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Proposition 47

Protecting our safety, providing hope, healing communities

Rochelle Solombrino was sixteen when she got her first DUI, the same age as her first suicide attempt. A year later, she nearly died from alcohol poisoning. When she was twenty-four, she almost died of a heroin overdose.

“I was on a suicide mission,” Solombrino, now forty-nine, says ruefully. “It wasn’t normal to think like that, but, back then, it was hard to understand what ‘normal’ was.”

She had her first drink at age six and was encouraged by an uncle to start smoking marijuana at a young age. Her stepfather sexually molested her.

She also knew she was gay, but because her family was conservative, and included an uncle who was a conservative pastor, she was scared to be true to herself. Alcohol and drugs were the only things she knew would numb her pain. By fourteen, she had tried not only marijuana but also PCP, LSD, and cocaine.

It should be little surprise, then, that Solombrino’s story includes a period of incarceration. After being arrested a number of times for nonviolent crimes such as petty theft, drug possession, and disorderly conduct driven by her addictions, she was sentenced to eighteen months in state prison. Solombrino became a victim of California’s misguided prioritization of incarceration over crime prevention programs like drug treatment.

“It never made any sense to me that people like myself who were convicted of nonviolent crimes were serving time in the same place as people serving twenty-five-to-life sentences for violent crimes,” she says.

Solombrino’s story is not unique.

Over a three-decade period from 1981 to 2011, the money California spent on prisons and on incarcerating people increased by more than 1,500 percent. During this time, the state also reduced the number of behavioral health treatment beds by nearly half. Meanwhile the recidivism rate skyrocketed to nearly 70 percent, meaning

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At a fair in South Los Angeles, people get help applying to have their records changed.

two out of three people released from prison committed new crimes landing them back in prison within three years.

Much of our criminal justice system has proceeded aggressively with the idea that locking up criminals for as long as possible is the most effective way of dealing with crime. But it has become increasingly clear over the years that this approach has failed.

No matter how tough we made the punishments, too many people have cycled in and out of our justice system. But we know now there are much better ways to improve public safety than locking up people like Solombrino in our jails and prisons where they not only don't receive rehabilitation services but then, upon release, are prevented from successfully reentering society because of their criminal records. After decades of soaring prison costs and recidivism rates, it is imperative that California does whatever it takes to improve our approach to safety and justice.

We have learned a lot over the years about how to deter crime and change criminal behavior. While prison is the

proper punishment for the most violent criminals, it often does more harm than good for people convicted of nonviolent offenses, increasing the chance they will keep committing crimes, perpetuating the cycle.

Many California voters believe this, which is why 60 percent of them in November 2014 approved Proposition 47, a measure that changed simple drug possession and five petty-theft crimes from felonies to misdemeanors. Polling done a year after the law went into effect shows that support for Prop. 47 has grown to 67 percent.¹

In strong complementary ways, the law helped continue to address the severe overcrowding in the state prison system that the Supreme Court ruled in June 2011 was unconstitutional, and which led to a court-ordered population cap. In the eighteen months since the law went into effect, the population of the state's overcrowded prison system has been reduced by more than 5,000 people.² Similarly, California's overcrowded county jails have also seen their populations reduced as a result of Prop. 47: a recent report by the Public Policy Institute of

California found that in the first year after Prop. 47 was approved, jail populations decreased by about 9 percent.

The initiative has also saved the state and counties tens of millions of dollars—money mandated by the law’s language to be reallocated to community-based crime-prevention programs like drug and mental health treatment that help break the cycles of crime, risk prevention, education programs for at-risk schoolchildren, and trauma recovery services to help victims of crime. Now that Governor Jerry Brown’s Department of Finance has calculated the savings generated by Prop. 47 during the first full fiscal year the law has been on the books, the money will be put into the Safe Neighborhoods and Schools Fund and dispersed early next year to local jurisdictions by the Board of State and Community Corrections as part of a grant process.

To be sure, Prop. 47 did not decriminalize misdemeanors, nor did it take away law enforcement’s ability to hold defendants accountable. Law enforcement and the legal system can still arrest, detain, and jail for up to a year someone convicted of a misdemeanor—including the six crimes impacted by Prop. 47. If someone is convicted of multiple misdemeanors, that person can be sentenced to multiple years in jail.

