

KERN COUNTY HUMAN RELATIONS COMMISSION

Kern County Administrative Complex – Fifth Floor, Point Conference Room

1115 Truxtun Avenue, Bakersfield

Tuesday, December 9, 2014 at 5:30 Pm

Monthly Meeting Minutes

Present: Michael Caves (cav), Brady Bernhart (ber) Marcus Mitchell (mit), Jewelle Scales (sca), Louis Medina (med), Walter Williams (wil), David Vivas (viv), Joseph Snyder (sny), Henry Castaneda (cas)

Absent: none

Others present: Michael Goulart (mg) Equal Employment Opportunity Officer, Juan Avila, Lorraine Castro, Ken Green, Rhiyan Quiton, Konrad Moore, Joe Grubbs, Shelly Castaneda, Chris Bridges

Agenda items: called to order at 5:30 pm

1. Flag salute: Commissioner Scales.

(mit) On behalf of the Human Relations Commission I would like to welcome everyone to our meeting. We are very excited to have an opportunity to dialogue with the community, to talk about issues such as this one, where we have an opportunity to share and have courageous conversations and get information out to the community. The Human Relations Commission really looks to be a vehicle to do that.

Our mission statement is to evaluate, refer, recommend and follow-up on human and social justice issues so that all Kern County residents are afforded the same advantages and opportunities regardless of their race, gender, age, physical and mental ability, sexual orientation, social and economic status, education and employment.

Through these types of events we have the opportunity to ensure that all of our community has information and then they can make the necessary decisions. We are a commission and have the opportunity for folks to bring issues to us that are social justice issues. This allows the commission to weigh in and hopefully make positive change in our community.

I would like to take this opportunity to allow each of the commissioners to introduce themselves, giving their name in the districts they represent.

(mit) My name is Marcus Mitchell. I am currently the Chair of The Human Relations Commission and I represent District Four.

(sca) My name is Jewelle Scales and I represent District Three and I've been on the commission for about five years.

(sni) My name is Joseph Snyder, I represent District Two and this is my first meeting.

(cav) My name is Michael Caves. I am the at-large member and I've been a commissioner since September.

(viv) My name is David Vivas. I represent District One and I've been on the commission for a year and a half.

(med) My name is Louis Medina. I represent District Three which is Supervisor Maggard's district. I joined the commission in September.

(wil) My name is Walter Williams and I represent District Five.

(ber) Brady Bernhart, District Four.

(cas) Henry Castaneda, District One.

(mg) Good evening, I am Michael Goulart. I am the County Equal Employment Opportunity Officer and I serve as staff to the Human Relations Commission.

(mit) Now everyone knows your commissioners. If you're interested in serving there are a couple of vacancies. You can check out the Kern County website and I believe the vacancies are in District Two and District Five.

2. Public presentations: none

Next on our agenda is the place where we have an opportunity to allow public presentations. This portion of the meeting is for persons desiring to address an issue that is not on the agenda and on which the commissioners have jurisdiction. Public presentations should be limited to no more than five minutes per person, per issue for a total of 20 minutes. Is there anyone wishing to address the commission about an issue that is not on the agenda? Seeing none, we will move forward with tonight's agenda.

3. NEW BUSINESS: (taken out of order at the prerogative of the Commission Chair)

A) Community discussion of the impacts of Proposition 47 on our community.

Next I'm going to take the opportunity to give a brief introduction of our esteemed panel. First we have Juan Avila with Garden Pathways. Lorraine Castro, Turning Point of Central California. Unfortunately Lieut. Greg Gonzales cannot be with us this evening. Next we have Ken Green with the Kern County District Attorney's Office. Dr. Rhiyan Quiton, Kern County Mental Health Department. Konrad Moore, Kern County Public Defender. Joe Grubbs, Bakersfield Police Department. Chris Bridges, Equal Justice Society. Shelly Castaneda, Kern County Sheriff's Department.

I just want to take this time to extend a great thank you from the Commission for all of you taking your time to come here and meet with our community and talk about what you are agencies see as being the impacts of Proposition 47 on our community.

Commissioner scales recognized various guests in the audience. Information inaudible.

(sca) I would like to provide some ground rules for tonight's discussion. If you have a question please wait to be recognized by a facilitator. When you're recognized please step up to the podium and state your name, your organization, and/or the district you represent. We would like to keep to the subject matter so if you have questions regarding tonight's subject please ask them. If you have comments, we would like to hear them but we want to make sure that we get everyone's questions answered. And finally we ask that you please respect everyone's opinion.

(mit) To begin Commissioner Castaneda will be giving a definition of Proposition 47.

(cas) In short, Proposition 47 reduces the classification of most non-serious and non-violent property and drug crimes from a felony to a misdemeanor. The specifics of Proposition 47 will be addressed during this forum.

(mit) We're now going to pose questions for each of the panel members to answer and then we will take questions from the floor. We will limit the responses to the questions to two minutes and then the audience will have an opportunity to respond.

(sca) The first question is for Juan Avila from Garden Pathways. Please tell us about the clients that you serve and the impact of Proposition 47 on those clients. Each panel member will have an opportunity to respond to the question.

(Juan Avila) Good evening my name is Juan Avila from Garden Pathways. We serve youth and adults facing dire challenges including poverty, substance abuse, gang violence, incarceration and unstable families. Garden Pathways focuses on the root issues by facilitating transformation from the inside out. There are comprehensive mentoring services. We lead clients to educational advancement, employment, family stability, self-sufficiency, healthy living and improved quality of life.

How Proposition 47 impacts our clients is by reclassifying felonies to misdemeanors. This may open up doors for our clients and eliminate barriers for individuals that have these qualifying convictions. In working with individuals that are currently incarcerated, we work with them while they're in custody the Lerdo Detention Facility to develop trust and rapport. We work with them for three weeks and six days. With Proposition 47 it looks like individuals that are now in custody will be serving longer terms instead of being released early to continue with

programming outside of the detention facility. Also, individuals that may currently be on felony probation on electronic monitoring may be impacted by Proposition 47 by reducing their sentences to misdemeanors whereby they will no longer be on probation or electronic monitoring.

