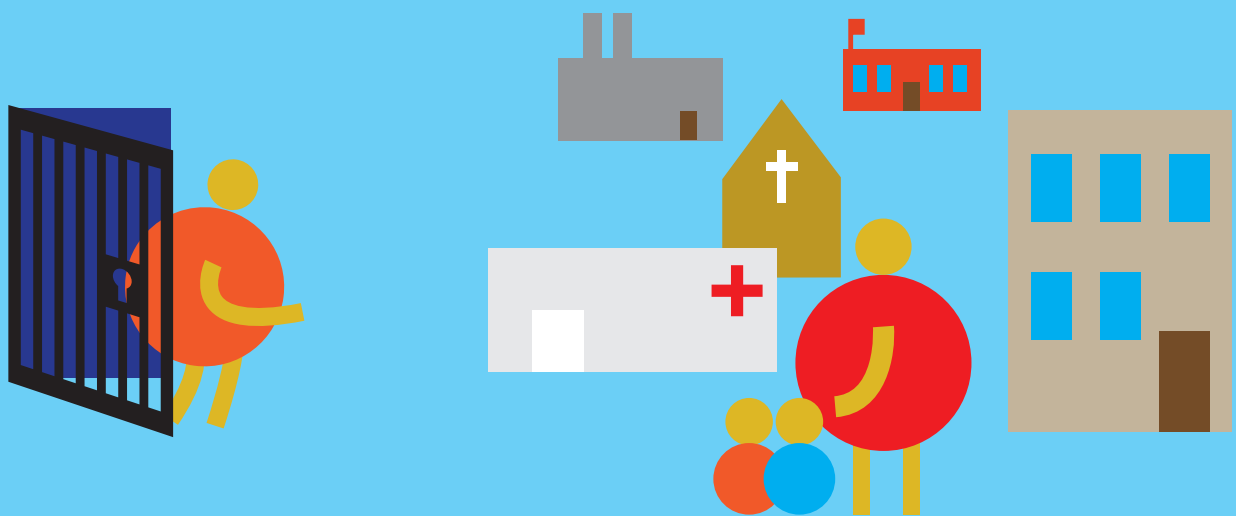


REHABILITATING CORRECTIONS IN CALIFORNIA

THE HEALTH IMPACTS OF PROPOSITION 47

Research Summary



Authors

Kim Gilhuly, MPH
Holly Avey, DrPH
Megan Gaydos, MPH
Jonathan Heller, PhD
Matthew Mellon

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For the full Health Impact Assessment report, which expands on the Research Summary provided here, please visit www.Prop47impacts.org. You can also find out more about Health Impact Assessment generally and the technical details on the analyses in our technical report.

For More Information, Contact:

Kim Gilhuly, Program Director
Human Impact Partners
kim@humanimpact.org
www.humanimpact.org
510-452-9442, ext. 114

EXECUTIVE SUMMARY

Reforming California's sentences for low-level crimes would alleviate prison and jail overcrowding, make communities safer, and strengthen families, and shift resources from imprisoning people to treating them for the addictions and mental health problems at the root of many crimes. A Health Impact Assessment of reforms proposed by a state ballot initiative predicts the changes would reduce crime, recidivism, racial inequities in sentencing, and save the state and its counties \$600 million to \$900 million a year – but only if treatment and rehabilitation programs are fully funded and implemented properly.

Human Impact Partners conducted an in-depth assessment of the public health and equity impacts of reclassifying six non-serious offenses – crimes of drug possession and petty theft – to misdemeanors.^a The Safe Neighborhoods and Schools Act, Proposition 47 on the November 2014 state ballot, would also allow people currently in prison for those crimes to apply for lower sentences, release, and to have their records cleared of the crime, and redirect savings from the reduction in the prison population to mental health and substance abuse programs, truancy and dropout prevention, and services for victims of violent crime.

Fundamentally, prison is not a healthy environment. Every day, conditions in California's dangerously overcrowded prisons and jails causes physical and mental harm – disease, depression, violence, rape, suicide, and more – on thousands of incarcerated men and women. Many of these people were convicted of crimes that pose no serious threat to others, but can be traced to their own substance abuse and mental health problems. They need treatment, not punishment. And treatment is much less costly than punishment, returning \$3.77 in benefits for every dollar spent.

A shift in how we charge and sentence people who have committed non-serious, non-violent, and non-sexual crimes has far-reaching implications

for the health and well-being not only of those who commit these offenses, but of their families, their communities, and the public. **This Health Impact Assessment predicts that full implementation of the Safe Neighborhoods and Schools Act would:**

- Decrease state corrections spending by \$200 million to \$300 million a year, and county corrections spending by \$400 million to \$600 million a year, according to estimates by the state Legislative Analyst's Office.^b
- Increase state funding for mental health and substance abuse programs, school truancy prevention and victim services by \$200 million to \$300 million a year.
- Reduce the number of people convicted of felonies by more than 40,000 a year, and the number sentenced to prison by more than 3,000 a year.
- Allow more than 9,000 people now in prison for felonies for low-level crimes to apply for reduced sentence and release. This includes about 1,500 people who are serving extended sentences for a second strike for one of these low-level offenses.
- Reduce violent and property crime by reducing the number of people who re-offend by at least 10% a year among people who participate in treatment programs.
- Reduce the rates of incarceration of African-Americans and Hispanics, who are more likely to be sentenced to prison, county jail, or probation as whites for the same low-level crimes. African-Americans are only 7% of California's population but they represent almost one-fourth of prison admissions. Hispanics are arrested and imprisoned at a slightly higher rate than their share of the population, and are 60% more likely to be jailed.

