

RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

- 1. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSION WITH LEAGUE AND OTHER PUBLIC SAFETY STAKEHOLDERS TO IDENTIFY AND IMPLEMENT STRATEGIES THAT WILL RELIEVE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW**

Source: City of Whittier

Concurrence of five or more cities/city officials: Cities: La Mirada; Lakewood; Monrovia; Pico Rivera; Rolling Hills; Santa Fe Springs; and South Gate

Referred to: Public Safety Policy Committee

Recommendation to General Resolutions Committee: **APPROVE AS AMENDED**

Recommendation to General Assembly: **APPROVE WITH ADDITIONAL AMENDMENTS**

WHEREAS, during the past several years, State legislative changes have made fundamental alterations to the fabric of California's criminal justice system. Some of those changes have been needed or helpful as not all crimes should be punished with jail sentences; and

WHEREAS, California cities, counties, and the State, however, are facing increased crime which endangers the health and safety of police officers, residents, business owners, and property due to some of these legislative changes which created a situation where violent and career criminals are serving little to no prison time; and

WHEREAS, negative impacts from State legislative changes have been far reaching, resulting in increased crime rates and numbers of victims throughout California. The negative impacts of these laws were unintended when voters and legislators approved the laws, which were instead intended to help lower the non-violent prison population in California prisons and appropriately rehabilitate non-violent offenders; and

WHEREAS, incentives for offenders to voluntarily enroll in substance abuse programs have diminished, which has had the effect of eroding the safety of our communities; and

WHEREAS, AB 109 transferred nearly 45,000 felons from the State prison system to local jail facilities, which were not designed to house criminals on a long-term basis and were unprepared for such an increase in local incarcerations, resulting in lower-level criminals and some higher level criminals being released early, directly impacting rising property crime rates throughout the State; and

WHEREAS, many probationers who have severe mental illness are released into communities where they continue to commit crimes that adversely impact the safety of community members and drain the resources of probation departments and police departments throughout the state; and

WHEREAS, Proposition 47, The Safe Neighborhoods and Schools Act, downgraded a number of serious crimes from felonies to misdemeanors—drug possession, repeated shoplifting, forging checks, gun theft, and possession of date-rape drugs; and

WHEREAS, Proposition 57 categorizes rape by intoxication, rape of an unconscious person, human trafficking involving sex with minors, drive-by shooting, assault with a deadly weapon, domestic violence, hate crime causing physical injury, and corporal injury to a child as "non-violent" felonies and permits offenders convicted of violating such laws to avoid appropriate prison sentences; and

WHEREAS, under Proposition 57, criminals who commit multiple crimes against multiple victims will be eligible for release at the same time as offenders who only committed a single crime against a single victim and ~~allows repeat criminals to be~~ **are** eligible for release after the same period of incarceration as first time offenders; and

WHEREAS, cities must join together to voice their concerns for these legislative changes that have created an adverse impact on the safety of residents and businesses in local communities.

NOW, THEREFORE, BE IT RESOLVED by the General Assembly of the League of California Cities, assembled in Sacramento on September 15, 2017, to:

1. Direct League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law revisions and future proposed changes based on appropriate documentation by local agencies to identify ~~necessary~~ changes needed to alleviate these negative impacts, working with key stakeholders to promote support for resulting advocacy efforts.
2. Promote criminal law revisions that will relieve the aforementioned negative impacts of existing criminal law and increase public safety, including but not limited to revisions that would amend appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include a comprehensive evaluation of their total criminal and mental health history, **for purposes of determining suitability for release, rather than continued incarceration,** instead of only considering their last criminal conviction.
3. Continue to advocate for an amendment to Section 32 of Article I of the California Constitution, which codified Proposition 57, that would amend the definition of "violent felony" to include all of the crimes that are currently defined as "violent felonies" within Penal Code Section 667.5(c) and those felonies that are not currently defined as "violent" but should be considered "violent," including but not limited to the following:
 - 1) rape of an unconscious or drugged person,
 - 2) assault with a deadly weapon or instrument on a peace officer, firefighter or other person,
 - 3) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft,
 - 4) throwing acid or flammable substances with intent to injure or disfigure, and
 - 5) escape from a state prison by use of force or violence, assault or taking of a hostage committed by an inmate of a state prison.
 - 6) **human trafficking involving minors or commercially sexually exploited children.**
4. Request the State to improve the Smart Justice platform to provide for effective statewide data sharing mechanisms to allow state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.
5. Encourage the collection and organization of real world data from cities, ~~and~~ counties and the state on the universe of post-release community supervision (PRCS) offenders and parolees.
6. Encourage cities throughout California to join in these advocacy efforts to mitigate the unintended negative impacts of recent legislative and policy changes to the criminal justice system.
7. Call for the Governor and the Legislature to work with the League and others stakeholders to consider and implement such criminal justice system reforms.

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2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING LEGISLATION AMENDING GOVERNMENT CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS

Source: City of Tracy

Concurrence of five or more cities/city officials: Cities: Lathrop, Lodi, Manteca, Stockton, and Consumnes Fire Department (Cities of Elk Grove and Galt)

Referred to: Public Safety Policy Committee

Recommendation to General Resolutions Committee: **APPROVE AS AMENDED**

Recommendation to General Assembly: **APPROVE WITH ADDITIONAL AMENDMENTS**

WHEREAS, Government Code Section 38611 was last amended in 1957 and does not contain language clarifying the broad scope of emergency services as provided by present day fire departments; and

WHEREAS, Government Code Section 38611 requires further definition for general law and charter cities in determining service levels for the delivery of emergency services commensurate with the resources provided by the local government body; and

WHEREAS, pursuant to Section 7 of Article XI of the California Constitution, municipal governments are vested with police power which imposes on the responsibility to protect public safety and public health and municipal governments must provide or contract for fire and/or emergency medical services; and

WHEREAS, the local provision of fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and property is critical to the public peace, health, and safety of the state; and

WHEREAS, local fire and/or emergency medical services are financed by local taxpayers and the availability and use of such services is determined by the local governing body of the jurisdiction to which services are directly provided, **including cities that have contracted for emergency medical services with counties, or public or private entities;** and

WHEREAS, amending Government Code Section 38611 would provide the chief of a fire department specific authority to protect public safety and public health within the jurisdictional boundaries of the fire department.

RESOLVED, that the League of California Cities General Assembly, assembled at the League Annual Conference on September 15, 2017 in Sacramento, calls for the Governor and the Legislature to work with the League and other stakeholders to amend California Law clarifying the definition of local control, providing broad statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.