Significantly, the law is also retroactive, meaning that anyone in California with a felony conviction on his or her criminal record for one of the six low-level crimes impacted by Prop. 47 can apply to the courts to have that felony reduced to a misdemeanor. It’s the largest opportunity in the history of the United States for people to change past felony convictions on their records—indeed, as many as one million Californians may be eligible.

In California today, nearly 5,000 restrictions are placed on people with felonies on their criminal records, and more than half of those restrictions are employment-related. Someone with a felony conviction on his or her record, no matter how old it is, cannot obtain a cosmetology license or receive college grants, for example. As a result, many people find it hard or impossible to secure and maintain employment, housing, financial aid to go back to school, and other factors that are key to achieving economic security and family stability.

Solombrino knows this well. Upon being released from prison, she was enrolled in a twelve-step program at Fred Brown Recovery Services in San Pedro, which helped significantly as she found her feet back in society. After successfully completing the program, she started working for Fred Brown, first as a sober-living manager at one of its

residential homes and then as an office manager. Today she is the operations coordinator for the entire organization.

Having experienced sober living for seven years now, Solombrino is saving to buy her first home. Four years ago, she achieved a major milestone: getting her driver’s license back. She bought herself a used Jeep—her dream car.

But her criminal history became an issue last year when Fred Brown applied for a county contract. To qualify, no one on the organization’s staff could have a felony conviction on their record. Suddenly, despite all the work she’d done to turn herself around and get her life back on the right track, Solombrino was in danger of having all of it taken away.

But then, at a job fair, she met Prop. 47 advocates who told her about the chance she had to reduce her old felony convictions to misdemeanors. She confirmed that she was eligible and immediately filed an application for relief under Prop. 47. Hers was one of nearly 250,000 applications that have been filed to date.

“I was feeling completely defeated before Prop. 47,” Solombrino says. “Even though I’d done all of this positive stuff in my life, the county could’ve taken away my job even though I’d already paid my debt to society.”

The experience was reminiscent of one from years earlier, when Solombrino applied for Section 8 housing but was denied because of her criminal history.

“That was another defeat,” Solombrino says. “That was just another reason to get drunk.”

Increasingly, policymakers are recognizing the futility of sitting around and waiting for crime to happen and then going after the people who commit those crimes. They’re beginning to invest more into programs that seek to prevent crime from happening in the first place.

In Los Angeles County, for example, the Board of Supervisors has created a task force comprised of officials from the Probation and Sheriff’s departments, as well as other key county representatives. They were tasked with developing a plan for reaching out to as many people as possible in Los Angeles who are eligible to change an old felony on their record to a misdemeanor. County leaders are also working to create jobs and provide services to people once they have received Prop. 47 relief. They’re keeping tabs on the amount of money Prop. 47 saves the county, and they are engaging community members to help decide how that savings will be reinvested.

But in Los Angeles and jurisdictions across the state, more needs to be done.



Rochelle Solombrino.

Proposition 47 requires new approaches, and everyone in the justice system needs to be committed to adapting to the change in state law.

Local justice agencies should be expanding best practices in diversion, targeted deterrence, supervised probation, treatment, collaborative courts and neighborhood problem solving, and other strategies that can help protect public safety without wasting costly state prison beds.

Prop. 47 is a historic opportunity to get smart about our justice resources. Adapting to reform is what Californians voted for, what they expect, and what needs to happen now. The old way of doing things busted our budgets and didn't do anything to improve the health and safety of our communities. Returning to the ways of the past will only waste resources and fail to stop the cycle of crime. We can do better than we've done in the past, and Prop. 47 is beginning to show the way.

"I can positively say that although I began my road of recovery from active addiction the day I entered treatment at Fred Brown Recovery Services, it wasn't until I embarked on Prop. 47 that I started to truly believe I wasn't a bad person trying to get good, but a good person trying to get well," Solombrino says. "I began to feel real hope that I could clear the wreckage of my past, redeem myself, and restore my future." **B**

Notes

- ¹ The California Endowment, *Californians Back Prop. 47; Want Investments in Prevention*, November 2015 (available at www.calendow.org/survey-californians-back-prop-47-want-investments-in-prevention/).
- ² State of California, Office of Governor Edmund G. Brown, *California State Budget 2016–2017* (available at www.ebudget.ca.gov/FullBudgetSummary.pdf), 44.