^a Most of the low-level crimes addressed by Prop. 47 are currently "wobblers" which may be charged as a felony or misdemeanor depending on the facts of the case and the criminal history of the person arrested. Prop. 47 would require that they always be charged as misdemeanors.

^b Personal communication, Legislative Analyst's Office to Human Impact Partners, June 16, 2014.

EXECUTIVE SUMMARY

The impacts of sentencing reform would reach far beyond the criminal justice system.

- Almost 4,900 parents in prison, currently separated from more than 10,000 children, could apply for release and return to their families or serve their sentences in a county jail closer to home. Family unity and stability have profound impacts on children's lifelong health, well-being, educational achievement, and success. In one of the extensive focus groups conducted for this study, a young woman whose mother is in prison said: "People don't understand that when you lock someone up, it makes their family go through that trauma every day. Locking someone up tears families up."
- More than 40,000 people a year would avoid the additional punishments of a felony conviction – restricted access to jobs, housing, voting, benefits, and other opportunities – and tens of thousands could have their felony records cleared. In California there are almost 3,000 additional punishments, also known as "collateral consequences," for those convicted of crimes imposed by state or federal laws. As one person who had been in prison said: "So, I get out of prison with a felony, and you want me to be successful, and I can't get housing, can't get food stamps. I can't even get on my own two feet."

The key to achieving the full benefits of sentencing reform is funding and implementation of the treatment, prevention, and recovery services called for in the initiative.

- Evidence is overwhelming that providing treatment to offenders who have substance abuse problems or mental illnesses reduces crime and recidivism. Treatment instead of punishment not only benefits their health and well-being, but that of their families and the entire community.
- Truancy and dropout prevention programs keep children in school, greatly reducing the chance that they will run afoul of the justice system. One study found that a 10% increase in California's high school graduation rate could lead to a 20% decrease in violent crime, preventing 500 murders and over 20,000 aggravated assaults annually.

- A statewide network of trauma recovery centers – modeled on the successful program at the University of California, San Francisco – will help 12,000 to 18,000 people a year heal from the physical and emotional impacts of being a victim of violent crime. Victims of violent crime are at increased risk for post-traumatic stress disorder, depression, and substance abuse. Victims who use the UCSF trauma center are also more likely to report the crimes to the police and cooperate with prosecutors.

The sentencing reforms called for in Proposition 47 are a crucial next step in rehabilitating California's broken justice system. In 2011, realignment mandated by Assembly Bill 109 transferred responsibility for many non-serious crimes from the state to counties, but thousands are still sent to prison each year for the low-level offenses addressed by Proposition 47. The Safe Neighborhoods and Schools Act would not only remove that consequence, but provide the treatment, prevention, and recovery services that will make California safer and healthier.

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INTRODUCTION AND BACKGROUND

“The need for fundamental change in the state correctional system had been building for years as the state confronted the difficulty of complying with federal court orders regarding the provision of a constitutional level of medical and mental health services with an ever-increasing number of prisoners and a recidivism rate of 70%... Correctional policy was evolving and developing better ways to rehabilitate offenders... Lower-level offenders have the best chance of successfully reintegrating into society when they remain linked to community-based support systems that provide services geared to help them rebuild their lives.”
– Governor Jerry Brown, 2014-15 Budget Summary¹

There is universal consensus that California’s justice system is in need of repair. Lengthy mandatory sentences and excessive use of prison as punishment for crimes that are not violent or serious have created a harmful and dangerous situation that has only begun to change with the intervention of the United States Supreme Court.

As a result of the Supreme Court’s order, realignment of the state’s justice system began in 2011 in response to the dangerously overcrowded conditions that inflict direct physical and mental harm to people in the custody of the state of California. The Court affirmed that a criminal conviction does not give the state license to treat people inhumanely. By decreasing overcrowding, the realignment mandated by Assembly Bill 109 attacked the most grievous harms and made a start in protecting the basic human and health rights of people in prison. But more remains to be done.

In November 2014 a ballot initiative – Proposition 47, the Safe Neighborhoods and Schools Act – will put the question to California voters: Should six low-level, non-serious crimes – crimes of drug possession and petty theft – be charged as misdemeanors rather than felonies? And with the resultant savings from not sending these offenders to prison, should we fund mental health and substance abuse treatment programs, programs to keep our youth in school, and services for victims of violent crime?

A shift in how we charge and sentence people who have committed non-serious, non-violent, and non-sexual crimes would have far-reaching implications for the health and well-being not only of those who commit those offenses, but of their families, their communities, and the public. This research summary uses the research and public engagement tool of Health Impact Assessment to consider how the implementation of the Safe Neighborhoods and Schools Act could affect not only health, but the underlying determinants of health: access to mental health and substance abuse treatment services; opportunities for jobs, housing, and other benefits; family and community ties; and education for at-risk youth. For more information about Health Impact Assessment and further information and technical details on the analyses, see the accompanying full report and technical report at Prop47impacts.org.

