

GOLDEN ●
TOGETHER

Fighting Crime

**Certainty of Punishment,
Certainty of Rehabilitation**

Prepared by Golden Together, A Movement to Restore the California Dream



Foreword

On June 16, in broad daylight in downtown San Jose, a crowd swarmed a police car, trapping the officer inside while jumping on top and stomping on the vehicle, smashing the windshield. The officer was attempting to come to the assistance of an injured spectator at an illegal “sideshow,” where a mob of people take over an intersection and perform dangerous automotive stunts. The crowd didn’t disperse until additional police units arrived. The besieged officer came away with minor injuries.

We have gotten used to videos of crime and chaos in California. Grainy footage of smash-and-grab retail robberies, dystopian scenes of street addicts amidst urban squalor...But there was something about this particular video that stood out. It seemed emblematic of a total collapse of law and order, a complete disintegration of civilized society.

In California, large sections of our biggest and finest cities have become no-go zones, where sideshows and fare jumping are minor annoyances compared to the systemic breakdown of standards of behavior. Casual shoplifting without consequences, organized smash and grab robberies, the tragic spectacle of thousands of homeless, many suffering from mental illness and substance addiction, and predatory gangs in violent conflict to control territory - this is the dismal urban reality that millions of Californians witness every day, and there is no end in sight.

In this policy paper we will identify what we believe has led to crime and chaos spiraling out of control. While it is true that compared to the 1970s and 80s, crime rates are down in some categories, most of the drop occurred in the late 1990s after 1994’s “Three Strikes” initiative took effect. Since then, crime rates have been rising. Pandemic lockdowns gave them a further boost, and in many instances the more recent rise in crime was maintained. In some parts of Los Angeles, Oakland, San Francisco, and in pockets of other cities throughout the state, crime, lawlessness, antisocial behavior and brazen disrespect for the law have never been worse.

None of this is an accident. It is the direct result of an extreme ideology, and the policy agenda derived from it, that has systematically undermined law enforcement and the basic social contract upon which public safety and a civilized society depends: that if you break the law, you will be held accountable. Increasingly, there is a sense that the opposite is the case: if you do the wrong thing, you will be rewarded, whereas if you do the right thing you will be punished.

The core tenets of this extremist ideology are by now well known: that the criminal justice system is structurally racist; that policing and law enforcement are the problem rather than crime itself, and that “social justice” as defined by academics and activists should always take priority over actual justice as defined by our laws and constitution.

The origins of this ideology can be found in the academic development of “critical theory”, starting with the “Frankfurt School” of Marxist philosophers in 1920s Germany. Throughout the 20th century, critical theory grew in scope and reach, but it truly entered the mainstream in the last decade, prompted in particular by high profile cases such as the death of Michael Brown in Ferguson, Missouri, and especially George Floyd in Minneapolis.

The two most prominent policy goals of what became known as the movement for “criminal justice reform” were “decarceration” (reducing or even eliminating the number of people in jail), and “defunding” of the police (diverting some or even all of the the public resources currently devoted to policing into alternative, or “re-imagined” approaches to law enforcement).

It is important to acknowledge that this radical policy agenda was rooted in real problems. There have been too many people incarcerated for offenses that might have been better addressed through non-custodial sentences. This has negatively affected young Black men in particular, with knock-on negative effects in their communities - for example in respect of family formation and parenting. Prison itself has too often failed in its essential crime prevention role of delivering rehabilitation, as well as accountability. This is particularly important when we know what a high proportion of offenders suffer from debilitating problems like illiteracy or dyslexia.

As is so often the case, however, good intentions when taken to extremes can cause bad results. In this instance, the results have been terrible: an explosion of crime that, in a tragic irony, has hurt poor and marginalized communities and individuals the most.

We need a more balanced approach. The political slogan first articulated in the UK by former Labour Party prime minister Tony Blair, when he was Shadow Home Secretary, remains the most common sense guideline for policy: “Tough on Crime, Tough on the Causes of Crime.”

We need to deter crime by reestablishing a certainty that criminal behavior will be prosecuted and criminals will be held accountable. Before we close more prisons we need to get our cities under control, and better utilize the prisons we’ve got. We have to intensify efforts to help prisoners gain job training, counseling, overcome substance abuse, and further their education. We need to better reintegrate released prisoners into society, to become productive citizens.

In this paper we will explore approaches that balance help for the police and courts to enforce the law, help to reduce the chances that individuals offend, and help to reduce reoffending if they do. A safer, more civilized society is easily within reach - we just need a new approach.

Steve Hilton

California, January 2025

Keypoints

The most recent year for which we have complete statewide data is 2022, and compared to 2021, aggravated assault increased by 5.2 percent and robbery increased by 9.9 percent.

Overall, violent crime in California was up by 13.5 percent in 2022 compared to the rate in 2019 immediately prior to the COVID pandemic.

Compared to 2019, homicides in California were up by 33.9 percent in 2022 and aggravated assaults were up by 25.3 percent. Auto theft was up 31.6 percent in 2022 compared to 2019.

In 2011 the California state legislature passed Assembly Bill 109, to reduce prison overcrowding. The practical effect of AB 109 was to release thousands of dangerous criminals.

Convinced that it was a more compassionate approach to nonviolent crimes, in 2014 voters approved Proposition 47, which downgraded drug and property crimes from a felony to a misdemeanor.

But in November 2024 Californians overwhelmingly approved the "Homelessness, Drug Addiction and Theft Reduction Act," an initiative repealing many provisions of Proposition 47.

In 2016, voters approved Proposition 57, which was sold as a long-overdue reform to harsh sentencing. This law also resulted in thousands of dangerous criminals being released.

A 2018 ruling by the 9th Circuit U.S. Court of Appeals in the case Martin v. Boise held that cities cannot enforce anti-camping ordinances if they do not have enough homeless shelter beds. Martin v. Boise was finally overturned by the U.S. Supreme Court in July 2024.

In early 2023 the U.S. Department of Housing and Urban Development reported California's homeless population at 181,399, up nearly 40% from five years ago.

With California's state prison population now down to 94,000 inmates, the system still costs taxpayers \$14.5 billion per year. This equates to a cost per prisoner of \$154,000 per year.

In 2020 the California state legislature passed the "Racial Justice Act." This law allows anyone convicted of a felony in California to challenge their conviction on the grounds of "systemic racial bias."

Police budgets were cut by \$175 million in Los Angeles, by \$120 million in San Francisco, and by \$15 million in Oakland. In these cities and elsewhere, police funding remains inadequate.

An estimated 70 percent of prison inmates cannot read at a fourth grade level, and up to 50 percent of prison inmates are dyslexic, about five times the rate in the general population.

Embracing three concepts—accountability, deterrence, and rehabilitative modes of incarceration—offers a pragmatic common sense strategy to reduce crime in California. We need certainty of punishment combined with certainty of rehabilitation.

Introduction

In recent years, California has become a nationwide advertisement for the failure of the progressive project of “criminal justice reform.” Rising crime is one of the biggest issues of concern to California citizens, and for good reason.