(Lorraine Castro) Our clients are probationers, Federal and County, State parolees and mental health clients. We have a variety of programs that work with each one of those. We have a day reporting center that is a one-stop that is basically a reentry into the community. We use evidence-based programs. We do a criminogenic assessment and we get them involved in whatever it says they need. That may be job development, domestic violence remediation and there is a lit lab on the campus at Kennemer. We also have a program called integrated services for mentally ill parolees. The program has been around for five years. Mentally ill parolees are the most impacted and have the biggest impact on our community. They cost us \$90,000 a year to care for. The average inmate costs \$62,000 to care for per year. This program provides wraparound services and we get them on social security. Social security costs us taxpayers \$8-\$10,000 per year. This is versus having them incarcerated for the rest of their lives. I think this will be a wonderful impact on our clients. That will not automatically get their sentences lowered but they can petition to do so. If they are involved with a program like ours we can make sure that that happens.

(Ken Green) My name is Ken Green, I work at the Kern County District Attorney's Office. My clients are the people of the State of California. I serve those who cannot speak for themselves,

whether it is a murder victim or a child who has been molested or a rape victim. The District Attorney's Office is the chief law enforcement officer for the County.

Proposition 47 is basically two parts. One deals mostly with property crimes that are theft related and one deals mostly with drugs. I will begin with the people that will be least served or most harmed by Proposition 47 in the first capacity, the issues dealing with drug users. Proposition 47 will reduce the incentive for drug users to seek help for their addiction.

Unfortunately, I have a number of people in my family that have addictive personalities and have had problems with drug addiction. One of the things they see is that they need to have a carrot and a stick approach. The stick is a heavy sentence or felony. The difference is in jail you traditionally go for one year or less, imprison you go for a year or more. If you have a felony sentence over someone's head they can then go to a treatment program. We refer to that as drug court or Prop 36. This allows them to undergo extensive treatment. It is generally an 18 month to two-year commitment. When you graduate from Prop 36 you leave with no felony charges. You leave as a clean, sober, productive member of society. If we don't have that stick... for instance, the other day I sentenced someone to 60 days in jail. They got released that night because the jails are so overcrowded that under A.B. 109 people with small sentences are being released immediately. That is a problem for the person who needs treatment but it is also a problem for the person who is victimized by the individual.

We see a greater incidence of drug use in domestic violence cases than you see in any other format. Traditionally people who use drugs act irrationally. When you see drug use you see abused spouses, you see neglected children. The victims of the drug users are the ones who

really pay the heavy price. The spouse, who must work two jobs because the drug user is out using rent money and food money for drugs, pays the price. The children who see domestic violence as children go on to commit domestic violence at a much higher rate. They are exposed to domestic violence a young age, they are exposed to domestic abuse at a young age, and there are no longer treatment programs. The treatment programs offered by these individuals are great but they cannot be forced into them. That is the problem that we see, we no longer have the felony over their head. They have the opportunity to simply serve a couple of days in custody and go home.

(Rhiyan Quiton) My name is Dr. Rhiyan Quiton. I'm a licensed clinical and forensic psychologist with Kern County Mental Health. In general our department serves individuals in our community that suffer from a mental health and/or substance abuse condition. We serve MediCal beneficiaries from children and families to elderly adults. Those in our mental health system of care seek services either on a voluntary basis or they have been court ordered in some capacity for mental health and/or substance abuse treatment. Expected to Prop 47 we certainly provide services to those with a history of incarceration and maybe transitioning from the correctional institution back to our community. Our department is in the business of dealing in community safety. We have a global philosophy, attitude, and paradigm that there is hope for everyone; that recovery and rehabilitation is possible and that individuals can gain or regain their independence and live a healthy and productive life. As a department we're not blind to the potential challenges that may manifest providing appropriate treatment and maintaining community safety for those who fall under Prop 47. I can assure you that our department will continue to adopt a global philosophy of hope, recovery, and independence

with the Prop 47 population and that our management team including our deputy director and director will do our due diligence as a system of care to best manage the services and applicable treatment of the Prop 47 population with healing and community safety in mind.

From a behavioral health perspective one of the most significant ways Prop 47 will impact the clients we serve will be from a service delivery standpoint. According to the Human Impact Partners organization, about one quarter of prisoners within the California Department of Corrections and Rehabilitation suffer from mental health related conditions. Nationally it is about 1/6. Also, according to the National Center on Addiction and Drug Abuse, about two thirds of prisoners nationally can be identified as having a substance abuse or mental health-related condition. With those statistics in mind we can grossly project that about two thirds of those who fall under Prop 47 will need or benefit from either mental health treatment or substance abuse treatment.

These numbers certainly reflect that there will be a number of individuals who will whether voluntarily or mandated need or seek services from KCMH, contract service providers, and other community-based service organizations and programs.

(Konrad Moore) My name is Konrad Moore, I work for the Public Defender's Office. Our office serves those folks who are accused of crimes and cannot afford to hire their own attorney. We work to help individuals, poor people, defend themselves against the vastly superior power of the government in connection with bringing criminal accusations. Proposition 47 is perhaps the best thing I've seen in my career as it relates to our clientele and I think it's going to be a big win for the public and the community. Let me tell you why. There are

two components one is custody the other status. As to custody, certain of our clients are going to be getting out of jail earlier. Those folks are charged with low-level property and drug crimes. What that will do means that there will be room in the jail for offenders that have committed more serious crimes to be held longer thereby protecting the public. It is a very sensible, taxpayer oriented thing to take these low-level crimes and say let's not have them taking up the space. As Lorraine shared, it cost \$52,000 to keep one person imprisoned for one year. To keep a shoplifter in prison paying \$52,000, there may be good public policy to Walmart but its not good taxpayer policy. Prison is very well deserved and we've got to be protected from those folks who will do us harm.

The other thing that will do and I'm going to have to disagree with the District Attorney here, Mr. Greene proposed that we have to have that felony hanging over their heads. The purpose of incarceration according to the penal code is punishment and I reject the notion that punishment is the way to deal with addicts. One of the things that we know about addicts is that they fail, they fail, they fail before hopefully they get it. If they failed under the former system they got tagged with a felony and if you have a felony it is incredibly disenfranchising. If you have a felony you are condemned to a life in the oilfields at best. You're not going to be able to provide for children because no one wants to hire a felon. What this does is it says we are going to reserve that felon label for folks who earn it and who deserve it. But for folks who are charged with low-level crimes, we are not going to permanently disenfranchise them. We're going to allow them the opportunity, and through the savings to fund further substance abuse, victim advocacy and victim care programs. Hopefully this will get us out of the point where

we're spending \$52,000 to keep someone in prison for a year and on track to paying \$52,000 to keep someone in UC schools for a year.