PROPOSITION 47: THE SAFE NEIGHBORHOODS AND SCHOOLS ACT²

Passage of the Safe Neighborhoods and Schools Act would mean that the following six crimes could only be charged as misdemeanors rather than as felonies:

- Petty theft of money or property valued between \$50 and \$950
- Shoplifting of property valued at less than \$950
- Receiving stolen property valued at less than \$950
- Writing bad checks of less than \$950
- Check forgery of less than \$950
- Drug possession for personal use with no intent to distribute.

People arrested and charged with these crimes in the future would be charged with misdemeanors. People who are currently serving sentences in prison, jail, or probation for these crimes could apply to have their charge and sentence reduced, potentially moving them from prison to jail or misdemeanor probation. People who have already served their time could apply to change the felony on their record into a misdemeanor and potentially have it stricken from their record.

INTRODUCTION AND BACKGROUND

Savings from the reduction in the prison population would fund three areas: 65% to mental health and substance abuse programs, 25% for truancy prevention, and 10% for services for victims of violent crime.

FELONIES, WOBBLERS, AND MISDEMEANORS^{3,4}

A felony is more serious than a misdemeanor. If someone is convicted of a felony, they are more likely to have a longer sentence and may go to prison. They face the potential of receiving additional “strikes” for further serious crimes. Having a felony on one’s record also results in additional punishments once one’s sentence is served, including restrictions on employment, housing, and public benefits. Misdemeanors carry a sentence of county jail, misdemeanor probation, a fine, or some combination of the three. In California, misdemeanors hold a maximum of one year in county jail.

Other crimes are considered *wobblers* – they can be charged as either a felony or misdemeanor depending on the facts of the case and the criminal history of the person arrested. Most of the crimes addressed by Proposition 47 are wobblers.

This report examines the impacts of being convicted of a misdemeanor instead of a felony. As discussed below, a misdemeanor sentence is better for individuals and for public health. But there are serious concerns about the misdemeanor system that Proposition 47 will not address including: lack of access to legal representation for those charged with misdemeanors; limits on employment opportunities, student loans, and government assistance for those convicted of misdemeanors; and a lack of public data about convictions, sentences, and recidivism for those accused of misdemeanors.^{5,6}

RACIAL INEQUITIES

Incarceration is one of the biggest causes of inequities in health for people of color, and in particular black Americans. Today, more than 60% of people in prison are racial and ethnic minorities,⁷ and racial inequalities exist at every step on the criminal justice pathway, from policing and arrests to representation in court, prosecution and conviction, sentencing, and appeals.⁸

Over the last 30 years, the dramatic growth of the U.S. prison population is largely attributed to the War on

Drugs that began in the 1980s, increases in rates of prison admissions, and growing sentence lengths.⁹ Drug-related convictions are disproportionately punishing black Americans, even though rates of drug use do not differ significantly by race. Between 1999 and 2005, although African-Americans represented only about 13% of drug users, they were 36% of those arrested and 46% of those convicted for drug offenses. At current rates, one of every three African-American males and one of every six Latino males born today will be incarcerated during his lifetime, compared to one of every seventeen white males.¹⁰

INCARCERATION AND HEALTH

“There are other countries that have drug problems, and they treat it as a health issue. They have success, and it is a lot less expensive. Why can’t we treat instead of incarcerate?”
(Family Members Focus Group, San Francisco)

RATES OF MENTAL ILLNESS AND SUBSTANCE ABUSE IN THE CRIMINAL JUSTICE POPULATION

Rates of mental health problems and addiction are much higher for people who are in prison or jail, or who are at risk of becoming involved in the criminal justice system. This is crucial in understanding this study, as people who commit the low-level crimes that would be reclassified under the Safe Neighborhood and Schools Act often do so in the context of mental health and substance abuse problems.

Mental health. Approximately 16% of the adult population of California have mental health care needs, and one out of every four of those has severe mental illness.^{11,12} By contrast, roughly half of people in state prison and 6 in 10 people in jail experienced symptoms of mental health disorders in the past year. The number of mentally ill people in California’s prisons has almost doubled in the past 15 years. In 2014, Stanford researchers, using data from the California Department of Corrections and Rehabilitation (CDCR), estimated that 45% of people in state prison have been treated for severe mental illness in 2014.¹³ For most of the past decade, suicide rates in California prisons have substantially exceeded the national average for suicides in state prisons. In 2012, on average, a person in a California state prison committed suicide every 11 days.¹⁴

Substance abuse. In 2012, 7.7% of Californians abused alcohol and 3% abused illicit drugs.¹⁵ In comparison, one government estimate was that nationally, 60% to 80% of people under the supervision of the criminal justice system have a substance abuse-related issue,¹² and roughly half of all people in prison meet the Diagnostic and Statistical Manual for Mental Disorders criteria for drug abuse or dependence.^{16,17} People on parole or probation in the United States also report higher rates of illicit drug

use – roughly three times the rate as people not on probation or parole.¹²

Alcohol and other drugs were involved in over three-fourths of all crimes.¹⁸

Mental health and substance abuse. Since the 1980s, national surveys have found a high prevalence of co-occurrence of drug use and mental illness. In California, 55% to 69% of individuals with a substance abuse disorder also have a mental health disorder, and up to 60% of those who have been diagnosed with a mental disorder also have a substance use disorder.¹⁹

Prisons and jails are not the best place to treat problems of mental illness and substance abuse, and there is reason to believe that the exposure to prison and jail makes these issues worse.

