have targeted the right crimes to reduce because these people are not going out and re-offending."

Yet the progress report has yet to turn around some skeptics who question the measure's purported benefits.

The credit for the reduction in California's prison population lies with AB109 or realignment, and not Prop. 47, said Michael Ramos, district attorney of San Bernardino County, who cited an increase in crime as just one of the measure's drawbacks. "I don't think the savings are coming from state prison because Prop. 47 folks weren't going to state prison."

Ramos also said Prop. 47 has diminished participation in drug court programs, and swamped his office with misdemeanor offenses. "We call it the sea of blue," referring to the blue file folders the county uses for misdemeanor cases. "You can talk about savings, but what about the impact on our citizens and victims? When do those numbers come into play?"

Rachel Solov, deputy district attorney in San Diego County and chief of the collaborative courts division, questioned the objectivity of the report's authors.

"The Stanford Justice Advocacy Project, who authored the report, was also involved in the drafting of the proposition and assists in litigating cases on behalf of prisoners who are seeking relief under Prop. 47. So I'm not sure it's an unbiased report," she said. Solov also questioned the report's definition of recidivism, which only counted individuals who were sent to state prison as punishment for a new offense. "It doesn't mean they're not committing offenses,"

The report noted that data for county jails was not available as they do not report recidivism rates.

Based on San Diego's recidivism and jail population numbers, Solov speculated that Prop. 47 just created a situation in which misdemeanants were simply cycling through the system more quickly as "frequent fliers."

Ventura County Sheriff Geoff Dean agreed, and said that not only were misdemeanants cycling through the system on a repeated basis, but that his crime and jail numbers were up. A member of the State Board of Community Corrections, Dean also chairs a committee of the California State Sheriff's Association that is working to collect data on the impact of Prop. 47.

"All we can say right now is Prop. 47 occurred, we released a large number of people, but the jail population is back up and crime is up," Dean said. "We can't say there's a direct correlation, but it would be a logical progression of the facts."

Despite the stayed criticism, Romano remains optimistic that Prop. 47's benefits are too significant to write off. He said funds previously spent on incarcerating very low-level offenders will now be used for mental health facilities and victim services, reducing truancy, and attempting to help the "school-to-prison pipeline." "I believe it will have a substantial long-term net positive impact on public safety and people's lives."

lj_williamson@dailyjournal.com