I think it's a very sensible approach for the taxpayer and it's designed to improve outcomes and protect human safety.

(Chris Bridges) My name is Chris Bridges and with the Equal Justice Society based out of Oakland and I ditto everything Konrad said. On top of that some of the work that we do is focusing on the school to prison pipeline, intersections between implicit biases and the criminal justice system, and the ways the laws are constructed and used primarily against minorities and people of color. We try to come up with better programs and systems that are more effective than those that think only in terms of punishment. To give some facts, in the past 30 years the State of California has built 22 prisons and only one university. California spends 80% more on corrections than on California State University and University of California systems combined. California currently spends \$60,000 per inmate in only \$9000 per K-12 student.

In my work in the field I regularly deal with black and brown students who are repeatedly disenfranchised from the education system. They are labeled, stigmatized and punished for minor, nonviolent, non-serious behavior. They are suspended in expelled from school and it has a very serious effect on the students and their trajectory in life. It doubles the likelihood of them being incarcerated and dealing with issues of addiction. Looking at the system as a whole and thinking more comprehensively about why individuals are facing these challenges as adults and especially at younger ages is incredibly important to the work that we do and the communities that we serve.

(Joe Grubbs) I'm Joe Grubbs with the Bakersfield Police Department. I am a Sergeant and the Public Information Officer for the department. The Bakersfield Police Department serves the entire community, businesses, citizens, everybody that lives here or works here or travels through our community. I think a lot of the impact this will have on our citizens is yet to be determined. From our perspective we will enforce the law as the State of California has voted. In this circumstance to reduce some crimes from felonies to misdemeanors and we will fairly enforce those laws. We will arrest or cite people as the law allows us to and we will do it fairly.

(Shelly Castaneda) As you know Sheriff Youngblood has the mandated responsibility of managing five different detentions facilities in Kern County. We have an average daily population of about 2600 inmates. The sheriff's mandated responsibility per the terms of Title 15, which sets forth the minimum jail standards for Kern County facilities will not change. As far as that operational aspect there will not be much of an impact. However, with the advent of prison realignment and A.B. 109 our focus was shifted within our detention facilities to the programming aspect; the wraparound services and aftercare of inmates in dealing with the criminogenic causes of crime to do something about the recidivism rate. Being that we have a lot of former felons that are being released or resentenced as a result of Prop 47, we will have folks serving shorter sentences in our facilities or being released altogether. That poses challenges for us as we are trying to program these folks and get them into the crime reduction, drug abuse, and educational programs. The partnerships that we have with the community care providers, by virtue of the offenders being sentenced to misdemeanors, they may no longer be eligible to participate in some of the out of custody programs.

Once we see what the initial impacts will be on the population we will have more of a handle on how we will have to readjust our programming goals and procedures in the facilities.

(sca) That concludes a brief introduction by the panel of who they are and who are the clients that they serve. We will now take questions from the audience. And we would now ask the panel, that if they have an expertise related to the questions asked by the public please address those questions and keep your response to two minutes.

(Art Powell, Community Activist) What will Prop 47's impact be on society? If you don't have the inmates, because doesn't the state pay the county to house inmates? If this money goes away who's going to pick up the tab down the line? Will there be an increase to homeowners and businesses to fill in that gap? I also sit on the Police Liaison Committee and it is my understanding that if a person is stopped and have a small amount of marijuana on them the police will write them a ticket and they will be free to go. Does this person have to appear before court? What if the person doesn't show up? Do they receive another ticket later on?

(Castaneda) We don't get revenue from our inmates, we receive some money from the state. We also generate some revenue for the County by way of the Inmate Welfare Fund and also through some of our programs such as work-release in which we have inmates perform task for other county entities. So we do gain some revenue in that aspect.

(Greene) Related to the part of the question about marijuana possession, it depends upon the amount and the purpose. If someone is trafficking marijuana it is entirely different than if they have it for personal use. One of the things that Prop 47 is going to do is to change the aspect of many of those. I will talk later about Rohypnol and GHB and some other date rape

drugs which will now be a ticketed item. In other words if someone is caught with a date rape drug, most of us would think we need to get that person in custody because that's not for personal use. What Prop 47 says is that the offense would be cite and release. You get a ticket just like a traffic ticket. Now if someone has a date rape drug, which obviously they will not be using on themselves, it will be the same as if they had a little marijuana in their pocket.

(Moore) The next time I see someone prosecuted for possession of a date rape drug will be the first time that I've seen in Kern County. I would submit that that is just a little bit of a red herring. If someone seeks to sexually assault somebody with the use of a date rape drug I suspect the full force will rightly land squarely on them. Post it that simple possession of this substance that is so extraordinarily uncommon as compared to methamphetamine and cocaine and substances that devastate our community and that draw people into the depths of addiction and now are going to be giving them a chance at an afterlife without the stigma of a felony. It is right if you are trafficking you're not going to be getting a ticket. If you have less than announce that is an infraction and you were already going to be getting a ticket regardless of whether or not Prop 47 passed.

Regarding your other question I hope we never get to the point where we as taxpayers want to be keeping our jails full. I would hope as taxpayers we want to get to the point where we pay as little as possible to incarcerate and have as few people as possible incarcerated.

(Green) The current policy is not to release rapists and keep in petty shoplifters. Prop 47 did not change that. Secondly, anyone who's been in this field for any length of time knows that a date rape drug is used predominantly because it leaves the victim's system so quickly

that you cannot find it. I have personally prosecuted cases where women have said, I was fine and the next minute I wake up and I don't know where my clothes are, I don't know how I got there." But by the time that they actually realize that they had been raped and a drug was used the drug has left their system.

So yes, he's right we don't prosecute a lot of those cases. The reason is because those drugs are effective and that's why.

(Kim Schaeffer) My name is Kim Schaeffer, I am with the Bakersfield Association of Realtors. My question is directed to Ken Green from the District Attorney's Office. You mentioned breaking Prop 47 down into two parts, drug abuse and then property theft. I'm wondering if you could elaborate a little bit more on property theft and how you think that's going to affect homeowners locally and realtors.