PHYSICAL HEALTH IMPACTS

Premature mortality. Every year in prison increases the odds of premature mortality by almost 16% – almost a two-year decline in life expectancy for each year served in prison. For example, a three-year stay in prison decreases life expectancy by almost six years.²⁰ The risk is highest upon release from prison and declines over time.

Infectious disease. People in jail or prison have higher rates of certain infectious diseases. Incidence of hepatitis C, HIV, sexually transmitted infections, and tuberculosis are all higher in incarcerated populations than in the general population.²¹ Prisons and jails can be seen as mechanisms for the spread of infectious disease: Incarceration concentrates, amplifies, and disseminates diseases, contributing to a cycle of deterioration and re-incarceration of people with poor health.²²

Chronic disease. People in jail and prison have higher odds of hypertension, asthma, and arthritis.²³ Women in prison have higher rates of chronic and infectious disease, as well as higher rates of reproductive health issues such as cervical cancer. Incarceration can exacerbate asthma attacks, weight gain, poor nutrition, and smoking.²⁴

INCARCERATION AND HEALTH

Injury and sexual violence. One in ten people in state prison is injured in fights, and sexual abuse and physical injuries due to sexual abuse are common in prison.²⁵ In 2011-12, an estimated 4% of people in state and federal prison and 3.2% of people in jail reported experiencing one or more incidents of sexual victimization by another inmate or facility staff in the past 12 months or since admission to the facility, if less than 12 months.²⁵

MENTAL HEALTH IMPACTS

Mental health. The negative impacts of incarceration on mental health range from post-traumatic stress disorder, hyper vigilance and personal distrust, psychological distancing and social withdrawal, a long-term dependence on institutional structures (institutionalization), excessive self-control of one's emotions, and a diminished sense of self-worth and personal value.²⁶ One focus group participant said incarceration exacerbated existing depression and anxiety symptoms: "The first time I was locked up, I broke down. It disrupts the little amount of happiness you have left" (Formerly Incarcerated Focus Group #1, Oakland). Isolation units have been shown to induce panic, anxiety, and hallucinations.²¹

Suicide and overdose. Prison overcrowding is strongly linked to increased likelihood of prisoner suicide.²⁷

The rate of suicide in California's prisons – 24 suicides per 100,000 prisoners – is 48% higher than the national average for prisons.²⁸

Suicides occur disproportionately more often in solitary confinement than elsewhere in prison.²⁹ In the first two weeks after release from prison, there is a three to eight times greater risk of drug-related death than in subsequent weeks.³⁰

IMPACT OF INCARCERATION ON DETERMINANTS OF HEALTH

Access to health care. People in jail and prison do not always have their health care needs met. Nationally, two out of every ten people in state prison and seven out of every 10 people in jail with a persistent medical issue did not receive a medical examination since their incarceration.³¹

Social determinants. Incarceration is linked to worsening employment prospects, reduced current and future income, limited housing options, decreased

access to benefit programs and educational assistance, contributing to family breakup, and worsening of community conditions.^{32, 33} These factors ultimately determine health outcomes directly and by shaping behavior choices that are available.

Proposition 47 stands to decrease exposure to prison and jail, which could mitigate these grave health outcomes.

OVERVIEW: THE NUMBERS

“All the people in prison for these crimes – that is a LOT of people. These people are not people with heinous crimes. These are nonviolent.”
(Service Provider Focus Group Participant, Los Angeles)

The Safe Neighborhoods and Schools Act would significantly affect the number of people who are sent to prison, jail, and probation in California for drug possession and petty theft. If Proposition 47 passes:

- There will be at least 3,000 fewer people sent to prison each year for drug possession and petty theft. In addition, thousands fewer people will be sent to jail each year for these offenses.
- Over 9,000 people currently in prison and thousands more in jail for drug possession or petty theft will be eligible for resentencing, potentially resulting in release from prison to county supervision.
- At least tens of thousands of people who have had a felony conviction for drug possession or petty theft could have their record cleared of the felony conviction.
- Approximately 40,000 people a year would be convicted of a misdemeanor rather than a felony.

These predictions are based on the following key findings:

- More than 42,000 people in California are convicted of felonies each year for the six low-level crimes related to drug possession and petty theft.³⁴

These six crimes represent more than one-fifth of all felony convictions each year.³⁵

One in ten felony convictions were for possession of methamphetamines or similarly classified drugs.³⁶

- More than 3,000 of those convicted are sentenced to prison,³⁴ where people served on average over a year and a half.³⁷ For about 1,500 of those convicted, this felony represents their second strike, which doubles their prison sentence.³⁴

- More than 20,000 of those convicted are sentenced to county jail.³⁴
- More than 9,000 people are currently in prison for a felony for one of the six crimes.³⁸
- The prison population is significantly more male (91%), minority (24% black and 45% Hispanic, though 7% of the population is black and 38% is Hispanic), and younger (46% between the ages of 18 and 29 though 18% of population is between these ages) than the general population of California.^{39,40}
- Little data is available about sentences for those convicted of misdemeanors. For example, statistics are not available regarding the percent of those arrested for misdemeanors that are convicted, what their penalties are, and if they are sentenced to jail, how much time they serve.

