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# PROPOSITION 47

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On November 4, 2014,  
California voters passed  
Proposition 47.

The passage of Prop 47  
reduced certain felony  
crimes to misdemeanors  
immediately and  
retroactively.



# PROP 47 REDUCED THE FOLLOWING CRIMES FROM FELONIES TO MISDEMEANORS

- **DRUG CRIMES:**

Simple possession – personal use - of **all** drugs under Health & Safety Code Sections 11350 (heroin, cocaine, other Schedule III substances), 11357 (marijuana), and 11377 (methamphetamine, other controlled substances). No limitation on amount possessed as long as it is for personal use.

- **STOLEN PROPERTY:**

Theft of or receiving property worth less than \$950.

- **COMMERCIAL BURGLARY:**

If the theft is under \$950 and it occurs during business hours.

- **THEFT UNDER \$950:**

Including grand theft person, automobiles, firearm, animals, and theft of an access card.

- **FORGERY:**

If the amount is under \$950.

- **CHECK FRAUD:**

If the amount is under \$950.

- **CAN CHARGE THE ABOVE CRIMES AS FELONIES:**

If the suspect is a sex registrant or they have been convicted of certain prior felonies.

# IMPACTS ON EXISTING PRACTICES

- Per Department General Orders, officers are required to issue a citation and release suspects at the scene who are arrested for misdemeanors (DGO 5.06), with certain exceptions, i.e., no ID, active warrant.
- Officers are required to obtain a citizens arrest to make an arrest for Prop 47 offenses, like with all misdemeanors, if they did not occur in their presence.
- Misdemeanor cases are forwarded to the District Attorney's Office for a charging decision.

# IMPACT ON JAIL OVERCROWDING

- Less custodial arrests which will result in a lower County Jail population.

# POTENTIAL ISSUES/CONCERNS

- **PROPERTY CRIME THRESHOLD**

Prior to Prop 47, the threshold for most property crimes to cross over to a felony was \$450 and/or if a person had a conviction for a prior theft at the time they commit the new offense.

**FELONY OFFENSES REQUIRE A CUSTODIAL ARREST** - With the threshold now \$950 and/or there being no situation in which a prior theft conviction(s) makes a subsequent theft a felony, most suspects arrested for a property crime will now be cited and released at the scene, *leaving them in a position to have the potential to commit further offenses.*

- **DRUG POSSESSION FOR PERSONAL USE:**

Prior to Prop 47, persons in possession of drugs for personal use often chose to address their addiction through Drug Court in order to avoid a felony conviction.

It remains to be seen as to how many of these persons will opt for Drug Court to address their addiction to avoid a misdemeanor conviction.

- **RETROACTIVE**

*Prop 47 is retroactive.* What this means is that anyone ever arrested for a felony offense now considered to be a misdemeanor under Prop 47 will have that felony(s) conviction reduced to a misdemeanor(s) conviction.

The impact of this portion of the law has yet to be determined (e.g., possible mandated removal of DNA samples from State database collected from a person convicted of a felony now classified as a misdemeanor)

# NUMBER OF CASES

- **NOVEMBER 2014:**

The Department saw a total of 82 Prop 47 cases

Of those cases, 18 qualified for citation release = **22%**

- **DECEMBER 2014:**

The Department saw a total of 76 Prop 47 cases

Of those cases, 35 qualified for citation release = **46%**

# IMPACT ON BUDGET

- The anticipated cost savings for the SFPD are expected to be negligible.
- Officers still are required to follow many on the same procedures they would if they were booking a subject for a felony charge, which include:
  - Initial response and investigation (including canvassing the area for witnesses, locating evidence)
  - Authoring a police report
  - Booking evidence
  - Confirming the subject's identity
  - Preparing a misdemeanor rebooking packet



# Proposition 47



Questions?