(Ken Green) One of the things that falls in line with drug abuse is the inability to keep a job. That is a fact of life. What happens is, if you have a drug problem and you need to sustain it then you have to figure out a way to get the money. I just met someone the other day was prosecuted by one of my deputies. It was a gentleman who had a Chevy Tahoe. Someone had drilled a hole in the back of his Chevy Tahoe gas tank and took gas out of it. The individual was caught but it cost \$1200 to repair the vehicle. The individual got a little over 3 gallons of gasoline. He stole approximately \$12-\$16 worth of gasoline. The gentleman had to get a rental car and pay \$1200 to get his vehicle fixed. Part of that was covered by insurance but as everyone knows when insurance claims go up the price of insurance goes up. You'll also see that these theft crimes have the most impact on the people who pay for products. When a

business faces shrinkage or loses money due to petty theft, and someone can steal up to \$950 for becomes a felony, they have to make the money up. And the way they make the money up is by raising prices that they can and if they can't then they have to cut back on workers or service.

So I pointed out an individual who was harmed and now I pointed out a business. I was the victim of the crime when someone smashed my window, tore my dashboard apart and stole my car stereo. It cost thousands of dollars fix my car but I had a deductible so it cost of the insurance company thousand dollars but that person probably get \$10 for that car stereo. It's not getting an equal value for what it's worth to repair it. I anticipate I will be serving a lot more clients under Prop 47. 40,000 criminal convictions are going to be reduced on an annual basis from a felony to a misdemeanor. That's 40,000 additional people that are walking the streets and looking for ways to support their habit if their habit is drugs.

(Moore) Ms. Schaeffer if I recall correctly you asked about the effect on homeowners. I want to make clear when we talk about burglary or the time crime you asked Mr. Greene about, when somebody breaks into your home that is a serious felony. That is a strike, it was before Prop 47, it is after Prop 47. If somebody breaks into a person's home in is first degree residential burglary and that is a strike. What we are talking about is shoplifting.

(Nada Yorke) My name is Nada Yorke. I'm Yorke Consulting and Professional Counseling for Change. I am a retired probation officer. The reason I was questioning Mr. Green is if you would please help me understand about the substance abuse and domestic violence connection. I am familiar with domestic violence and the research does support what you are saying that there is

very much an overlap between substance abuse and domestic violence. Will the domestic violence charges be impacted at all by Prop 47? And as a follow-up, will the District Attorney's Office pursue more drug and alcohol terms as part of the probation for domestic violence to maybe capture the essence of that crime and deal with some of the underlying issues.

(Green) Domestic violence and illicit drug use are in fact very closely connected. One of the problems that we see is that unless we can prove that the person was under the influence, we will probably not be able to get drug terms. They may use drugs. They may cause the relationships in their lives to deteriorate to the point that they decide that violence is the only way to resolve the issues but unless we have drug use at the time or drug possession or someone reports that they are using drugs it will be very difficult to get additional terms.

We will see more violence and we will see more victims but we won't see more drug cases. The thing about Prop 36, and a number of clients of the public defender's office have agreed to Prop 36, is it's a two-year program. It requires drug testing. It requires a lot of work and if those individuals who put in that work come out at the other end than they are clean, productive members of society. We have a whole court that was dedicated to Prop 36 that is no longer doing Prop 36. It is no longer doing Prop 36. It is doing almost all Prop 47 work, the reconsiderations.

We are going to see less of a stick as you will. As these people don't do time, they get released, and they end up abusing their spouses or their significant others again.

(Jim Hunter, business owner) I have a friend who has a felony conviction. Is Prop 47 retroactive, where my friend can be reclassified to a misdemeanor? He's out of jail and living a very productive life. Will he be able through Prop 47 to eliminate his felony designation?

(Moore) It depends on the nature the felony. Prop 47 only deals with low-level drug and theft offenses. If his offense does not fall within that then he is not going to be eligible for reclassification. Even if it is one of those classes of crimes there are certain disqualifiers. Sex offenders are out of luck. Also if you have certain disqualifying prior offenses which we call super strikes, this is a subset of serious and violent offenses, you are out of luck. I would really need to know more. What I would invite is if your friend cannot afford to hire an attorney he can contact our office and we will investigate it and if we can we will assist him in securing hopefully a reduction and in turn the improved ability to reintegrate into society and get a job or a better job.

(Jonathan Webster, community member) Prop 47 is here. Is there any group that's working together to help those coming out of incarceration?

(Moore) By way of background, this is legal so I think that's why so many of these questions are being addressed by the lawyers. I would like to give credit to the Kern County sheriff's department. Chief Castaneda, Sheriff Youngblood, Greg Gonzales are doing incredible work addressing and promoting and are the vanguard of treatment programs working to improve outcomes.

In terms of your question, part of this is that a substantial portion of savings are intended to be reinvested in treatment programs. It is still a work in progress. I agree with Mr.

Grubbs from the Bakersfield Police Department. A lot of it remains to be seen. We have representatives of community-based organizations. They are out there and their work preceded Prop 47 and has followed Prop 47. The work will continue and hopefully will gain increased traction and support in the community as we hopefully move from punishment to treatment. From what I've seen in addition I can tell you that it's ultimately not until the individual makes the decision that we have true reformation. What Prop 47 promises is if and when that happens at least they won't be carrying that scarlet f for the rest of their lives.

(Juan Avila) As Conrad was saying, even before Prop 47 there was already a great collaboration and I'm also speaking highly of the sheriff's office. Kern County is in a unique situation in comparison to all of the other 58 counties in the state. Even though it is still a work in progress and collaborating between government and community-based organizations and the private sector, we are actually miles ahead of many counties in the state. I think one of the challenges is just the immediacy of the implementation of Prop 47. Unlike some of the other propositions where we are waiting for a directive from the state this happened immediately. I think it will take some teamwork and some coordination of effort to hash things out but there is already collaboration between many different agencies to make sure that we ensure that the community continues to be safe.

(sca) This is the next question for the panel. What are the benefits of Prop 47 to the clients you serve and/or what are the disadvantages?

(Avila) For the clients the petition for resentencing under Prop 47 and reclassifying the felonies and misdemeanors it will definitely increase their opportunities for employment as well as

education. It will increase their opportunities for student loans, public housing or even getting specific licensing for being able to go to work.

We are talking about low-level drug and property offenders who will benefit from not being integrated with the more sophisticated criminals. For some of our clients drugs are an issue and it is a low-level crime and the last thing they need is to go and network with individuals that are going to help them graduate into more serious crime. So those are some of the benefits that we see with our clients.