As crime rates rise in California, law enforcement is hindered by laws that tie their hands and budget cuts that deplete their resources. They are also demoralized from years of demonization by progressive activists. Making matters worse, in some of California’s largest cities, including Los Angeles and Oakland, police were deterred from making arrests of known criminals because of progressive district attorneys who refused to prosecute criminals under what laws remain enforceable. Crime statistics, alarming enough as officially released, are understated as victims no longer bother to report them. Smash-and-grab robberies by organized gangs routinely make headline news. Retail theft, afflicting businesses already struggling to cope with online competition, has forced the closure of countless stores and threatens to push California’s downtowns into an economic doom loop.

Homeless encampments are more visible and more problematic than ever. People may end up on the street for reasons that have nothing to do with drugs or crime - losing a job amidst financial precarity, for example - but once on the streets they become an easy mark for dealers and criminal gangs. Our homelessness and crime crises are deeply intertwined.

The reasons Californians confront a multifaceted onslaught of lawlessness and chaos can’t be traced to any single cause. Background conditions play a role. The state has become one of the most difficult places to earn a living wage, thanks to a legislatively engineered epidemic of scarcity which causes high prices for every essential, including food, fuel, and housing. At the same time, the state has become one of the easiest places to be homeless—which is not to say being homeless is easy—thanks to the mildest weather in the U.S., and a lack of effective laws to control vagrancy, drug use, and petty theft. Making matters worse, a massive network of nonprofit organizations are employing flawed strategies to ‘help’ the homeless, inviting accusations that they would lose billions of dollars per year if the problem is ever solved.

Many of the direct and explicit causes of California’s crime and homelessness epidemics are known, as are the solutions. At the top of this list is the notorious Prop. 47, dishonestly sold to voters in 2014 as a compassionate way to give nonviolent offenders a second chance by downgrading drug and property crimes. For example, theft of any item with a value under \$950 was downgraded to a misdemeanor, and as long as offenders keep the value of what they steal under \$950, thieves can commit this crime over and over without enhanced penalties. Proposition 47 has led to what police derisively refer to as “catch and release,” because misdemeanor suspects are now only issued citations with a court date and let go.

With respect to the homeless, passage of this initiative made it a waste of time for police to arrest anyone for openly using illegal drugs or for petty theft (defined as stealing items worth less than \$950 per day). Only very serious crimes are still investigated. This may change thanks to the overwhelming passage of Proposition 36 in November 2024, a state ballot initiative that repeals some of Prop 47's worst provisions. Prop 36 was backed by over 70%, including majorities in every one of California's 48 counties. But now it needs to be fully implemented and enforced.

An earlier legislative blunder that has led to worsening crime in California was Assembly Bill 109, passed in 2011 to reduce prison overcrowding by transferring "nonviolent" inmates to county jails, or, because county jails were also overcrowded, released under "non-custodial supervision." The practical effect of AB 109 was to release thousands of dangerous criminals. AB 109's impact was exacerbated with the implementation of Proposition 57, approved in 2016 by voters who were told it was a long-overdue reform to harsh sentencing. This law resulted in thousands of dangerous criminals being released.

Reducing crime and homelessness in California also requires judicial changes. A ruling by the 9th Circuit U.S. Court of Appeals in the case Martin v. Boise held that cities cannot enforce anti-camping ordinances if they do not have enough homeless shelter beds. This case and similar ones (Jones v City of Los Angeles) have made it almost impossible to get the homeless off the streets. The situation is made much worse because the definition of "shelter" has been opportunistically conflated into expensive "permanent supportive housing" that California's taxpayers are now spending over \$500,000 per unit to construct, to the delight of participating politically connected developers and nonprofits that collect taxpayer subsidies and grants. While Martin v. Boise was overturned by the U.S. Supreme Court in July 2024, it will take time to unwind the flawed policies it enabled.

Finally, a major cause of California's crime wave are District Attorneys who consistently favor criminals over victims. There are several of these District Attorneys that have been active in California counties, the most notorious being Chesa Boudin in San Francisco and George Gascon in Los Angeles. But here is where hope begins. Boudin was recalled by voters in San Francisco in 2022, and Gascon was overwhelmingly defeated in L.A. in 2024. Furthermore, voters in Oakland recalled their DA, Pamela Price. Sentiment in California is changing.

In this report we will review in more detail the policies that have brought California to this point and recommend solutions. Crime can never be completely eliminated, but with an improved system of incentives and deterrents, it can be minimized.

Crime Trends in California

According to the California Department of Justice, violent crime in California - defined as murder, rape, robbery, and aggravated assault - peaked in 1992 at a rate of 1,104 violent crimes per 100,000 residents. In 2022, the most recent year for which we have complete data, the rate for these violent crimes in the state was 494 per 100,000 residents.

Defined as burglary, vehicle theft, and “larceny-theft,” the peak year for reported property crimes was 1980 when they occurred at a rate of 6,880 per 100,000 residents. In 2022, that rate was down to 2,313 per 100,000 residents. But the long-term trend is misleading. Over the most recent decade, crime rates have gotten significantly worse.

The first thing to understand about these long-term trends is that almost all of the drop in crime rates in California over the past 30 years occurred between 1995 and 2000. This, in turn, was a result of Proposition 184, the Three Strikes Sentencing Initiative that was approved by 71 percent of California’s voters in 1994. In September 1994 California’s prisons held 120,000 inmates. By 2000 that number had risen to 163,000 inmates. The Three Strikes Law worked, by imposing longer sentences on repeat offenders and by deterring potential criminals from reoffending and getting hit with a third strike.

Notwithstanding the long-term trend, there are several factors that make California’s current crime challenges an urgent concern. Notable among them is the fact that property crimes in California are increasingly unreported. Needless to say, it is difficult to quantify how much the rate of unreported property crimes may have risen, if nobody reports them. But there is plentiful anecdotal evidence of an increase based on accounts collected from victims, police officers, and witnesses, and obvious new disincentives to report property crimes.

For example, why would anyone report property crimes if the criminals are no longer subject to prosecution? Proposition 47 made it much harder to make criminals accountable for repeat offenses, and progressive county District Attorneys declined to aggressively prosecute criminals, especially if their crime was “nonviolent” or a misdemeanor offense. Since Prop. 47 raised the value of what constitutes felony theft from \$450 to \$950, this adds further incentive to not report thefts that would not be prosecuted as felonies.

Which brings us to another important factor, which is the uneven distribution of crime rates in California. Whatever the overall picture, in some cities crime is clearly out of control. In January 2023 the voters in Alameda County elected progressive candidate Pamela Price to serve as their District Attorney.

Price’s jurisdiction includes Oakland, a port city of 440,000 that is reeling under an onslaught of crime and homelessness. It has gotten so bad that in February 2024 CNN reported that “Rising crime risks turning Oakland into a ghost town.” The network claimed violent crime and felonies had fallen in 2023 in most major American cities, but acknowledged that in Oakland, robberies were up 38 percent, and car theft was up 44 percent.

