



## Legislation Details (With Text)

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| 9/17/2019 | 1    | Council and Authorities Concurrent Meeting | Approved |        |

## REPORT TO COUNCIL

### SUBJECT

Action to Approve California Board of State and Community Corrections Funding to Combat Auto Burglaries and Related Budget Amendment

### BACKGROUND

Established in 2012, the California Board of State and Community Corrections (BSCC) is an independent statutory agency that provides leadership to the adult and juvenile criminal justice systems, expertise on Public Safety Realignment issues, a data and information clearinghouse, and technical assistance on a wide range of community corrections issues. In addition, the BSCC declares regulations for adult and juvenile detention facilities, conducts regular inspections of those facilities, develops standards for the selection and training of local corrections and probation officers and administers significant public safety-related grant funding.

The BSCC Corrections Planning and Grant Programs (CPGP) Division develops, administers and evaluates state and federally funded grant programs designed to improve the effectiveness of state and local correctional systems, reduce costs, maximize resources and enhance public safety. CPGP works closely with federal, state and local government agencies, as well as the private sector and nonprofit service providers, to foster collaborative approaches to address crime and delinquency.

### DISCUSSION

The realignment in the California criminal justice system (Assembly Bill 109, Criminal Justice Realignment Act, passed by voters in October 2011) eliminates state prison as a sentence option for various felonies and transfers responsibility of these offenders to county jails and probation offices. Proposition 47 (passed by voters in November 2014) reduced certain drug possession felonies to misdemeanors. It also requires misdemeanor sentencing for petty theft, receiving stolen property and forging/writing bad checks when the amount involved is \$950 or less. Proposition 57 (passed by voters in November 2016) allows parole consideration for nonviolent felons, changes policies on

juvenile prosecution and authorizes sentence credits for rehabilitation, good behavior and education. In some cases, certain felony convictions were also retroactively erased.

In addition, persons released from state prison on or after October 2011, are released into Release Community Supervision (PRCS). The type of supervision is determined by the California Penal Code. Penal Code 3451 provides that only the following offenders released from California Department of Corrections and Rehabilitation are supervised on parole:

- An offender serving a current term for a serious felony, as described in PC Section 1192.7(c).
- An offender serving a current term for a violent felony, as described in PC Section 667.5(c).
- An offender serving a current term of life.
- An offender classified as a High-Risk Sex Offender.
- An offender determined to be a Mentally Disordered Offender.

The above actions have resulted in unintentional consequences. “Smash and grab” automobile burglaries were declining state-wide from 2007-2014 to roughly 24 incidents per 100,000 residents. Immediately after the passage of Proposition 47, thefts from vehicles started to increase and have skyrocketed since.

Meanwhile, unlucky victims face significant costs. Window repairs generally cost several hundred dollars and often involve lost time from work/school. Victims are out the value of stolen property, are burdened by the cost to replace the stolen item(s), use valuable time to work with insurance companies and may see an increase in their insurance rates. Some victims also suffer feelings of helplessness and personal violation that come from having an intruder destroy one’s property and rummage through their possessions.

The Police Department has taken proactive steps to address preventing thefts from vehicles among residents, property owners and visitors, including:

- Educational messages on the City/SCPD website and social media;
- Community meetings;
- Flyer distribution in targeted areas encouraging drivers not to leave valuables in their vehicle;
- Conversations with car rental companies and supply them with educational flyers to provide to renters;
- Meetings with hotel management and shopping center property managers to encourage ample lighting, security personnel, signage, video surveillance and maintain an open line of communication;
- High visibility patrols in areas where break-ins have occurred; and
- Undercover operations to locate in-progress thefts and apprehend suspects.

Currently, funding for this education and enforcement has come from the General Fund. Despite these efforts, the statistics in Santa Clara in recent years is staggering.

In 2018, Assistant Chief Dan Winter testified in front of a State Legislature Committee on the need for more resources to combat auto burglaries.

In June 2019, the California legislature approved a state budget with improvements in funding for education, mental health services, affordable housing, etc. As part of the budget, Assemblymember

Kansen Chu secured \$3.75 million in funding to combat the rising number of “smash and grab” car break-ins in Assembly District 25. Each police department in Assembly District 25 - Milpitas, Fremont, Newark, Santa Clara and San Jose - is the recipient of \$750,000. A press conference commemorating such was held by Assemblymember Chu at the Milpitas Police Department on August 9, 2019.

BSCC funding will allow law enforcement agencies to work collaboratively and develop a task force to share resources and develop a comprehensive plan that will include community education, equipment procurement, staff costs and other creative prevention strategies to end auto break-ins in our communities.

Assemblymember Chu plans to update the public in one year with a summary of the initiatives implemented.

### **ENVIRONMENTAL REVIEW**

This action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

### **FISCAL IMPACT**

Acceptance and approval of the BSCC grant funding will allow the Police Department to maintain, or increase, the level of education and enforcement necessary to continue to address this epidemic. Without the funding, auto burglaries are one of many competing priorities for General Fund dollars.

#### **Budget Amendment FY 2019/20**

|  | <b>Current</b> | <b>Increase/<br/>(Decrease)</b> | <b>Revised</b> |
|--|----------------|---------------------------------|----------------|
| <b>Police Operating Grant Trust Fund</b>       |                |                                 |                |
| <u>Revenues</u>                                |                |                                 |                |
| Board of State and Community Corrections Grant | \$0            | \$750,000                       | \$750,000      |
| <u>Expenditures</u>                            |                |                                 |                |
| Board of State and Community Corrections       | \$0            | \$750,000                       | \$750,000      |

### **COORDINATION**

This report has been coordinated with the Finance Department and City Attorney’s Office.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s

Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

Approve California Board of State and Community Corrections Funding to Combat Auto Burglaries and Related Budget Amendment in the amount of \$750,000.

Approved by: Deanna J. Santana, City Manager