

Speaker 1 ([00:00:00](#)):

Should I just start? Okay. All right. Hello. Welcome to Fest 2024. Can our government meet the moment first session of the day? Yeah. <laugh>. All right. I'm Bella Ross. I am the social media producer for Voice of San Diego. It's really awesome to be here today. My first time working at Politi Fest, so it's gonna be good. Um, in case you're not familiar with us, voice of San Diego is an investigative nonprofit. Our whole goal is to hold public officials accountable and give you guys the information you need to be advocates for yourself and for the government, um, or for your communities. As a nonprofit, we do depend on members and donors and sponsors to make our work possible. So we really appreciate you guys being here and supporting us. Um, I would like to dig a minute to recognize our sponsors who helped make this event possible.

Speaker 1 ([00:00:57](#)):

A special thanks to the College of Arts and Sciences at the University of San Diego for being our partner for the seventh year now. Um, our thanks also to the Quan Band of the Kuai Nation, the United Domestic Workers Union, A a RP, the San Diego Foundation Business for Good, Che Heche Development, the San Diego Municipal Employees Association, the Asian Business Association, planned Parenthood of the Pacific Southwest Atlantis Group, San Diego Art Matters, and the Southern California Rental Housing Association. We'd also like to recognize KPBS and I News Source our partners and public matters. We are all partnering this election season and beyond to share content and hopefully stimulate your conversation such as we are doing today to hopefully motivate people to get involved in their communities and get involved in the democratic process and better understand how all of that stuff works. Um, and then, so if you're unable to attend any of these sessions in person, um, I'm speaking into this microphone.

Speaker 1 ([00:02:03](#)):

There are people listening from afar tuning into live streams. Um, we will be posting these recordings on the politics page on our website next week. Uh, we welcome your questions, myself and Brendan over here. I'm gonna be going around throughout the session handing out note cards and pens. So flag us down at any time. If you wanna write down a question, I'll be taking them up here. And then at the end, last 15 minutes or so, we will have time for those. Um, and then you can tweet along with the session and share your experience at hashtag Fest 2024, um, Instagram, Facebook, and x slash Twitter. And so I'm gonna introduce our matter moderator finally hand it off. This is Will Huntsburg, senior investigative reporter for Voice of San Diego, and we're gonna be having a conversation about Prop 47 slash prop 36. Um, enjoy.

Speaker 2 ([00:03:01](#)):

Um, is this the slide guy? Yeah. Yeah. Nice. Okay. Uh, um, so welcome everybody. We got some great guests. I'm gonna introduce them in just one second. But first I wanna just give us a quick little, uh, primer on, on what we're talking about today, um, which is Prop 36. Um, but that kind of goes back to 2014 and Prop 47. Um, so Prop 47 was passed in 2014 and it reduced penalties for theft and drug possession. It was a big deal at the time. People thought it was a really great idea. Um, now it seems a fair amount of people have changed their minds about that. Um, and so with Prop 47, the specifics of it, um, it, uh, was trying, you know, California's prisons were once very, very, very overcrowded. And part of what Prop 47 was trying to do was make sure that, um, people were only in prison for the most serious and violent felonies.

Speaker 2 ([00:04:13](#)):

Um, and so one thing prop 47 did, you've probably heard about this in the news a lot. It increased, um, the threshold for felony theft to \$950. It had been about half that. Um, but it raised it so that you, the person

had to steal that much or more to be able to be charged with a felony. Um, and it also made drug possession a misdemeanor in almost all cases. Um, so that was Prop 47 that passed in 2014. Now, this year on this year's ballot, um, you're gonna be asked whether you wanna roll some of those things back or not. Um, and that's Proposition 36, um, that, that you'll be answering that question on. And what Prop 36 does is it increases punishment for theft and drug crimes. It doesn't roll back all the parts of Prop 47, but it rolls back quite a bit of them.

Speaker 2 ([00:05:08](#)):

Um, and some of the specifics on Prop 36, um, it gets rid of that \$950 threshold if a person has two previous theft related convictions. So not on your first time or your second time, but um, your third time, um, you could be charged with a felony for stealing less than that. Um, it increases sentences, um, up to three years if people steal in a group. You know, we've seen that on the news a lot. These, um, crime rings supposedly, I think we'll get into talk about whether that's been overblown or not, but we've certainly seen examples of it on the news. Um, and, uh, convictions for selling certain drugs, really hard drugs like fentanyl and heroin, the sentences can be longer. Um, and those sentences would have to be served in prison instead of jail in some cases. Um, some people with past drug convictions, if they're caught possessing multiple times, they could be charged with a treatment mandated felony.

Speaker 2 ([00:06:12](#)):

And so they would either have to accept treatment or they could get a felony for drug possession. So it would bring back, um, felony drug possession charges in some cases. Uh, prop 36 would also require courts to inform, um, people convicted of selling certain drugs that they could be charged with murder if somebody dies from them selling fentanyl to that person. Um, and the legislative analyst's office has said this would increase cost to taxpayers. It's a little unclear how much they said it could be tens of millions of dollars to hundreds of millions of dollars. It depends on how many people end up going back to prison. Um, and it also depends how prosecutors handle it. And we have a prosecutor on the panel today, fortunately, who's gonna help us understand some of this stuff. Um, so I'm gonna take a seat now and introduce these guys. Is this on? Yeah. Great.