These statistics don't fully capture just how bad life has gotten on the streets of Oakland. In July 2023, the Oakland chapter of the NAACP issued a statement criticizing Price's soft-on-crime policies, claiming they caused an increase in shootings and armed robberies. In September 2023, business owners in Oakland went on strike for a day.

The NAACP's letter, signed by Cynthia Adams, President of the Oakland Branch of the NAACP, and Bishop Bob Jackson, Senior Pastor, Acts Full Gospel Church, is a powerful document. It describes the descent of their city into crime and chaos, the reasons why, and the way forward. It is well worth reading in full:

*National Association for the Advancement of Colored People
Oakland Branch, July 27, 2023
End Oakland's Public Safety Crisis*

Oakland residents are sick and tired of our intolerable public safety crisis that overwhelmingly impacts minority communities. Murders, shootings, violent armed robberies, home invasions, car break-ins, sideshows, and highway shootouts have become a pervasive fixture of life in Oakland. We call on all elected leaders to unite and declare a state of emergency and bring together massive resources to address our public safety crisis.

African Americans are disproportionately hit the hardest by crime in East Oakland and other parts of the city. But residents from all parts of the city report that they do not feel safe. Women are targeted by young mobs and viciously beaten and robbed in downtown and uptown neighborhoods. Asians are assaulted in Chinatown. Street vendors are robbed in Fruitvale. News crews have their cameras stolen while they report on crime. PG&E workers are robbed and now require private security when they are out working. Everyone is in danger.

Failed leadership, including the movement to defund the police, our District Attorney's unwillingness to charge and prosecute people who murder and commit life threatening serious crimes, and the proliferation of anti-police rhetoric have created a heyday for Oakland criminals. If there are no consequences for committing crime in Oakland, crime will continue to soar.

People are moving out of Oakland in droves. They are afraid to venture out of their homes to go to work, shop, or dine in Oakland and this is destroying economic activity. Businesses, small and large, struggle and close, tax revenues vanish, and we are creating the notorious doom-loop where life in our city continues to spiral downward. As economic pain increases, the conditions that help create crime and criminals are exacerbated by desperate people with no employment opportunities.

We are in crisis and elected leaders must declare a state of emergency and bring resources together from the city, the county, and the state to end the crisis. We are 500 police officers short of the number that experts say Oakland needs. Our 911 system does not work. Residents now know that help will not come when danger confronts them. Worse, criminals know that too.

Our youth must be given alternatives to the crippling desperation that leads to crime, drugs, and prison. They need quality education, mentorship, and, most importantly, real economic opportunities. Oakland should focus on creating skilled industrial and logistics jobs that pay family sustaining wages, and vocational training so Oakland residents can perform those jobs. With this focus we can produce hundreds, if not thousands, of the types of jobs desperately needed to stem economic despair. Unfortunately, progressive policies and failed leadership have chased away or delayed significant blue collar job development in the city, the Port of Oakland, and the former Army Base. That must change!

We also must continue with mentoring programs like the Oakland branch of the national OK Program that steers youth away from criminal activity. We believe that young people currently in the criminal life will choose another path if they are shown a way.

We urge African Americans to speak out and demand improved public safety. We also encourage Oakland's White, Asian, and Latino communities to speak out against crime and stop allowing themselves to be shamed into silence.

There is nothing compassionate or progressive about allowing criminal behavior to fester and rob Oakland residents of their basic rights to public safety. It is not racist or unkind to want to be safe from crime. No one should live in fear in our city.

We need our elected leaders to take responsible action to ensure public safety. The best way to start is to declare that we are in a public safety emergency. Then marshal resources to address crime and create economic opportunities, training, and youth mentoring so people can work and live productive lives.

We encourage the entire Oakland community to join a broad-based, united coalition around these three issues: 1) we have an emergency, 2) we must end the proliferation of crime in our streets and, 3) we must provide jobs, training, and mentorship so our youth have alternatives to crime.

Do it for the love of all Oakland residents. Each and every one of us has the right to live peacefully and safely.

Along with rising crime in several California cities is an epidemic of unsheltered homeless. In early 2023 the U.S. Department of Housing and Urban Development reported California's homeless population at 181,399, up nearly 40% from five years ago. By any criteria this is a crisis.

There is a direct connection between California's massive homeless population and crime rates. As will be discussed in the next section, 79 percent of California's homeless have been previously incarcerated, and 76 percent of them are reportedly either afflicted by mental illness, a substance use disorder, or both. These facts inevitably, and at the very least, result in an unending spectacle of public intoxication and disorderly conduct. Such behavior has been excused as a "quality of life" crime, but it remains hazardous if not dangerous for everyone exposed to it, and has become a highly visible and widespread sign of a society that has lost its ability to regulate itself.

This brings up another factor, which is the communications revolution, first with the internet, and now with smartphones and social media, which transmits these spectacles onto the screens of millions of people. Seeking to evade responsibility for policy failure, some politicians have tried to argue that these new tools allow us to amplify and fret over problems that are otherwise statistically less significant and would not be grounds for public concern. But that ignores the reality of life for law-abiding working families that have to live in these cities. Why should rising crime rates remain acceptable anywhere in California? Why should large sections of California's cities remain lawless enclaves where control has been ceded to gangs and homeless encampments?

Of course crime can never be eliminated completely. But we ought to have higher expectations today than what we might have accepted 40 years ago. If smartphones and encrypted messaging services can enable smash-and-grab gangs to coordinate brazen robberies, or enable flash mobs to loot retail establishments in broad daylight, we may be thankful that this same technology permits the general public to witness these depredations and demand reform.

Finally, while crime is down in California compared to 40 years ago, it is up in the past few years. The most recent year for which we have complete statewide data is 2022, and compared to 2021, aggravated assault increased by 5.2 percent and robbery increased by 9.9 percent. Overall, violent crime in California was up by 13.5 percent in 2022 compared to the rate in 2019 immediately prior to the COVID pandemic. Compared to 2019, homicides in California were up by 33.9 percent in 2022 and aggravated assaults were up by 25.3 percent. Auto theft was up 31.6 percent in 2022 compared to 2019. So in just the past year, as well as over the past few years, crime is up sharply in California. Moreover, unlike in California, crime rates nationwide were down in all categories in 2022 compared to 2023.

To summarize, the multi-decade crime trends in California show a decrease, with most of the drop occurring in the 2nd half of the 1990s when the "Three Strikes" law was implemented, but show an increase in all categories starting around the time of the COVID pandemic in 2020. These increases were felt most acutely in California's large cities, especially those with "progressive" District Attorneys.

We also see an unabated rise in the number of homeless in California over the past decade, with a concomitant rise in quality of life offenses. The advent of social media over the past 15 years has facilitated an increase in coordinated criminal and mob behavior; it has also made criminal behavior visible to millions of Californians and heightened their demand that solutions are implemented. This has made all of California's challenges with crime and homelessness a more public and urgent policy issue. In the next section we will analyze in more detail the reasons that crime and homelessness are getting worse in California.