PUBLIC SAFETY

“If I had help for mental illness, I wouldn’t have went to prison. If I had a job, I wouldn’t have gone to prison.”

(Formerly Incarcerated Focus Group, Oakland)

The Safe Neighborhoods and Schools Act has the potential to reduce crime and recidivism, but only if distribution of the funds from savings of the reclassification of the six crimes follows evidence-based principles. If the ballot initiative passes and programs for mental health and substance abuse, truancy prevention, and victim services are fully funded and faithful to evidence-based principles^c:

- Crime in California will decrease, because people involved in the criminal justice system who participate in treatment programs will have their underlying issues addressed, commit fewer new crimes in the future, and recidivate by at least 10% less.

These predictions are based on the following key findings:

- Crime is at near-historic lows nationally and in California.³⁵
- California’s Public Safety Realignment shifted non-serious, non-violent, non-sex offenders from state prison to county jail and probation. Therefore, it serves as a reasonable proxy in terms of the population that Proposition 47 would apply to.
- Using different methodologies, researchers at the Public Policy Institute of California (PPIC) and the Center on Juvenile and Criminal Justice (CJCJ) have analyzed the impact that realignment has had on crime.^{41,42,43} These studies find that realignment has had no impact on violent crime.^{41,43}
- Property crime increased by 7.6% in California between 2011 and 2012. PPIC’s study found that of all types of property crime, only motor vehicle

theft had a statistically significant increase in terms of its relationship to realignment.⁴¹ CJCJ’s study concluded that realignment did not impact any type of property theft, including motor vehicle theft.⁴³

- People with property and drug convictions traditionally have a high rate of recidivism, as do people with mental health issues, including substance abuse.^{44,45} There is also a high unmet need for rehabilitation and treatment in this population, which are known to reduce recidivism.
- Addressing substance abuse and mental health issues reduces crime.
 - Drug treatment programs delivered in community-based settings have been documented to reduce re-arrest, self-reported crime, and money earned from illegal activities, as well as have positive impacts on substance abuse.⁴⁶
 - Meta-analyses of multiple drug court evaluations show a reduction of recidivism by an average of 12%.⁴⁷
 - Of the many studies of recidivism of mental health and substance abuse interventions, the most rigorous all show declines of recidivism by at least 10%.^{48,49,46}
- Realignment’s success depends on improved mental health and substance abuse programs and services, yet only 23% of counties are allocating increased funds to those programs. Thirty-six percent of counties are allocating funds to increase law enforcement.⁵⁰
- There is no requirement for evaluation of implementation of realignment on the county level, thus no accountability mechanism to ensure the changes are having positive outcomes.⁵¹

^c We emphasize that the benefits outlined here are dependent on the thoughtful, fully-funded, and effective implementation of mental health and substance abuse treatment, both in community-based settings as well as in community corrections and institutional-based settings. However, if the ballot initiative passes and programs for mental health and substance abuse, truancy prevention, and victim services are either not fully funded and/or the implementation is not faithful to evidence-based principles, many of these predictions will not come to fruition or the positive effects will be reduced. For more detailed information about how we arrived at these predictions, please see the full report as well as the technical report at www.Prop47impacts.org

ADDITIONAL PUNISHMENTS

“Once you’re labeled a felon, the old forms of discrimination —employment discrimination, housing discrimination, denial of the right to vote, denial of educational opportunity, denial of food stamps and other public benefits, and exclusion from jury service — are suddenly legal. As a criminal, you have scarcely more rights, and arguably less respect, than a black man living in Alabama at the height of Jim Crow.”

– Michelle Alexander, *The New Jim Crow*³³

“It used to be you do the crime, you do the time, but it’s no longer like that. The felony conviction on your record lasts for a long time. You can’t get a job, you can’t get housing, and you recidivate.”
(Service Providers Focus Group, Los Angeles)

The dramatic growth in the number and scale of additional punishments levied against people with criminal records creates enormous barriers to employment, housing, educational opportunities, and cash assistance at the time when people trying to re-enter society need those supports. If the ballot initiative passes, programs for mental health and substance abuse are fully funded and faithful to evidence-based principles, and those with felonies for the six crimes are made aware of their rights:

- Tens of thousands of formerly and currently incarcerated individuals may be eligible for resentencing and record expungement.
- Up to 40,000 individuals each year would not have to report a felony conviction on employment or housing applications. This would lead to increased employment and access to housing.
- There would also be increased eligibility for federal education loans and ability to serve on a jury and over 3,000 people each year would not have voting rights suspended.