Some of the disadvantages include the immediacy of the implementation process. The other thing is in moving forward so fast there may be other mechanisms that people don't know that they can utilize that may benefit them more. That is probably more of a question for an attorney to see what other mechanisms already exist that they may benefit from.

(Castro) The expected savings from Prop 47 for the first five years is between \$750 million and \$1.25 billion that is earmarked to go to schools and for prevention and to treatment. I can tell you that I have run really effective programs with people who started by getting convicted of shoplifting. Like Juan said they got in there and just being exposed to hard-core criminals ruined them. There is no punishment that does away with addiction, you have to have treatment.

One of the programs that I worked with dealt with the mentally ill parolee client. The recidivism rate is in the 80% range. They get out, they are not sophisticated, they don't have any resources and sometimes they don't even have an ID card. We provide those kinds of things. Within the first 3 ½ years of the program we took the recidivism rate from the 80%

range down to 10%. That was for the first 217 clients that went to the program. It works by getting them stabilized. You can't keep punishing especially for the low-level ones. These guys come out and they use again and they get arrested for possession. 85% of our clients and those in prison have come from foster care or abusive homes.

We haven't spent the money on early intervention. We see them earlier. We see them in juvenile court. We have to find out what the remedy is and stop the cycle. We have fifth generation methamphetamine and crack families. When we stop this? If we just continue to put them in prison it does not alter the cycle.

The benefits are that there are going to be additional resources. They can get to treatment programs. The person has to be ready but what we want to do as a community is to be able to provide the resources for the people who are ready. The difference between what it cost the taxpayers to give them in jail and prison versus getting them treatment and turning them around is amazing.

(Green) The number one benefit is that the government will have more money to spend. I read the proposition by carefully and in Section 7599 safe neighborhoods and schools money is considered to be general fund under Article 13B of the California Constitution. If you look at the description of fund classifications from the California Department of Finance it says that general fund revenues may be used for any purpose. The only difference between general use funds and other governmental costs funds are the restrictions placed on those other funds. What that means is that those are special funds. Proposition 47 does not create a special bond,

it says that it is general revenue funds. Special funds are restricted by law for particular functions or activities of government. Proposition 47 funds may be appropriated for other uses.

(Quiton) Kern County Mental Health takes a neutral, unbiased stance regarding this proposition. I have come up with a couple of benefits as well as some disadvantages. The allocation of money from corrections savings will allow for the strengthening of existing programs. It will also help fund the development and establishment of new programs that are ran by trained professionals. These programs will provide mental health and substance abuse services to determine rates of recidivism. Additionally, these monies may help to fund diversion programs like a behavioral health court, our county does not currently have one.

Throughout research on recidivism two of the more commonly identified criminogenic needs and protective factors are stable housing and employment. Without stable housing and employment risk factors toward recidivism will dramatically increase. With the reclassification of some felonies to misdemeanors it may potentially increase employment possibilities and viable housing options for individuals. Other known protective factors in reducing recidivism are family social support and community engagement. Individuals often served their prison sentences geographically away from their primary social supports. Should these individuals served time in our local jails as opposed to a prison facility, the effective social support may be more readily available.

Additionally, we have transitional services available to assist in reintegration into the community. Should these individuals served time in jail as opposed to present our correctional mental health team as well as other teams with Kern County mental health kern linkage

program specifically, such as the adult transition team, will be better able to identify these respective resources and link them with appropriate services. In general, if we are able to provide services and address the prevalent criminogenic needs a domino effect may occur when we help restore individuals where we help restore and rehabilitate individuals which will likely translate to a decrease in recidivism and ultimately a reduction in criminal and unlawful behavior.

(Moore) Many of our clients will have to serve less time in custody. Many will not have that felon label that impairs and disenfranchises them. On the other hand some of our clients will have to spend more time in custody. Once we let some of the low-level offenders out that will open up bed space for more serious offenders. What has also been an oddity in the law is under the former pre-Prop 47 law, if you were under the influence of a controlled substance you were guilty of a misdemeanor, if you haven't taken the drugs than that is a felony. People who haven't taken the drugs were guilty of felony. This is more of a sensible or logical approach.

Second, as to folks in Kern County prior to Prop 47, many offenses related to methamphetamine were prosecuted as misdemeanors throughout the state. A lot of folks in Kern County were prosecuted as felons for a simple possession of methamphetamine. Your friends or family or neighbors may have ended up with a felony because they were prosecuted in Kern County and now at least they are more likely to be treated elsewhere in the state.

(Bridges) I think some of the benefits are what was written to Prop 47. 65% of the funds will be allocated towards mental health and drug treatment, 25% is allocated towards at risk

youth, and 10% being allocated towards trauma recovery. As Mr. Greene stated, the money being listed in general funds creates more impetus for community members and those who are involved in the school systems to advocate for the funding to actually be allocated to the places that it's supposed to go. Because there is a possibility for individuals to mismanage those funds it seems like that is more of a trigger for staying on top of those administrators to make sure that they don't wipe out the credibility of Prop 47 or the real benefit that can come from.

What I'm hearing are the two different notions of criminal justice in general. In suggesting that everyone who's coming out under Prop 47 are druggies it is not an accurate statement of all the challenges and complexities that we are faced with. Within the criminal justice system all laws are not enforced equitably. Some communities are impacted more than others, primarily the African-American and Latino community. We have a significant number of individuals who are being targeted and pushed into the system and then being forced to deal with felonies. What Prop 47 does is take off the felony. A lot of individuals were previously unable to get jobs or to be productive members of society. And we see a disproportionate impact on communities of color.

One of the problems with pushing felonies on people is taking away that physical and emotional support while you're trying to cope with whatever traumatic experience you're going through I have worked in criminal justice for very long time and I have not yet seen criminal justice systems that have effectively done treatment by incarceration. I've not seen a system that curtails or dramatically reduces the impact of drug usage through incarceration. What I have seen is the amazing and detrimental impact of over incarcerating black and brown people

and disparate rates throughout the country and the impact of that has in communities. It breaks up families and reduces the ability to gain employment so that you are more likely to recidivate. Prop 47 at least tries to put a dent in that system by hopefully allowing individuals to have a chance.