Causes of Rising Crime

Many of the reasons that California's problems with crime have gotten worse are easily identifiable. They are traceable to specific legislation, state budget decisions, and court rulings, as well as to the actions of elected prosecutors. And while major violent crimes are slightly up, the so-called quality of life offenses - public intoxication, vagrancy, petty theft, vandalism - are way up. Moreover, many of these 'lesser' crimes are no longer reported, since new laws make it difficult to get a conviction.

Reducing the Prison Population

A root cause of California's current difficulties controlling crime was a Supreme Court ruling in 2011 that ordered the state to reduce its prison population by over 40,000 inmates within two years. At the time of the Brown v. Plata case, California's prisons housed an estimated 156,000 inmates, in a system that was designed to hold 85,000 inmates. The overcrowding was so severe that cells measuring 6' x 9' were holding three prisoners, with bunks set up as well in gymnasiums and classrooms. In some cases there was only one toilet to be shared by over 50 prisoners. Medical care was so overwhelmed that reportedly more than one prisoner per week was dying needlessly due to lack of medical treatment.

To comply with the Brown v Plata ruling, later that year the state legislature passed Assembly Bill 109, known as the "California Public Safety Realignment Act." This legislation reduced the number of inmates by sending offenders newly convicted of "non-serious, non-violent, non-sex related" crimes to county jails instead of state prisons. Due to the lack of capacity in county jails, the bill also provided for out-of-jail "non-custodial mandatory supervision" of convicts as an alternative to incarceration.

The result of AB 109, commonly referred to as "Realignment," was to cause overcrowding in county jails and increased the workload in county probation departments. The shift boosted county jail populations to historic highs, forcing counties to release inmates that would ordinarily have remained in custody. It also put pressure on prosecutors and judges to issue lighter sentences, or sentencing that did not include incarceration.

Downgrading Criminal Offenses

In 2012 another ballot initiative was approved by California voters, Proposition 36, which revised the "Three Strikes" law to restrict the circumstances under which a life sentence could be imposed on anyone receiving their third felony conviction. By 2015 these steps had all combined to reduce California's total state prison population from its 2010 peak at nearly 170,000 inmates to just over 130,000. While this still put the inmate population at 140 percent of capacity, it was now close to the court mandated maximum of 137.5% of capacity.

But reducing overcrowding and controlling spending on state prisons were not the only political motivations behind AB 109 and Prop. 36. A powerful grassroots movement had arisen that viewed these laws as long overdue "criminal justice reform."

In response to what they still considered to be California's repressive sentencing laws, activists then managed to get voter approval for two more ballot initiatives that have since become controversial.

The first and best known of these new laws is Proposition 47, passed by voters in 2014 who were led to believe it would correct injustices built into state law at the time by downgrading property and drug crimes. The practical impact of Prop. 47 was disastrous. For example, it treats theft of any property with a value under \$950 as a misdemeanor instead of a felony, and prosecutors may not even take into account repeat offenses. Criminals can steal up to \$950 per day, without ever risking felony charges being filed against them. The result of Prop. 47 is that thousands of thieves, shoplifters, and even "smash and grab" gangs are operating with near impunity, knowing that even if they're caught, they will be unlikely to face more than a misdemeanor charge.

Another ballot initiative that has been blamed for rising crime is Proposition 57, passed by voters in 2016. Prop. 57 increased parole and good behavior opportunities for felons convicted of nonviolent crimes and allowed judges, not prosecutors, to decide whether to try certain juveniles as adults. One of the flaws in Prop. 57 was its failure to require prisoner release boards to consider the inmate's total criminal history, and not just the most recent offense, when deciding if a prisoner was safe to release. Another flaw in the measure was how it defined "non-violent" offenders who would be eligible for early release. Among other things, that "non-violent" category included domestic violence, human trafficking, and rape of an unconscious person. While Prop. 57 was marketed to voters as a humane reform that would only release inmates who had exhibited good behavior and had not been convicted of violent crimes, it resulted in thousands of dangerous criminals getting out of prison.

Diminished Used of Cash Bail

In 2018, the state legislature passed Senate Bill 10, which eliminated bail and instead required that "persons arrested and detained to be subject to a pretrial risk assessment." If the court deems them to be a flight risk or a danger to the community, they are to be detained prior to their trial, and if not, they are to be released. This law was challenged by a diverse coalition including the ACLU of Southern California and the California Black Chamber of Commerce, and overturned in a referendum in November 2020. Then in March, 2021, in the Humphrey decision, the California Supreme Court ruled that "conditioning freedom solely on whether an arrestee can afford bail" is unconstitutional. The ruling left intact the ability of judges to order pre-trial holds if the accused were deemed a flight risk, or a danger to themselves or others if released.

The Humphrey decision has not pleased its proponents, who claim that in practice it has actually resulted in many judges who "interpret Humphrey as having increased their authority to order no bail holds." Ultimately, California law today retains the use of cash bail but its application varies a great deal. For example, California does not have a uniform bail schedule. Instead, the Superior Court of each county in California sets forth their own bail amounts for every felony offense which can be charged under penal code or any other source of criminal law. Opponents of cash bail for any reason believe the state should adopt a uniform bail schedule that sets zero bail for all nonviolent crimes.

What we have today in California, on one hand, are counties with tough prosecutors and tough bail schedules, where arrestees are held in pre-trial detention with bail amounts high enough to ensure they don't make bail and aren't released before standing trial. Because those bail amounts are calibrated based on their flight risk or the danger they would present if released, they don't violate the state constitution as interpreted by the Humphrey ruling.

On the other hand, you have Los Angeles County, where not only did a lenient prosecutor occupy the Office of County District Attorney, but a Los Angeles County Superior Court ruling in May 2023 reinstated mandatory zero bail for "misdemeanors and nonviolent felonies." Since at present California has downgraded many serious crimes to misdemeanors, this mandate does not even offer judges or prosecutors the discretion to detain individuals who may present a serious threat if released.

Controversy surrounds just how effective pretrial detention is in reducing crime. Available data points to different conclusions depending on the source. But beyond ample evidence of the havoc early release has caused, where someone is apprehended, released right away, and commits the same crimes again right after they're released, is the moral principle. As Marc Ang, Asian Industry B2B president and journalist championing minority communities put it in a 2022 interview, "If you committed a crime and you were caught, what is a few days in jail to reflect on that?"

Ang brings up another point that is often lost in the idealistic crusade for zero bail: "Actually, zero bail disproportionately affects poor, especially minority, communities. Evidence has shown that many of these criminals that burglarize and damage property—even rape and commit homicide—disproportionately come from low-income communities. So where are they committing those crimes? Mostly back in those same communities, where there's hardworking people trying to build better lives for themselves; but they're distracted, derailed, hurt by the lack of safety and bad guys running around because the government wants to be overly compassionate in an area where it makes no sense to be."