These predictions are based on the following key findings:

- One out of four of American adults has a criminal record.⁵²

- There are 3,000 laws that create more than 4,800 additional punishments for those with a criminal record in California: 58% limit employment and occupational licensing opportunities; 73% are permanent or do not have a specified time when the consequence ends; 45% are mandatory or automatic consequences that occur regardless of individual circumstances or judicial discretion.⁵³
- The vast majority of employers conduct criminal background checks on some or all candidates.⁵⁴
- 60% to 75% of people formerly in prison are unemployed up to one year out of prison.⁵⁵ By age 48, the average person who spent time in prison has earned \$179,000 less than if he had never been incarcerated.⁵⁶
- Record expungement increases employment, occupational licensing, housing, and educational loan opportunities for the formerly incarcerated.^{57, 58, 59, 60}
- Expungement has been studied in only two counties. In Santa Clara County, expungement resulted in an additional \$6,190 in income in the year following record clearance. In Alameda County, 73% reported finding employment 4 months after expungement.⁶¹
- Only about 15% of currently or formerly incarcerated people in Santa Clara County report being aware of the opportunity for expungement.⁶²
- Starting in 2015, individuals charged with felony drug possession, use or distribution will be eligible for CalWORKs and CalFresh benefits.^{63, 64}

FAMILIES

“People don’t understand that when you lock someone up, it makes their family go through that mental turmoil, that trauma every day. Locking someone up tears families up. It makes them go crazy.”

(Family Members Focus Group, San Francisco)

Incarceration not only affects the person convicted of the crime, but also their children, partners, and communities. If the ballot initiative passes and programs for mental health and substance abuse are fully funded and faithful to evidence-based principles:

- Almost 4,900 currently imprisoned parents will be eligible for resentencing, reducing their prison sentences to shorter jail sentences or to misdemeanor probation. This will affect approximately 10,200 children. In the future, between 1,900 and 2,800 parents per year, with 3,900 to 5,800 children, will not go to prison for a felony and instead will be sentenced with a misdemeanor. They would serve shorter jail sentences closer to home or live at home with their children under a misdemeanor probation sentence, resulting in less separation of parents from their children and family and improved social ties within families.
- Between 22,700 and 29,300 parents will no longer be charged with felonies, affecting between 47,700 to 61,700 children. These children will have a much improved life path. They are less likely to become foster children, exhibit risky behaviors such as drug use, have behavioral problems, and be involved in criminal activities. These children will have higher educational outcomes, better job prospects, and higher future income. They will also have less depression, post-traumatic stress disorder and anxiety, and will have better behaviors.
- There will be better outcomes for partners of those convicted of the six crimes, including less divorce and separation, and less maternal depression.

- Families would benefit from reduced material hardship: avoidance of reduced household income and expenses related to prison such as phone calls, travel to visit, food, and supportive funds for the incarcerated person.

These predictions are based on the following key findings:

- Youth with a parent in prison have lower self-esteem and are more susceptible to peer pressure and risky behaviors.⁶⁵
- Recent incarceration of a partner increases a mother’s risk of major depression by 54%, regardless of her prior mental health.⁶⁶
- Children whose fathers served time in prison start using illegal drugs earlier, use more drugs, and use them for a longer period of time than youth whose fathers never went to prison.⁶⁷
- Previously incarcerated men provide about \$1,300 per year less to their families than men who have not been incarcerated.⁶⁸
- Children of mothers arrested for a felony were five times more likely to be placed in foster care than children of mothers arrested for a misdemeanor or violation of an ordinance.⁶⁹
- Each year of spousal separation from imprisonment increases the odds of separation or divorce by 32%.⁷⁰
- Children who grow up in a single-parent household are more likely to have worse emotional and behavioral health outcomes, even when accounting for household socio-economic status and other factors.⁷¹

BUDGET

“One specific option the Legislature could consider [in the plan to reduce prison overcrowding] is to reclassify certain crimes from felonies and wobblers to misdemeanors. This could result in state savings ...annually within a few years of implementation due to the ongoing reduction in the prison population and ... significant correctional savings for counties.”

– Legislative Analysts Office, The 2014-2015 Budget: Administration’s Response to Prison Overcrowding Order⁷²

If the ballot initiative passes and programs for mental health and substance abuse are fully funded and faithful to evidence-based principles:

- The state will save \$200 million to \$300 million dollars a year from the reduction in the prison population.
- Those savings will be used to increase funding for mental health and substance abuse services by \$130 million to \$195 million, truancy prevention by \$50 million to \$75 million, and victim services by between \$20 million and \$30 million.
- At the county level, according to the Legislative Analyst’s Office, the ballot initiative will save \$400 million to \$600 million a year.

These predictions are based on the following key findings:

- The State of California spends more than \$10 billion annually on corrections.⁷³
- The state budget for corrections has increased more than 1,500% since 1980, while spending on K-12 education has increased slightly (from 35.3% to 39.2%) and on higher education has decreased slightly (from 15.2% to 12.7%).⁷⁴

MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT

“When I went to prison, there were 25 of us on the bus who all needed help [with substance abuse problems] and there was no treatment in prison. It would be much cheaper to have a drug facility to assist in getting treatment instead of imprisoning people.”