In terms of the school to prison pipeline, a lot of the same thinking or mentality that is in the criminal justice system is also present in the school system. Instead of focusing on rehabilitation and evidence-based practices that correct negative behavior a lot of people are focused on punitive measures. This action does not serve the best interest of those individuals or the community that they come from. By pushing people out of schools you are creating the problem, you're creating drug addicts, you are creating offenders and people that don't have the education to be able to succeed.

(Grubbs) Some of the positives include the potential for fewer inmates in jail, which saves the community money and creates more space for violent offenders. Hopefully at some point after January 2016 this cost savings will come back to our community. I am particularly interested in the 65% of the funds earmarked for treatment programs because I am the school cop guy and that is kind of where my career has been. Hopefully we will be giving some of this cost savings back to the schools so we can try to get our kids educated and we don't have to have this discussion later on down the road.

One of the negatives may be changing felony crimes to wobblers. We don't know how that is going to go yet. I think there are some people in our community and the fact that a crime is a felony keeps them from committing that crime. For instance narcotics use, will the fact that

it is a felony keep using? Now that it will be considered a misdemeanor will we see an increase in that area? If we're talking about drugs like methamphetamine, cocaine, and heroin, the use of heroin is becoming very popular in our high schools right now. The effect that lightening the criminality on the use of that substance will have is yet to be seen.

I am concerned with the term of nonviolent offenders. What makes somebody violent for the purposes of Proposition 47 are violent sex crimes, sex crimes against juveniles, homicide or attempted homicide, solicitation of murder, assault with a machine gun on a first responder and possession of a weapon of mass destruction. These are crimes punishable by death or life imprisonment. It does not include domestic violence or assault with a deadly weapon. These are crimes that make someone a violent offender under Proposition 47. I have concerns with that. There are people in prison now that have committed violent crimes with a gun or a knife or that have beaten people severely. Those people are not considered violent offenders for purposes of Prop 47.

I also concerns about the theft of a firearm or thefts in general. A person can walk into Walmart, take a TV that cost \$900, and if a police officer sees them the officer gives them a citation and lets them go. That person can walk back into Walmart, take another TV, and get another ticket. Eventually, there may not be an officer there and that person will put the TV in the car and drive off. There is no mechanism in this to make those habitual thieves felons any longer. They're just going to continually be misdemeanors. So as to how exactly this will play out remains to be seen.

(Castaneda) One potential issue with Prop 47 is that I think it works in a counterproductive manner against the goals of A.B. 109. Kern County has done a fantastic job of collaborating with Mental Health on our community partners, the Public Defender and the District Attorney's Office. We have done a wonderful job of creating an environment of programming in our jail facilities. Some people may not realize that the Kern County Sheriff's Office has no less than 10 different in custody, inmate programs. We have a full-time team that starts doing needs assessments from day one, interviews the inmates, and tries to get them programmed. Mental Health facilitates a lot of our programs. We also have different providers such as Garden Pathways. These providers also start to provide programming from day one for the inmates.

Obviously we are focused towards a lot of the drug offenders in these programs because drugs really are the key problem with a lot of these folks. Of the 2529 inmates in custody, 624 of those are in custody for drug related charges. Some of those may or may not be eligible for Prop 47 resentencing but I can tell you that it kind of places those folks that we would normally be keeping on a felony at a disadvantage in that they no longer have access to the in-custody programs. We have a specific program that is geared towards 18 to 25-year-old males. As we know sometimes this is their entry into the criminal justice system and some of these young men don't have that structure on the outside. We have programs that begin supervision inside the facilities and it continues after they are released with continued drug testing, counseling, and linkage to wraparound mental health services. So I think it may be a disadvantage to a lot of those folks that will no longer have an incentive to participate in any of these programs.

On the other side of the coin, there is kind of a silver lining in that what we will have left over in the jails are the hardened criminals. Currently we have 839 sentenced felons at 245 sentenced to misdemeanors. 406 inmates in our custody are serving more than one year sentences. 21 are currently serving more than five years. We have one male inmate serving 14 years at the county jail and a female that is serving seven years. That is a byproduct of A.B. 109. We are now keeping those inmates for a very long time. We are going to continue to get that level and type of inmate for long sentences so our needs for jail beds will not go away and it will not be eliminated by Prop 47.

We have had some minimal success in that we normally would have federal cap releases that we are required to do when our population reaches a certain level. Because of 47 we have been able to back off on that a little. It wasn't uncommon over the last couple of years to release 75 to 100 inmates per week on a federal cap release because of an overcrowding situation. Since 47 we are averaging the release of about five inmates per week.

(Peggy Taylor, community member) How will Prop 47 cases impact gang enhancement or gang participation charges? It is my understanding the Penal Code 186.2(a) states that there must be felonious criminal conduct.

(Moore) I would say that it doesn't, gang enhancements were strikes and I would say it again crimes, gang enhancements or conduct will continue to be pursued with ferocity. That's not to say that all charges that are alleged to be gang activities, sometimes folks grew up in the same neighborhood as gang members and they may be selling marijuana, but it doesn't mean that they're doing it for the benefit of the gang.

I would also like to make one note as it relates to the prospect of people with some prior or serious convictions being released. Those people have already been punished for those. If somebody with a serious prior is being released it is because they are in custody for what is now a misdemeanor. Nobody that is serving time for a violent assault or a violent crime will be getting released, those folks will be serving their full sentences.

(Green) Crimes that are now classified as misdemeanors for which you need to have a gang enhancement will not be eligible. If it is a misdemeanor and it requires felonious conduct then it is not eligible because it requires a felony.

(Art Powell) My question is for Ms. Castro. What was the savings you mentioned that is tied to Prop 47?

(Castro) Speaking of the cost of incarceration for some of the committed a low-level crime, the cost for one year is \$62,000. If the inmate is mentally ill they are segregated into a smaller setting and their medications are provided to them. The savings for this type of inmate is \$90,000 per year.

(Powell) Earlier you mentioned that Prop 47 could save us millions of dollars.

(Castro) The aggregate cost savings is estimated to be between \$750 million and \$1.25 billion in the first five years. That is the money that they be put back into the community. Whether the money is general fund or not, I think that is the responsibility of the community advocates to work collaboratively toward making sure that our community gets what we need. By the way, I hear a lot about using a stick but all of our clients are there voluntarily.

(Avila) I would like to add to Lorraine's comments. On an annual basis the savings is estimated to be \$250 million. 25% going towards education, 10% towards trauma services, and 65% going to mental health, substance abuse services, and diversion programs. I think it is important for Kern County to collaborate and come together to make sure that the state level we get our fair share of the funding.