Restricting the ability for judges to impose cash bail has not reduced crime, especially in counties with progressive district attorneys. Combined with the downgrading of crimes from felonies to misdemeanors and with early release policies, it has taken yet another tool away from California's law enforcement and judicial system.

Failure to Reintegrate Released Prisoners

The sheer expense of operating prisons in California has created ongoing pressure to reduce inmate population. California's state prison population as of 2024 has been reduced to 94,000 inmates, but the system still costs taxpayers \$14.5 billion per year. This equates to a cost per prisoner of \$154,000 per year. While we must acknowledge that guarding inmates, particularly in California's maximum security prisons, is a dangerous job that merits high compensation, it is nonetheless important to also recognize that California's prison guards are the highest paid in the nation. In October, 2023, reluctant to confront the California Correctional Peace Officers Association (CCPOA), Governor Newsom agreed to a contract deal that will cost taxpayers an additional \$1 billion over the next two years.

Untouched in that new deal is any attempt to reform the expensive retirement health insurance subsidies for retired state employees. According to an analysis by David Crane, former special advisor to Governor Schwarzenegger and now the co-founder and president of Govern For California, just in the case of state prison guards, this single financial reform would save approximately \$300 million per year and eliminate an estimated \$10 billion of debt while still providing large subsidies to retired prison guards. Anxious to somehow cut costs, during his term so far, Governor Newsom has shut down two state prisons, with 31 still active. Overall, facing pressure to cut costs everywhere in the face of projected deficits, Newsom was able to negotiate a \$750 million reduction in California's total corrections budget for the 2024-25 fiscal year. While overcrowding has been alleviated, many of California's individual prison populations still exceed their design capacity.

Whether it's motivated by ideology or financial imperatives, for over a decade the legislative priority in California has been policies designed to reduce prison populations. As we have seen, crime trends are up in California, but the biggest increases are in drug and property crimes. Vagrancy, which isn't a crime anymore, has gone way up. California now has an estimated 181,000 people experiencing homelessness, more than one-third of the entire homeless population in the country. And according to a 2023 study by the National Alliance to End Homelessness, 79 percent of California's homeless have been previously incarcerated. One in five at the time of the study had been released from prison within the last six months. California is one of the only states that does not require inmates to have arranged for a place to live prior to being released.

Failure to reintegrate prisoners after they are released into the community has consequences. California's rate of recidivism is 42 percent, above the national average of 37 percent. As we will discuss in our recommendations, addressing this critical element in how we rehabilitate prisoners in California is a tremendous opportunity to cut crime.

Failure to Effectively Deal With the Homeless

Members of California's homeless population are not only disproportionately represented by ex-convicts, they also are far more likely to have either mental illness or addiction to drugs or alcohol, or both. A Los Angeles Times study conducted in 2019 found that 76 percent of people living on the streets were reportedly affected by mental illness or a substance use disorder. No comprehensive approach to fighting crime in California can ignore the burgeoning epidemic of homelessness. The pathologies of mental illness, substance abuse, and criminality - however unwitting or victimless - are interconnected and cannot be fully resolved in isolation.

From this perspective, the failed "Housing First" strategy to alleviate homelessness has arguably only increased the number of homeless in California. Allegedly to adhere to court rulings that prevent the involuntary removal of homeless encampments unless authorities can provide adequate housing, California's state and municipal governments have poured tens of billions into building free apartments for the state's homeless. Many of them stand empty. Homeless people are not getting the treatment they need because funds are being diverted to housing developers instead.

California has spent over \$20 billion in just the last five years on homelessness and during that same period of time the state's population of unsheltered homeless has grown by 40,000 people.

California's homeless policy remains badly broken. Even now, the state, cities, and counties are asking voters to approve billions in additional funding for the homeless. The nine county San Francisco Bay Area region tried to place a \$20 billion bond on the November ballot to fund housing projects for low income and homeless residents. The average cost for these public housing authorities to construct a 300 square foot apartment in San Francisco now sits at \$1 million per unit.

Meanwhile, it remains impermissible for any low income housing or homeless shelter that receives public funds to demand sobriety as a condition of occupancy. This has led to appalling abuses, as the nonprofit homeless advocacy groups measure their success based on how long a homeless resident stays in a unit. This creates an incentive for them to tolerate anti-social behaviors by the tenants they're supposed to be helping, and it has turned many public housing complexes into dangerous and chaotic environments. This is the exact opposite of their stated intentions.

Progressive District Attorneys

Legislation, court rulings, and flawed policies have all combined to increase crime in California. Furthermore, the laws that remain in force to punish criminals and deter would-be criminals are only as good as the prosecutors we need to convict them. This, too, is compromised by the "progressive" prosecutor movement. A national phenomenon, this movement is motivated by the belief that the existing criminal justice system hands down disproportionately harsh sentences on the less privileged based on race and income. The movement also believes that the system is over-reliant on incarceration, which should be a last resort.

Backed by donors committed to the principles of "progressive" prosecution, county District Attorneys have won elections and served throughout California, including San Francisco, Los Angeles, and Alameda counties. Some of the hallmarks of these prosecutors are to discontinue prosecution of misdemeanors, to release arrested subjects before trial without requiring bail, refuse to add sentencing enhancements, and completely ignore "quality of life" offenses such as drug possession, prostitution, and shoplifting. And now a new state law abets the agenda of California's progressive prosecutors.

In 2020 the California state legislature passed the "Racial Justice Act," something that on the surface reads as though it is eminently reasonable. It allows anyone convicted of a felony in California to challenge their conviction on the grounds of "systemic racial bias."

In practice, this creates an opportunity for defense lawyers to argue that if the convicted defendant is a member of an ethnic group with a rate of convictions and sentencing lengths that exceed the rate of a different ethnic group, then "implicit bias" may have unfairly affected the outcome of their case.

The result has been a flood of new appeals to reopen cases where a convicted criminal is in prison, along with discovery requests going to District Attorneys forcing them to compile and report years of data on conviction rates and sentencing durations by race.

Defunding Law Enforcement

As if all of this weren't enough, California's law enforcement community has endured the "defund the police" movement. While the impact was not felt in California as much as some other parts of the country, in 2020 some large cities were hard hit. Police budgets were cut by \$175 million in Los Angeles, by \$120 million in San Francisco, and by \$15 million in Oakland. In these cities and elsewhere, police funding remains inadequate, particularly when police have excessive constraints on their ability to enforce the law.

Numbers matter. An authoritative study by the ICMA Center for Public Safety Management estimated that 2.5 sworn officers (with the power to make arrests) for every 1,000 residents to be the ideal number. This is corroborated by FBI data that in 2017 reported a national average of 2.4 officers for every 1,000 residents in America's large cities. In California, that would suggest we need a total statewide force of 97,500 sworn police officers. In fact, a PPIC survey conducted in 2022 reported only 76,100 police in California, and a subsequent estimate in 2022 only reported 70,090 police. Using the conventional standard of 2.5 per 1,000, we only have 75 percent of the police force that we need in California.