(Formerly Incarcerated Focus Group, Los Angeles)

Mental illness and addictions are diseases, but society has prioritized incarceration over treatment for them. If the ballot initiative passes and programs for mental health and substance abuse are fully funded and faithful to evidence-based principles:

- An estimated \$130 million to \$195 million a year will be allocated to substance abuse and mental health services, up to a 31% increase in funding for mental health and substance abuse services, not including current jail and probation funding. This will lead to improved mental health and substance abuse treatment services in institutions and in the community.
- The increased funding for treatment and services will result in decreased suicide, overdose and victimization in the correctional population, improved mental health and recovery from substance abuse, and decreased recidivism and crime.

These predictions are based on the following key findings:

- There is a high prevalence of mental illness and substance abuse among the correctional population.
 - Nationally, people in prison and jail are 5 to 6 times as likely to have a mental health disorder and 10 to 20 times as likely to have a substance use disorder as the general population. Close to 50% of incarcerated people have both mental health and substance abuse problems.^{11, 15}
 - In California, the number of mentally ill people in prison has almost doubled in the past fifteen years.¹³ Since realignment, the proportion of severely mentally ill people in prison in California now represents 26% of the total prison population.⁷⁵

- Conditions and access to treatment in California’s prisons and jails are poor.
 - In 2012, a person in a California state prison died by suicide every 11 days on average.¹⁴
 - Mental health treatment is only available to the severely mentally ill people in California’s prisons, not for persons with post-traumatic stress disorder, sex offenders, and those with anti-social personality disorders.⁷⁵
 - 80 to 85% of people in prison who could benefit from substance abuse treatment do not receive it.^{18, 11}
 - As of 2013, only 2 of California’s 33 prison facilities offer substance abuse treatment programs^{76, 77} and 36 of 101 surveyed jail facilities do not offer any.⁷⁸
- Treatment works, but isn’t prioritized.
 - Californians receiving publicly funded treatment showed increased alcohol and drug abstinence (76%); employment (47%); and use of social support services (58%).⁷⁹
 - Numerous studies have found that providing comprehensive drug abuse treatment to people who have committed crimes both reduces drug abuse and criminal recidivism.⁸⁰
 - In FY 2013-14, only 5.8% of CDCR’s more than \$10 billion annual budget was allocated to mental health and substance abuse services.⁷³

Nationally, people in prison and jail are 5 to 6 times as likely to have a mental health disorder and 10 to 20 times as likely to have a substance use disorder as the general population. Close to 50% of incarcerated people have both mental health and substance abuse problems.

TRUANCY AND DROPOUT PREVENTION

“The high rate of truancy in California is an issue of accountability that the Department of Justice will prioritize, and that must be prioritized at every level of education and law enforcement. Our laws and our state’s future demand no less.”

– California Attorney General Kamala Harris from ‘In School + On Track’⁸¹

Educational achievement is highly correlated with the ability to get a job and also correlated with how much people earn. If the ballot initiative passes and programs for truancy prevention are fully funded and faithful to evidence-based principles:

- Truancy prevention funding would increase by \$50 million to \$75 million per year and could reach the 1.9 million youth in California public schools who are at risk of truancy and dropout.
- Truancy and dropout prevention programs will improve academic performance, graduation rates, and future employment prospects and earnings. Truancy and dropout prevention will also reduce crime and future incarceration as well as decrease the risk of being a victim of crime.

These predictions are based on the following key findings:

- About three out of ten children in California are truant.⁸²
- Up to 20% of California public school students do not graduate on time, with 12% dropping out.⁸¹
- Each day of a student’s absence decreases the likelihood that they will graduate high school.^{83, 84}
- Youth who are truant are 2.5 times more likely to be arrested in the same month they are truant.⁸⁵
- Youth who do not finish high school are over eight times more likely to be incarcerated than those who have a high school diploma.⁸⁶
- Youth who are truant have a higher likelihood of committing violent crime as adults.⁸⁷

- From 2004 to 2008, 94% of San Francisco’s victims of homicide under the age 25 had not completed high school.⁸⁸
- In Los Angeles, truancy prevention programs through the Los Angeles Unified School District increased the ninth grade attendance rate from 51% to 63%. Truancy prevention programs for students referred to the Los Angeles district attorney’s office improved their attendance by eight days per year.⁸⁹
- Best practices for truancy programs show that reaching out early to families of truant students is key for successfully resolving truancy.⁹⁰

Youth who do not finish high school are over eight times more likely to be incarcerated than those who have a high school diploma.⁸⁶

FUNDING FOR SURVIVORS OF VIOLENT CRIME

“Crime victims and survivors deserve to be treated with dignity and validated as persons who have been harmed by crime, with their autonomy and privacy respected at all times.”

– Guiding Principles for Crime Victims and Survivors in America

The Victim Compensation and Government Claims Board offers grants to trauma recovery centers to provide services to victims of violent crime. There is currently one trauma recovery center in California at the University of California, San Francisco, which the authors of the Safe Neighborhoods and Schools Act hold as a model. Trauma recovery centers in Los Angeles and Long Beach are opening in 2014. If the ballot initiative passes and programs for victim services are fully funded and faithful to evidence-based principles:

- There will be an increase of \$20 million to \$30 million annually for trauma recovery centers.
- Between 12,000 and 18,000 survivors of violent crime will have increased access to trauma recovery services.
- Trauma recovery center services will lead to a dramatic increase in use of mental health services for survivors, in particular for victims of sexual assault. This will lead to improved physical and mental health and ability to remain employed, as well as decreased homelessness.
- Trauma recovery centers will lead to increased police report filings and cooperation by victims with district attorneys, which may increase case closures.