(Esther Laura) Is there a system in place where people that have been convicted of these crimes are resentenced?

(Green) There is a system in place. It is called a Petition for Recertification. The District Attorney's Office does not deal with that aspect of it because we are prosecutors but what they do is list their offense as being covered under Prop 47 and then they attempt to move it down to a misdemeanor. If they are successful, and the bulk of them are, they are released in a very short order.

(Moore) You do present a petition and under penal code you can bring a motion which goes to the district attorney for the review if it is contested the judge has to make a decision as to whether or not the person seeking release poses an unreasonable risk of danger to commit one of the super strike offenses? So there is a mechanism whereby the prosecution can seek to block the resentencing and release of certain offenders. I would say that the main issue right now is just the sheer volume in terms of our ability to get these matters into court because there are so many hundreds likely thousands of folks that are affected by this. The courts, to their credit, are working with us to expedite the process.

(Pedro Gutierrez, New Life Recovery Center) How does this affect the future classification of A.B. 109?

(Moore) A.B. 109 is unaffected by Prop 47. What A.B. 109 says is that for low-level offenders we are no longer going to send them to prison, we are going to work to improve outcomes through locally-based corrections programs. There may be some overlap but nobody who is a violent offender is eligible for A.B. 109 or Prop 47.

(Castaneda) I would like to add to that the folks that were formally felons that will now have misdemeanor charges, such as the lower-level felons that were the best candidates for our in custody programs, will now be released via Prop 47 and we may have to bump it up and take a look at people that have a higher risk level to put on emp and Sheriff's parole and these other programs. I would say there is more chance of having issues that will now be in is out of custody programs because if they are higher risk they may have been facing more serious charges.

(Powell) What will be the process when someone is cited for stealing a TV for example? Does the ticket get sent to the DA?

(Green) What we normally do is review the facts that are normally accompanied by report, assess the evidence that we have, and decide whether we will make a filing. There are some cases where we have proof issues so we decide not to file. As prosecutors we have a moral obligation to believe that we are going to be able to get a conviction beyond a reasonable doubt. If someone is stealing something we are going to go ahead and pursue it within our policy guidelines.

(Castaneda) In my mind it brings up another unintended consequence. We are going to be inundated with failures to appear. That will become an issue for the courts to handle.

(Green) As a result you may see that failures to appear will continue. If they didn't show the first time and they are just ticketed for not showing up and they will continue to fail to appear.

(Grubbs) Most of the time on nonviolent offenses they are cited in the field until at some point the judge will say that this is now going to be a no bail warrant. When that happens they are arrested, booked into jail, and then potentially released by the jail.

(Moore) I would like to add that there is no rule that says you can't hold somebody who's been charged with a misdemeanor in the jail. The judge sets the bail schedule and the notion that some crimes are now classified as misdemeanors doesn't mean the folks cannot be held. Certainly the sheriff has limited space and they have to make judgments as to which offenders or which accused offenders they want to hold in pretrial detention.

(Mikaela Elliott) I keep hearing that this is going to save a lot of money for the government but the people who the thieves are stealing from are losing a lot of money. Theft is out of control in this town. From law enforcement's perspective, is there anything that we can do in our own neighborhoods to help protect ourselves from this?

(Grubbs) This may be one of the benefits. It presents an opportunity for neighborhoods to take care of themselves; you have heard of the Neighborhood Watch and that is the way we are catching door kick burglars. Alert neighbors are watching out for their neighbors and when

they see something unusual happening at their neighbor's house they call us. Maybe this will lead to improved neighborhoods taking care of neighborhoods. That is the best type of policing that there is outside of us because we can't be everywhere.

(Elliott) Is there a program where we can contact you and maybe have an officer come out and organize a meeting?

(Grubbs) With both the Sheriff's Department and the Police Department we have crime prevention units and that is what they do, they have a Neighborhood Watch program. They can come out and train you on things to look for and teach neighbors how to protect each other and tell you things that our dispatchers want to hear if you are calling in about a crime in progress or something that has happened. We are out doing Neighborhood Watch programs every week.

(Bridges) I think this also presents great opportunities for people to get invested in their communities and the schools to create community attachment. People are not born as thieves and criminals. Many actions are based on the environment that people come up in and the factors that they have to deal with on a day-to-day basis.

Trying to make a serious commitment to make sure that the funds from Prop 47 actually go to the development of programs for youth and drug treatment and correcting behavior is the responsibility of the community. If this is done we may be able to curtail a lot of the problems that lead to the behavior that creates such a high rate of incarceration.

(Quiton) Similar propositions have been passed in other states and studies show that they have led to a reduction in crime rates.

(Castaneda) I can tell you that locally property crime rates have gone up unfortunately. It will be interesting to see what impact Prop 47 will have.

(Catalina Mendiola, Faith in Action) I am curious to find out what efforts are being done to educate the citizens in Kern County about the law and the opportunities that it may present to community members? Secondly, what is your vision for how we can increase mental health services and drug treatment for young people?

(Green) This is the first of a number of this type of meeting that I will be attending. I will be doing one in Tehachapi with Zach Scrivner and another one is scheduled for Thursday in Bakersfield. We are making an effort to reach out to people and let them know what they can expect. We have done a number of newspaper articles and written a number of editorials.

(Quiton) We currently have a whole children's department which provides treatment for all sorts of children in need and their respective families. We have juvenile probation psychiatric services that provide mental health and substance abuse treatment. We also have pathways and mental health services within Blanton Academy which is a continuation school for those that have been involved with the legal system. We also have a program for those that are 18 to 25 years of age or "transitional age youth" which is a targeted age group that has been involved in the legal system. The prognosis for rehabilitation is high for that population.

I imagine with the allocation of money that is projected to be saved through corrections that we will be able to strengthen current existing programs and add additional programs based on data and outcome measures.

(sca) That brings us to the end of our question and answer session. I strongly believe that through the Kern County human relations commission we have brought you a group of subject matter experts that have provided a balanced perspective so that you and your families and organizations can make really good decisions.