Adding to this, as discussed, is the fact that our police are hamstrung by poorly written laws and progressive prosecutors. An important related factor is how police hours are structured. An analysis from the Center for Public Safety Management emphasizes the need to not merely examine police to population ratios, but how much discretionary patrol time is available per officer. They write: "the time available for officers to make self-initiated stops, advise a victim on how to prevent the next crime, or call property owners, neighbors, or local agencies to report problems or request assistance. Understanding discretionary time, and how it is used, is vital."

As long as the state's laws and prosecutors tie the hands of law enforcement, even reaching the standard of 2.5 police officers per 1,000 residents will not be enough. Defunding - and demoralizing - the police has left law enforcement understaffed in the worst possible environment for effective law enforcement.

Solutions: Certainty of Punishment

A key principle that must inform new measures to reduce crime is that deterrence matters. This comes with a crucial nuance. It turns out that criminals are less deterred by the severity of punishment than by the certainty of punishment. In California today, criminals have almost no fear of punishment. The laws aren't in place to make it likely they'll ever be held accountable, and either there aren't enough police to arrest them anyway or police who operate on limited resources are unwilling to spend time on yet another "catch and release" case. If California's laws and prosecutors were reoriented to a high probability of convictions with sentencing or other certain consequences, crime rates would drop overnight.

These positive outcomes accentuate an often unrecognized upside to restoring harsher penalties and higher probability of conviction for criminal offenses. Not only does certainty of punishment deter crime, but incarcerated individuals might finally have a chance to turn their lives around. This reasoning helps make an even stronger case for repealing many of the provisions of Proposition 47, and to this end, the passage of Proposition 36 in November 2024 provides an opportunity to restore accountability for criminal behavior and remove unreasonable constraints on law enforcement.

Proposition 36 - the Initiative to Reform Proposition 47

The initiative was called the "Homelessness, Drug Addiction and Theft Reduction Act." From the initiative itself, here is a summary of its provisions:

- 1 - Provide drug and mental health treatment for people who are addicted to hard drugs such as fentanyl, cocaine, heroin, and methamphetamine.
- 2 - Add fentanyl to existing laws that prohibit the possession of hard drugs while armed with a loaded firearm.
- 3 - Add fentanyl to existing laws that prohibit the trafficking of large quantities of hard drugs.
- 4 - Permit judges to use their discretion to sentence drug dealers to state prison instead of county jail when they are convicted of trafficking hard drugs in large quantities or are armed with a firearm while engaging in drug trafficking.
- 5 - Warn convicted hard drug dealers and manufacturers that they can be charged with murder if they continue to traffic in hard drugs and someone dies as a result.
- 6 - Reinstate penalties for hard drug dealers whose trafficking kills or seriously injures a drug user.
- 7 - Increase penalties for people who repeatedly engage in theft.

8 - Add new laws to address the increasing problem of "smash and grab" thefts that result in significant losses and damage, or that are committed by multiple thieves working together.

The passage of the Homelessness, Drug Addiction and Theft Reduction Act will go a long way towards reestablishing deterrence to crime in California, as long as it is implemented and enforced. However, even then, progressive approaches will still be found inside the judicial system, and police staffing will still be inadequate. We will address these and other ongoing problems in our recommendations. But another major opportunity to reduce crime in California is to effectively rehabilitate our inmates by successfully reintroducing them into society, to become productive citizens.

Solutions: Certainty of Rehabilitation

“Tough on crime, tough on the causes of crime.” Nobody chooses their parents, their genes, or the society they’re born into. Failing schools, welfare systems that undermine family stability, housing and urban planning policies that entrench poverty and disadvantage... there are many government-driven, or government-enabled factors that are relevant to crime and its causes. Early childhood trauma can damage a developing brain for life. Indeed, that is one of the reasons we devoted an entire Golden Together policy report to that topic.

One of the reasons crime-friendly District Attorneys have been able to attract major donations and win elections is because they have seized the rhetorical high ground of compassion. As we have seen however, the results have been wildly at variance with the intent. But measures to reduce crime in California will find broader support if proponents themselves emphasize compassion - which of course must start with victims of crime and broader, law-abiding society - and that the most appropriate treatment of those who commit crimes is to hold them accountable so they do not offend again.

As well as reforming our laws, expanding and strengthening law enforcement, removing crime-friendly DAs, and taking advantage of some help on the question of homelessness from the U.S. Supreme Court, then a major question is how to develop more effective rehabilitation. Crime is deterred by the certainty of punishment.

The likelihood that crime rates will drop if the ratio of convictions for criminal behavior goes up suggests that California’s prison population may not have to increase significantly in order to get crime back under control in California. This in turn suggests that while there is an intense debate over the level of state funding for prisons and law enforcement, with the right policy changes, the long-term trend may actually see improvement in law and order without having to increase spending or build new prisons. Over time, policies that deter crime may reduce the need for maximum security prisons, possibly permitting some of them to eventually be closed, or, perhaps better yet, repurposed to serve fewer inmates with more effective rehabilitative services.

These positive outcomes accentuate an often unrecognized upside to restoring harsher penalties and higher probability of conviction for criminal offenses. Not only does certainty of punishment deter crime, but incarcerated individuals might finally have a chance to turn their lives around. This reasoning helps make an even stronger case for repealing many of the provisions of Proposition 47, and to this end, the passage of Proposition 36 in November 2024 provides an opportunity to restore accountability for criminal behavior and remove unreasonable constraints on law enforcement.

As it is, California’s rate of recidivism is 42 percent, which is somewhat above the national average of 37 percent. This rate overstates the actual effectiveness of our current rehabilitation efforts, however, since California no longer prosecutes many offenses that in most other states are still considered crimes that will earn prison sentences.

Also, the reported rate would be still higher if it weren't for the state legislature passing AB 1050 in 2013, which changed the definition of recidivism from being arrested after release to being convicted after release.

California may need to retain its existing prison capacity, but at the same time it needs to reexamine the rehabilitation programs to see how they can be improved. A 2014 study found that 70 percent of prison inmates cannot read at a fourth grade level. A 2019 study by Psychological Assessment Resources found that up to 50 percent of prison inmates are dyslexic, about five times the rate in the general population. In recognition of the fact that lack of education and learning disabilities are overrepresented in the prison population, all of California's state prisons offer Community College degrees, and eight prisons now offer four year degree programs.

Examples of Success - Virginia's Cognitive Community Model

The state that has consistently reported the lowest rate of recidivism is Virginia. Defining recidivism as any instance of reincarceration within three years of release, for the last several years Virginia's recidivism rate has been around 22 percent, almost half the rate in California. The rehabilitation program Virginia uses is referred to as the Cognitive Community Model. It is a synthesis of two related programs in development since the 1990s, the "Therapeutic Community Model" and the "Cognitive Restructuring Model."

As reported by the Virginia Department of Corrections (VADOC), "the Therapeutic Community Model focuses on using behavior-shaping methods in a community setting. It involves verbally confronting anti-social behaviors and affirming pro-social behaviors. By confronting offender behavior that is antithetical to core values (called "right living") and positively reinforcing behavior that supports the values of right living, offenders make gradual change towards prosocial behavior." This model focuses on helping the inmate change their outward behavior.