These predictions are based on the following key findings:

- In 2012 there were 160,944 violent crimes in California.³⁵
- Being a victim of violent crime increases one’s risk of post-traumatic stress disorder, depression, and substance use.⁹¹

- One out of five Californians surveyed had been a victim of any crime, and one out of ten had been a victim of violent crime.
- Half of Californians who were raped did not report the crime to the police. One-third of victims of assault and robbery, and three of every five victims of stalking, did not report it to the police.⁹²
- Trauma recovery center patients were over twice as likely and survivors of sexual assault were eleven times as likely to access mental health care following the crime.⁹³
- 74% of trauma recovery center participants experienced an improvement in mental health symptoms.⁹³
- Receiving services at the trauma recovery center led to a 69% increase in the number of police reports filed by recipients and a 44% increase in cooperation with district attorney’s offices.⁹³

Trauma recovery center patients were over twice as likely and survivors of sexual assault were eleven times as likely to access mental health care following the crime.

RECOMMENDATIONS

1. If Proposition 47 passes, **our highest priority recommendation is that the governor and legislature allocate the full amount of designated funding to the mental health and substance abuse, truancy and dropout prevention, and victim services programs and implement these programs according to best practices.** The full benefits of the proposition will not be realized if this is not done. If the ballot initiative passes and programs for mental health and substance abuse, truancy prevention and victim services are either not fully funded and/or the implementation is not faithful to evidence-based principles and best practices, the predictions above will either not affect as many people or will not come about. Reductions in crime will not occur and reductions in recidivism will be unlikely. Positive impacts for families, improvements in mental health, substance abuse, and educational outcomes will not be as pronounced.
2. Reductions in crime, recidivism, substance abuse, and truancy and improvements in re-entry, mental health and utilization of victim services are dependent on implementation of evidence-based practices. Given the availability of evidence-based best practices, counties should be provided with guidance. Therefore the Board of State and Community Corrections and the Mental Health Services Oversight and Accountability Commission should **develop clear guidance, informed by those who have been involved in the criminal justice system and have used programs and services in the past, on how counties should utilize Safe Neighborhoods and Schools Act funds, including identifying and promoting best practices to address mental health and substance abuse treatment programs; re-entry to address housing, employment and related needs; truancy prevention; and victim services.**
3. Re-entry services are vital to one's ability to enter society after imprisonment, but difficult to access. Available tools are valuable for ensuring that those leaving prison are successful. Therefore, the legislature should allocate funds for the MHSOAC and California Department of Corrections and Rehabilitation (CDCR) to **increase planning, implementation, and evaluation of wraparound re-entry services, including Full Service Partnerships. Ensure long-term funding for re-entry services**

such as these.

4. In order to reduce barriers to successful re-entry so that those convicted of crimes are given a better opportunity to lead productive lives after completing their sentences, the legislature should **reduce barriers to re-entry (e.g., related to employment, housing, welfare benefits) in California.**
5. There exists an extensive unmet need for mental health and substance abuse services, though there are multiple funding streams – including the ACA and AB 109 – that can be used for these purposes. Therefore, the governor and legislature should **use multiple sources of funding to support rehabilitation and treatment programming in the community and in institutions.** Counties should be required to use a minimum of 15% of AB 109 funding to increase mental health and substance abuse programs in jails and during community supervision.
6. In order to be successful in reducing obstacles to employment, housing, government benefits, and civic participation, people who are eligible to have their conviction reclassified and have their records expunged must know their rights and have support available. Therefore the legislature and the Department of Justice should **launch an education campaign to notify individuals eligible for resentencing and expungement of their eligibility; support legal representation for those who apply for resentencing and expungement; and evaluate the process and outcomes and adjust outreach and process as needed to maximize the use of resentencing and expungement by those eligible.**
7. Because of the inability to get any data on misdemeanors, it is not possible to fully understand outcomes for those convicted for misdemeanors and there is a lack of accountability in the justice system for those outcomes. Therefore the Department of Justice and Judicial Council should **track and make public data related to dispositions of adult misdemeanor convictions.**

More details about implementing these recommendations as well as additional recommendations are provided in the full report, available at www.Prop47impacts.org.

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Human Impact Partners works to transform the policies and places people need to live healthy lives by increasing the consideration of health and equity in decision-making.

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Milena Blake – *Californians for Safety and Justice*

Kevin Cosney – *California Calls*

Nicholas Freudenberg – *Hunter College School of Public Health, City University of New York*

Honorable Harlan Grossman, *Superior Court of Contra Costa County, retired*

Roberta Furger – *PICO California*

Karren Lane – *Community Coalition of South Los Angeles*

Susan Lee – *Advancement Project*

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Zachary Norris – *Ella Baker Center*

Dorsey Nunn – *Legal Services for Prisoners with Children*

Nicole Porter – *The Sentencing Project*

Deborah Small – *Break the Chains*

Jessamyn Sabbag – *Oakland Rising*

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