4. Minutes: November 11, 2014, Monthly Meeting

Motion: to approve with corrections (med) 2nd: (cav) Vote: five ayes, (sca), (med), (cav), (mit), (ber), (cas) abstain: vivas, williams, snyder

5. Old Business: Tabled

a) Discussion of HRC Advisory Committee

b) Discussion of Annual Essay Contest

6. Committee Reports: None

7. Staff Report

(mg) The Personnel Department is working with the hire committee. The committee is a consortium of agencies that was created in large part by Mayor Hall and it includes agencies that assist clients that have traditional barriers to employment. These barriers may include

mental and physical disability. Agencies include the Department of Rehabilitation, The Department of Veterans Affairs, Goodwill Industries, and others.

The Personnel Department recently hosted a meeting at our department. There are about 20 attendees and myself and Senior Personnel Analyst Kelly Levig talked to the group about the process for applying for employment with Kern County, taking examinations for employment, and the availability of specialized testing for those requiring accommodation. Both clients and staff of those agencies were in attendance.

I have also scheduled training to be included on the January agenda of the human relations commission. This training will be on the brown act. This commission is subject to the rules of the brown act and with the recent appointment of a number of commissioners I feel that it is an appropriate time to receive training. The training will be provided by a member of the office of county counsel.

8. Commission Member Presentations or Announcements: None

(wil) What are we going to do to follow-up on today's meeting and continue with the same pace? How can we continue to be a place where people can come to talk about these things and how can we stay connected to everyone that was here to discuss the issue?

(cav) The subject matter and the timeliness and also from my perspective Commissioner Medina pushed the meeting "like it was a product on the street corner". I was at the gym this morning and I saw it discussed in the news cycle three times in the course of an hour. I saw Commissioner Scales on the news talking about it this morning. I think the subject matter is part

of it but I also think the energy is key. If we can find a way to try to hit something big like this maybe once per quarter so we can stay relevant and we can be the type of relief valve that Commissioner Williams talked about. We can have this kind of open, respectful, or even contentious dialogue before things erupt.

(med) Also, springing off of the idea that Commissioner Williams had we can collect information from those that attended and begin to build our own email blast. Prior to the next meeting we can email those that attended and ask that they also e-blast it to their networks. That is how we get the snowball effect. A lot of these people are power hitters in their communities and they have a lot of contacts.

(sca) I think that is a great point and I think we just ask. We all have our own networks. I want to say thank you to Commissioner Medina for all of the PR work. He touched all of the PR networks and I think that is the main reason why this worked so well. This was a hot topic but there are a lot of hot topics out there that aren't being touched.

I think that you are right Commissioner Caves. I think that if we can and we have the energy to do so, that we do a hot topic every quarter. The one that is coming up is Ferguson. Are we going to talk about that? About two years ago we had LT. Joe Mullins from the BPD and he came here, gave some great information, and there was a lot of community dialogue.

(mg) I think that something that also helped was the panel that was put together. If you look at the knowledge that was collected related to the topic we have a fantastic group of subject matter experts. Obviously the PR work that went into it was huge but the people in the audience had an expectation that they were going to hear from law enforcement, attorneys,

and service providers. They had an expectation that they were going to get a lot of information. I think it helps to make that a component. If there is an issue we can contact someone that is willing to speak about it.

(med) If everyone is ok with it I can write a piece for the Bakersfield Californian's cheers and jeers section. We can thank the community for a great turnout and thank the panelists. This could become a report to the community, thanking them for the success and support. Then we could ask the community to join us for our meeting in January and give the date, time and address.

(wil) Going back to what you said about Ferguson, we have our own thing here and we can use that. We had the David Turner thing, there was David Silva and there were the two guys that got killed at the liquor store. We have our own issues but this is something that we can use that is going across the nation.

I believe we need a community review board. We need that to be part of our topics. I think a meeting like that would be intense but ok.

(sca) I think that if we think about a challenge, speaking to what Commissioner Caves said, maybe doing a hot topic each quarter will keep us relevant. I think prior to doing that we need to introduce the commission to the community. We have a lot of new faces on the commission. People need to know who you are. That brands you to the commission so that when people see you they remember that you are on the commission. That is just a suggestion to out the feelers out to see what you think.

(mit) Are you talking about a mixer?

(sca) It could be a meet and greet or anything that would introduce the commission to the community.

(med) Would we do that as a stand-alone event or piggy back on another event that is already happening in the community?

(wil) I think it would be a good idea to piggy back on another event. The commission itself is not very well known. When you get on the news people see it and they come.

(med) How about doing something on Martin Luther King Day? We could appear at an event or march in a parade.

(sca) How would that work? I know that we are a public body.

(mg) This is a good question to ask at next month's training. I think what you will find it that as many commission members that want to may appear at a function or meeting of another organization. If there is an expectation that the commission will be getting together to do the work of the commission it has to be agendized.

(mit) I think that you have to find a way to connect to different events. I think that the Martin Luther King weekend is a good time for us to get involved. That gives us enough time to get connected to the community. Right now, no one in the community knows who we are. If we can do some research individually we can talk collectively at next month's meeting about what events we can go to as a commission. We used to do some different things in the community. That is the day of service and an opportunity to serve your community.

(sca) I received a flyer from the MLK breakfast committee. They have an opportunity where you can purchase a table. That would give us some visibility although we do not have much of a budget.

(mg) As of the end of November the HRC account has \$247.85.

(sca) I think the table is \$500. That would give us some visibility in a public setting. I would just be concerned about the perception. We couldn't sit around the table and talk business.

(mg) You can absolutely attend, provide information about the commission and increase your visibility.

(sny) One thing that I would add is that a lot of the value that I saw here today we were completely neutral and we had both sides of the issue represented. If we're talking about Ferguson it is a very contentious issue. Considering that our community has had its own issues with the that type of an argument between law enforcement and civilians, we should be very careful about the events that we choose to promote ourselves at to make sure that we are not seen as being biased on either side.

(mit) So, do we want to come together next month with ideas about how we proceed and the events that we want to participate in? This event was a success because we did a lot of work prior to the meeting.

(sca) I will send everyone an email requesting that they send ideas by December 15th.

(mit) When you send your response to Jewelle please copy everyone so we can all see them.

(med) Regarding writing a “cheer” is that something that we want to do?

Motion: I make a motion that Commissioner Medina write a “cheer” for the Bakersfield Californian Second: Caves, all ayes.

(sca) I think that Commissioner Williams made a good point that we need to somehow capture the audience that was here tonight and try to get them to come back.

(mit) I believe that in the article we will be asking the community to attend future meetings.

9. Adjournment: Motion: med, 2nd: cav , vote: all ayes. 8:12 p.m.