The Cognitive Restructuring Model helps inmates change the "the underlying thinking that accompanied aberrant behavior." It "focuses on changing offender behavior by changing their thinking. Cognitive behavioral therapy teaches offenders to carefully monitor their thinking processes, particularly thinking that leads them to undesirable outcomes."

Virginia corrections officials worked with practitioners of both approaches, recognizing that the cognitive behavioral model was difficult to implement in a prison environment that "continually exposes offenders to anti-social values, beliefs and behaviors that shape their own thinking and behavior." The way they integrated the two models was to select inmates in advance of their release dates to move to a designated housing area where they are segregated from the rest of the general population. In this highly structured community environment they are expected to adopt rules and standards that emphasize "right living," and at the same time it is then possible to engage in cognitive restructuring, i.e., assist these pre-release inmates to change their thinking processes.

In a 2023 report on Virginia's continued success at rehabilitation, a VADOC spokesperson said "We want to make sure that those individuals have everything they need to be successful, and feel supported. So, every time we're sewing into these efforts, right, every time we are helping individuals to secure it, education, helping individuals to think differently, helping individuals to maintain their mental health, their medical needs, those individuals will be able to be more confident, they're gonna be able to have more of a successful transition."

Lessons Learned in Other States

There were common threads evident when examining successful programs of rehabilitation in other states. Programs in every case included mental health treatment, frequent access to visitors and efforts to help inmates improve their relationship skills especially with their loved ones outside of prison. There was workforce training and job skill development during incarceration. There were general education and higher education programs. There were substance abuse and mental health treatment programs including cognitive behavioral therapy such as employed in Virginia. And in all cases there were ongoing transitional services that offered support to the inmates post-release.

The United Kingdom Example - Performance Based Programs

A 2013 report from the UK Ministry of Justice (MOJ) evaluated new approaches to reducing recidivism. Its findings were consistent with what we have seen already. Reoffending was reduced by the same post-release programs already identified: addressing drug and alcohol misuse, employment training, assistance finding housing, mental health programs, family counseling, and intervening in negative peer relationships. But also getting underway at that time was something with the potential to revolutionize the practices of incarceration and rehabilitation, performance based private programs, where payment is based on results. Reporting on successful pilot programs, the MOJ report recommended expanding the programs.

These initial payment by results efforts in the UK began in 2010 when the MOJ proposed a shift of focus to privatize and decentralize rehabilitation efforts and to pay providers of rehabilitation services according to "the success that they are able to achieve in reducing reoffending." They even proposed to fund these payments, including the performance incentives, based on the subsequent savings to the criminal justice system through lower rates of reoffending. Here is how this "shift of focus" was described at the time:

"The system of payment by results (PBR) envisaged for the criminal justice system is an outcome-based approach, with the provider paid according to the extent to which they achieve agreed outcomes. This represents a shift of focus from processes to outcomes, which is intended to drive innovation and creativity by enabling providers to explore new ways of reducing reoffending, free from process-based targets prescribed by the central government. In addition, PBR is intended to better incentivise providers to improve their practice and to deliver the required outcomes by only rewarding them where they are successful. It also creates competitive tendering between would-be providers, theoretically leading to better value for money and more efficient service provision.

This model is also intended to protect, or even reduce, government spending, as payments will only need to be made where reconviction rates are reduced. This in turn, the government claims, creates savings from reduced policing, court and incarceration costs.”

The success of pilot programs has led to the expansion of this new approach in the UK, and has inspired similar programs in other countries. According to a 2018 study, “there are more than 70 projects in 18 countries, all featuring slightly different approaches to a performance-based contract. Over the last decade, the United Kingdom has successfully used a ‘payment-by-results’ program for paying private prison contractors based on their ability to lower reconviction rates (also referred to as recidivism rates) by certain percentage points in two of its private prisons.”

This so-called “shift in focus” in the UK, a practice that is spreading around the world, is something that is worth exploring in California. Each of its elements offer promising applications here: continuity between pre and post release inmate programs, decentralized administration by competing private entities, payment incentives tied to actual reductions in recidivism, and, ultimately, net savings to the taxpayer: as recidivism rates are lowered there is less burden on the criminal justice system.

Ways California Can Reduce Recidivism

A retired sheriff we interviewed shared a story about an encounter he had with an ex-con who had recently been released. The ex-con confronted the sheriff, who had made the original arrest that sent him to prison. But then something unexpected happened. The ex-con explained that while in prison, he earned a high school diploma, learned a vocation that accounted for his current employment, and had been cured of his drug addiction. Prison was the best thing that ever happened to this young man.

A related story came from someone who spent most of his career helping homeless people. He operated a private shelter that put conditions on entry. To get admitted, a homeless person had to commit to sobriety, counseling, and job training. This man and every other professional homeless advocate operating privately funded shelters that we interviewed have shared the same conclusion—homeless people are almost all substance abusers or mentally ill, or both. Whether that's the cause or the effect of their homeless status is irrelevant. They need to be compelled into shelters where they can get treatment and recover their dignity.

Each of the above examples point to a tremendous opportunity we have in California. What other states and nations have done to achieve recidivism rates that are half as high as California's share many attributes that are to be found somewhere in our system. These programs of proven value - education, vocational training, drug counseling, mental health care - need to be available where possible and mandatory where necessary. But concepts from successful programs elsewhere should also be introduced in California's prisons and post-prison programs. Here are elements of this new focus:

Pre-release structured environment

As prisoners come within 9-12 months of release, they should be moved to a separate area where they are no longer exposed to the general prison population. In this environment, a culture can be more effectively developed that rewards what in Virginia's example is referred to as "right thinking." It has been demonstrated that so-called cognitive restructuring, where inmates can be helped to monitor and modify their thinking processes as well as their outward behavior, is more feasible if a prisoner is among peers who are similarly motivated.

Post-release continuity of supervision and support

Releasing prisoners into the community without a prearranged place to live, employment, or ongoing support to avoid relapsing into substance abuse and criminality is a recipe for recidivism. Support services should include basic assistance getting the documents such as a copy of their Social Security card so they can apply for a job, getting their driver's license, arranging for health care. But these services should be multifaceted, including access to counseling, education and vocational training, and assistance to find employment.

Integration of supervised release areas with congregate shelters

If California moves away from the corrupt, 'Housing First', 'millions of dollars of subsidies for a 300 square foot apartment' model of addressing homelessness, more effective programs should move homeless people to congregate shelters that are specialized to accommodate their specific challenges. In many cases the homeless occupants of these shelters will face challenges that overlap with released inmates. For example, prisoners released for nonviolent or drug related offenses may upon release be given transitional shelter at the same facility built for homeless individuals who are themselves coping with substance abuse. There is a synergy that may be found whereby supervised, sober living shelters can serve both populations - ex prisoners and homeless people - where together they can have access to support services and prepare to reenter society.

