



CITY OF HUNTINGTON BEACH

City Council Interoffice Communication

To: Honorable Mayor and City Council Members
From: Mike Posey, City Council Member *MP*
Date: September 10, 2019
Subject: **CITY COUNCIL MEMBER ITEM FOR THE SEPTEMBER 16, 2019, CITY COUNCIL MEETING – TEST CLAIM REGARDING PRISON/JAIL REALIGNMENT AND LOCAL PUBLIC SAFETY COSTS**

STATEMENT OF ISSUE:

On October 15, 2018 I brought forth an agenda item directing the City Manager and the Police Chief to conduct an analysis of the existence of financial distress placed upon the City due to the implementation of Assembly Bill 109 and report back to the City Council within 90 days. The item further directed the City Manager, that if such financial distress existed, the City should investigate whether this would qualify as a Test Claim with the California Commission on State Mandates.

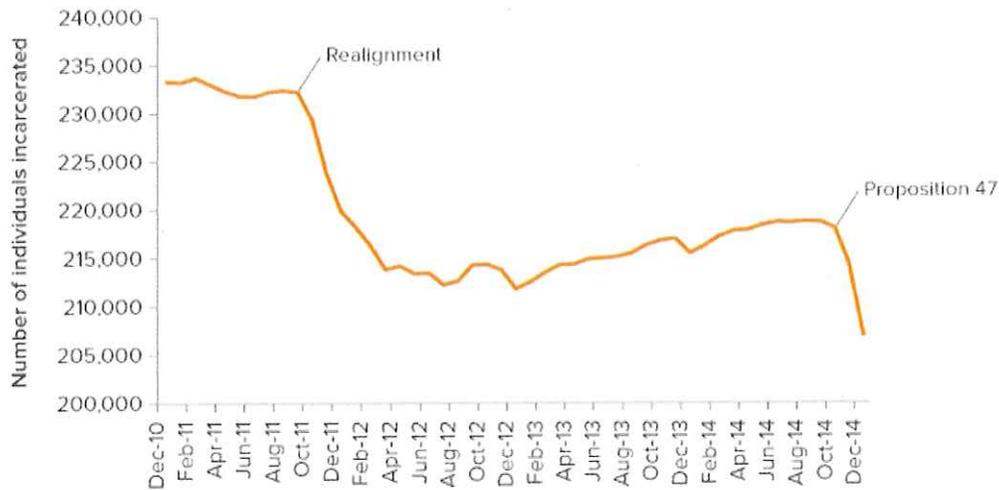
As you know, the Public Safety Realignment Act of 2011 (AB 109) transferred the responsibility for supervising specific low-level inmates and parolees from the California Department of Corrections and Rehabilitation to counties. This Act tasked local government at the county level with developing a new approach to reducing recidivism among its population. When it took effect on October 1, 2011, the Bill realigned three major areas of the criminal justice system:

1. Transferred the location of incarceration for individuals convicted of lower level specified non-violent, non-serious, non-sex offenders from state prison to local county jails;
2. Transferred the responsibility from the State to the county for post-release supervision of those released from prison after having served a sentence for non-violent, non-serious, non-sex offense by creating a new category of supervision called Post-Release Community Supervision; and
3. Transferred the housing responsibility for parole and PRCS revocations to local jail custody.

Other later voter-approved ballot measures (including Proposition 47 in November 2014) reduced penalties and sentences for specific crimes, causing the state's prison population to decline further. The following chart, from the named sources

and the Public Policy Institute of California (PPIC), shows the reductions in incarceration:

Figure 4. Realignment and Proposition 47 significantly reduced incarceration in California



SOURCE: Board of State and Community Corrections, Jail Profile Survey and California Department of Corrections and Rehabilitation, Monthly Population Report, December 2010-December 2014.

What seems to be concurrent with that change was and is a change in certain types of crime statewide. PPIC, in its September 2015 report entitled "[Public Safety Realignment: Impacts So Far](#)" says:

“The only crime increase attributable to realignment (in California) is a modest rise in property crime, driven entirely by auto theft.”

In addition to PPIC’s analysis, it appears that Orange County’s homeless population started to increase at the same time, as shown in the below chart from Orange County’s Point-in-Time (PIT) counts. For Huntington Beach, our 2019 PIT Count number was 349 persons, including 289 unsheltered and 60 sheltered.

| Homelessness in Orange County, CA | | | |
|-----------------------------------|-----------|-------------|-------|
| Year | Sheltered | Unsheltered | Total |
| 2013 | 2,573 | 1,678 | 4,251 |
| 2017 | 2,208 | 2,584 | 4,792 |
| 2019 | 2,899 | 3,961 | 6,860 |

The item approved by City Council was followed up by a memo dated January 2019. The memo stated that City staff from the Police Department, City Manager’s Office, and Finance met with a consulting firm via both telephone and in-person to discuss the merits of a possible test claim with a California Commission on State Mandates.

RECOMMENDED ACTION:

Direct the City Manager and Police Chief to perform a sample-based analysis of a criminal arrest histories going back to 2012 to understand the financial impact on the City. A representative sample is one technique that can be used for obtaining insights and observations about a targeted population group. For example, this analysis should look at the correlation between those with criminal records that have come into contact with our Police Department (e.g. arrests) who are homeless and who would have been in prison had it not been for the realignment. I believe that the City has a duty to understand the financial impacts of AB 109 and to bring forth a Test Claim stating the impacts to the community.

xc: Dave Kiff, Interim City Manager
Travis Hopkins, Acting Assistant City Manager
Rob Handy, Police Chief
Robin Estanislau, City Clerk
Michael Gates, City Attorney