



City of Huntington Beach

File #: 20-1397

MEETING DATE: 2/18/2020

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Oliver Chi, City Manager

PREPARED BY: Travis K. Hopkins, PE, Director of Public Works

Subject:

Adopt Resolution Nos. 2020-11 and 2020-12 allowing the City Council to support the Reducing Crime and Keeping California Safe Act of 2020 initiative as recommended by the City Council Intergovernmental Relations Committee (IRC)

Statement of Issue:

On January 29, 2020, the Intergovernmental Relations Committee (IRC) met to discuss pending Federal and State legislation, in addition to regional items. The committee discussed and reviewed The Keeping California Safe Act (Act) of 2020 which includes key components that address the negative impacts of AB 109, Prop 47, and Prop 57, implementing much needed common-sense reform to the State's criminal justice system. The IRC recommends that the City Council support this initiative.

The adopted City Council Manual has a section that states the City Council shall take no stand with respect to statewide ballot propositions. In order for the City Council to support the Reducing Crime and Keeping California Safe Act of 2020 Ballot Measure, the Council will need to approve a resolution temporarily suspending this provision in the City Council Manual.

Financial Impact:

N/A

Recommended Action:

A) Adopt Resolution No. 2020-11, "A Resolution of the City Council of the City of Huntington Beach Temporarily Suspending the City Council Manual Section 8 Regarding Statewide Ballot Propositions;" and,

B) Adopt Resolution No. 2020-12, "A Resolution of the City Council of the City of Huntington Beach Supporting the Reducing Crime and Keeping California Safe Act of 2020."

Alternative Action(s):

Do not approve the resolutions, and take no position on The Reducing Crime and Keeping California Safe Act of 2020.

Analysis:

On January 29, 2020, the Intergovernmental Relations Committee (IRC) comprised of Mayor Lyn Semeta and Council Member Patrick Brenden met to discuss pending Federal and State legislation, in addition to regional items. The IRC discussed and reviewed the Reducing Crime and Keeping California Safe Act of 2020 Ballot measure, and recommends that the City Council support this initiative.

The City Council Manual has a provision that states the City Council shall take no stand, either pro or con, with respect to any statewide ballot propositions. Therefore, if the City Council decides to support the IRC's recommendation, the City Council should also adopt a resolution that suspends the City Council Manual statewide ballot provision for this one action.

The Keeping California Safe Act (Act) of 2020 includes key components that address the negative impacts of AB 109, Prop 47, and Prop 57, implementing much needed common-sense reform to the State's criminal justice system.

ACT SYNOPSIS:

- Reclassifies certain crimes from "nonviolent" to "violent" felonies.
- Adjustments to address serial theft offenders benefiting from Prop 47, by making theft chargeable as a felony on the third theft event.
- Adjustments to help address the negative impacts of AB 109, by requiring an individual's entire criminal history be considered when deciding parole, and requiring a hearing to determine if an individual should be sent back to State prison following their third "flash hold."

The Reducing Crime and Keeping California Safe Act of 2020 is a statewide ballot initiative that is scheduled to be presented to California voters on November 3, 2020. The initiative is being placed on the ballot as a result of a signature gathering effort.

Components of the proposed initiative include:

Violent Crime Definition

In November 2016, voters approved Proposition 57, which made certain prisoners available for early parole and eventual release from state prison. Those convicted of "violent crime" were excluded from the early release provisions of Proposition 57. Unfortunately, numerous felonies listed in the penal code are not specifically defined as "violent felonies." Several of these felonies are, in fact, violent in nature but are not statutorily defined as such. Until the passage of Proposition 57 this lack of designation made little difference. With the passage of Proposition 57, it is now necessary to ensure that the State of California's code clearly designates those felonies that are violent so that such offenders are not released into the community before their full time is served. Under the Reducing Crime and Keeping California Safe Act of 2020, the definition of "violent felonies" will be expanded to include many crimes already deemed serious or dangerous such as sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, battery on a police officer or firefighter and felony domestic violence.

Serial Theft

Proposition 47 changed the dollar threshold for theft to be considered a felony from \$450 to \$950. As a result, there has been a significant increase in serial theft and an inability of law enforcement to effectively prosecute these crimes. The proposed initiative revises the theft threshold by adding a felony for serial theft when a person is caught for the third time stealing with a value of \$250 or more.

Parole Violations

AB 109, or Public Safety Realignment, was signed into law by the Governor in 2011. Among many other changes, the law based parole solely on an offender's commitment offense, resulting in the release of inmates with serious and violent criminal histories. Moreover, parolees who repeatedly violate the terms of their parole currently face few consequences, allowing them to remain on the street. The proposed initiative requires the Board of Parole Hearings to consider an inmate's entire criminal history when deciding parole, not just his most recent commitment offense; and requires a mandatory hearing to determine whether parole should be revoked for any parolee who violates the terms of his parole for the third time.

DNA Collection

Proposition 47 eliminated DNA collection for certain theft and drug crimes. The proposed initiative will restore DNA collection from persons convicted for such offenses. Permitting collection of more DNA samples will help identify suspects, clear the innocent and free the wrongly convicted. This measure does not affect existing legal safeguards that protect the privacy of individuals by allowing for the removal of their DNA profile if they are not charged with a crime, are acquitted or are found innocent.

Environmental Status:

N/A

Strategic Plan Goal:

Enhance and modernize public safety service delivery

Attachment(s):

1. Resolution No. 2020-11, "A Resolution of the City Council of the City of Huntington Beach Temporarily Suspending the City Council Manual Section 8 Regarding Statewide Ballot Propositions"
2. Resolution No. 2020-12, "A Resolution of the City Council of the City of Huntington Beach Supporting the Reducing Crime and Keeping California Safe Act 2020."
3. Handout: An Initiative for Public Safety
4. Handout: List of Current Non-Violent Crimes
5. Handout: Previous Legislation Addressing Definition of Serious/Violent Crimes