Decentralized and Reformed Rehabilitation Programs

California can emulate the example set in the UK and other nations by involving social or for-profit enterprises in the prison and post-prison system. The program may start with the probation department in a few select counties, with expansion after these pilot efforts yielding data on best practices and identifying best practitioners. A social or for-profit enterprise will have more flexibility to create the integrated array of services as described above, and by selecting multiple firms to participate, each one working with a separate prison, or category of prisoners, or geographic region, several competing programs will be activated. This will not only allow best practices to be more quickly identified, but it will incentivize the competing firms to focus on managing costs and delivering results.

Private Sector Vocational Training

To meet the state's housing goals, California needs to train and hire up to 200,000 construction workers. For people with the requisite skills, these are high paying jobs. For example, there is a national shortage of plumbers and electricians, both of which are high paying trades. For the past several years, California has been losing skilled workers to other states. While this is a trend that must be reversed, it is an opportunity for any released inmate who wants to earn a living wage.

Performance Incentives to Reward Successful Rehabilitation Efforts

This is the most important new approach of all. We have all seen the disastrous result of turning homeless housing and low income housing over to the public sector and related "nonprofits." These entities, sadly, have an incentive to compound the problem and pad costs. We have also seen that California's Department of Corrections, despite some achievements, has not managed costs. By reforming post-release rehabilitation efforts, and inviting social or for-profit enterprises to compete, we have a chance to improve outcomes while saving on costs. Using proven examples from around the world, we can set up performance incentives where enterprises that operate full-service rehabilitation programs as described above are paid based on performance in meeting specified benchmarks, for example a released inmate holding a job for three years.

These incentives can also be offered to those that set up vocational training programs for prisoners and ex-prisoners. This fundamental restructuring of California's probationary system can be phased in over time in order to experiment and optimize the incentive formulas.

California's rate of recidivism is roughly twice what has been achieved in other states and nations. By adopting these reforms, we have a chance to lower recidivism significantly, which immediately translates into a lower crime rate. Properly structured, these programs will cost less than the current system, and in their success, will lead to even greater cost savings by relieving the burden on the criminal justice system. More importantly, this will redeem the lives of countless individuals otherwise condemned to a life of crime and incarceration, and relieve the impact on countless victims of crime.

Specific Recommendations

Certainty of Punishment and Accountability

- 1 - Increase the total number of police in California so that law enforcement strength is at least as high as the nationally recommended 2.5 officers per 1,000 population. Ensure police funding and management enables optimal deployment for fighting and preventing crime.
- 2 - Implement and enforce Proposition 36 to ensure prosecutors charge repeat offenders with felonies.
- 3 - Impose mandatory prison sentences for anyone convicted of three or more felonies.
- 4 - Impose mandatory jail terms for anyone convicted of three or more misdemeanors within a five year period.
- 5 - Require that anyone released pre-trial without posting bail to wear a remote monitoring device such as an ankle bracelet. Equip monitor to transmit alarm if disabled and mandate immediate apprehension and remand if monitor is disabled or removed.
- 6 - Saving \$1 billion per year out of a \$14 billion annual corrections budget by closing five prisons does not save enough money to be worth the loss of high capacity. Retain prison capacity.
- 7 - Empower the State Attorney General to overrule county prosecutors that decline to prosecute criminals to have the authority to either try these cases in state courts, or to selectively override the management authority of the county district attorney to designate a prosecuting attorney in that county to pursue the designated case.
- 8 - Empower local city prosecutors to try criminals in municipal courts if their county prosecutor declines to prosecute a criminal arrested by the local police force.
- 9 - Address the need for low security custody options that target low level offenders and substance abusers. Develop a continuum of facilities ranging from low cost congregate shelters for the unhoused to minimum security work facilities for low level offenders and substance abusers.
- 10 - Compel the unhoused to stay in congregate shelters and require sobriety, counseling, and job training. Redirect the billions currently used to build “permanent supportive housing” to fund construction and operation of these shelters

Certainty of Rehabilitation

- 1 - Redesign and repurpose prison rehabilitation programs to reflect national and international best practice, for example, Virginia's successful Cognitive Community Model.
- 2 - Explore privatization of the probation system, starting with pilot programs in select counties. Decentralize programs by awarding contracts to multiple competing companies.

Require integrated programs that begin pre-release and provide support for at least three years following release.

3 - Create a performance based set of financial incentives for rehabilitation firms. Incentive-based payments would be tied to specified benchmarks: for example, if a released inmate holds a job for three years.

4 - Introduce vocational programs inside and outside of prison to train workers to fill shortages in California's workforce.

5 - Require inmates to have arranged for a place to live before releasing them from prison. Where necessary, coordinate with congregate shelters to send released inmates with matching profiles to shelters that serve homeless individuals who have similar challenges.

6 - End the "Housing First" approach of building expensive permanent housing without any behavioral requirements, in favor of low cost shelters with mandated sobriety, mental health services and job training.

7 - Implement programs that offer opportunities for families, especially in low income households, to reduce the number of Adverse Childhood Experiences, in order to decrease the probability that individuals will grow up and engage in criminal behavior. These recommendations are set out in our policy paper "Parent Empowerment and Home Visiting: A Human Way to Fight Poverty, Strengthen Families and Improve Life Chances."

8 - Address critical economic factors that can play a part in elevated rates of crime and homelessness by implementing the recommendations set forth in our policy papers "Fixing California's Business Climate" and "Universal Housing Affordability."

9 - Implement recommendations in our policy paper "Modern Forest Management." Specifically, to remand low level offenders to work camps where inmates participate in forest thinning and other critical projects relating to ecosystem management in California's forests and wildlands.

Specific Recommendations

Embracing these two simple but profound ideas—certainty of punishment, and certainty of rehabilitation—offers a common sense strategy to reduce crime in California.

Californians can reduce crime without having to invest hundreds of billions of dollars. It can be done by redirecting money that is currently wasted, by expanding and strengthening law enforcement, by legislative, judicial, and prosecutorial reforms that change the rules to deter crime, and by reforming rehabilitation in order to reduce re-offending.

There is no reason California, the wealthiest and most innovative state in the nation, cannot now successfully address the new and alarming patterns of crime and disorder that have emerged in the wake of the sometimes well meaning but always destructive “criminal justice reform” movement.

Our specific policy recommendations rest on the principles of accountability, deterrence, certainty of punishment, and rehabilitation. It is not compassionate to tolerate petty theft, much less repeat offenders, nor is it compassionate to permit unrestricted public drug use and drug addiction, or to allow these victims to remain living on the streets. Compassion, properly realized, holds citizens accountable for criminal offenses whether they are small or large, and by creating an environment where accountability is certain, individuals will be far less likely to choose to commit crimes in the first place, much less graduate from minor crimes to major crimes, and to become repeat offenders.

Overall, restoring tough law enforcement will deter crime, and introducing successful rehabilitation will reduce the number of ‘career criminals.’ In both cases, these approaches will result in lower costs and a stronger, safer society.