Speaker 2 ([00:07:14](#)):

So, uh, to my far right, Geneve Jones Wright, um, she is the founding Executive Director of Community Advocates for just and Moral Governance. I believe they call it Mogo. Um, and it works to advance the rights of marginalized people in the community. Genevieve has been a major voice for criminal justice reform in this community, as I'm sure you all know. Um, she previously ran for district attorney, um, and we also have, uh, pat Espinoza up here. He is the Chief Deputy District Attorney, and he has been at the DA's office for 29 years. Um, and he manages five different divisions, superior court, sex crimes and human trafficking gangs, narcotics, and the insurance fraud, and Workplace Justice Division. And he also supervises the DA's Legislation Unit. Um, so let's get into it. Guys, thank you so much for being here today. Thanks for having us. Yeah, thanks for having us. Appreciate it. Pat, I wanna start with you. Um, the Public Policy Institute for California, um, they've looked at this question of shoplifting and how much it's increased or not. Um, in the state since 2019, there has been an increase in shoplifting according to PPIC, but in San Diego, since 2019, shoplifting is down 21%. So why should San Diegos support this measure? Well, first of all, this is a statewide measure. So I think we're looking at it from the aspect of California. And, and when you look at the numbers, if you, you

Speaker 3 ([00:08:54](#)):

Looking, looking at San Diego specific numbers, you have to understand some of the impacts of, of Prop 47. And what Prop 47 did was it reduced, uh, many thefts to so that they were misdemeanors. Um, and, and the, the issue with misdemeanors that before we could have someone had multiple thefts, then the

future thefts could be charged as felonies. And, and that change was made up pretty separate. So now when a police officer goes and tries to make an arrest on someone who may have committed a series of misdemeanor thefts, now the, the, the tools on police have changed because it's, it would be a misdemeanor arrest rather than a felony offense. A felony arrest. And by that, what now, officers cannot an a non felony arrest if it didn't occur in their presence. And so now what they're, what they have to do is they have to do issue a citation, a site and release.

Speaker 3 ([00:09:52](#)):

And so that's basically giving them a ticket for shoplifting no matter how many times they shoplift. And the problem is this, is that those folks who get that site and release, what we notice is they're not coming to court. And so when they blow off that citation, they don't come to court and they have 1, 2, 3, 4, 5, uh, shoplifting, uh, offenses. Those cases don't go to court. They're not arraigned, they don't go through the criminal justice process, and they don't end up with a conviction. And so that's why there's been an impact on the data. And also because the thefts are no longer felony theft, uh, felony theft cases, they're now misdemeanor theft cases. The problem is those are now lower priorities. So what we know here in San Diego is we have vacancies in, in filling our law enforcement officers in terms of deputy sheriffs vacancies, uh, police officer vacancies.

Speaker 3 ([00:10:39](#)):

And so they have to respond with limited resources on a priority. And so if there is a felony offense that's reported, you know, someone calls it in, the police are gonna respond to felony crimes and then go down according to resources before they can respond to, to misdemeanor offenses. The other issue is, frankly, the level of theft is such that the retailers, they're not calling the police. They're, they're simply, they're, you know, they, they in some sense given up. That's where any one of you, if you walk in, if you go into the Target Mission Valley, you walk down a couple aisles, you will see the merchandise is behind a, uh, a locked glass case. That's very different than things were years ago prior to Prop 47. That's because the retailers and the, the mom and pop businesses, they've saying things are a crisis now, and we have to do something differently.

Speaker 3 ([00:11:28](#)):

The interesting thing is, the governor himself went to Target, it was in, in the Sacramento area, and he saw individuals shoplift, and the, the workers weren't doing anything. And he had a, a conversation with the cashier and he said, why don't you do something? Why don't you call police? And the cashier not knowing it was the governor of the state of California there said, oh, because the governor changed the, the limit and it allows us to happen it. Now, that wasn't accurate, but the governor does not support Prop 36. Right. That that's true. But in this case, this was this, he was telling the story during, uh, prop one when it came up, and he was, he was sharing this anecdote and said, that is not the case. You know, you guys need to report that. But that's just an example of how many of these retailers, they just, you know, they give it up on reporting a a lot of those cases. And so getting back to your point, a lot of that data has is that we're looking to, doesn't reflect the, the seriousness of the, of the theft issue that we're experiencing at San Diego and statewide. Well, I have some follow ups, but, but I, I wanna let you get in there, Genevieve, what do you think when you hear that?

Speaker 4 ([00:12:35](#)):

So there was a lot there, and a lot of it is not true. And I want to be very clear. Before Prop 47 ever was passed by us Californians by 60%, you had people who were opposed to Prop 47, like law enforcement agencies, district attorneys across the state, and retailers who were hell bid on their plan B if it did pass. And their efforts have been to repeal Prop 47 and never give it a chance. So when I hear that police officers can't arrest, it's untrue. There is a lack of will on the part of law enforcement because they have a

point to make and they want to blame Prop 47. So the question talked about how crime trends are down for San Diego, property crimes are down in San Diego, shoplifting crimes are down in San Diego. And what we just heard in response was, if you go to Mission Valley, target, these things are encased because of this.

Speaker 4 ([00:13:38](#)):

Those things don't correlate. Now, do they? So let's talk about how we have been hyped on hysteria by the retail lobby and correctional officers and district attorneys and law enforcement officers, and they have created, manufactured a crisis. That is simply not true. And I can get into that a little bit later, but what I wanna say is this, there is nothing that prevents a police officer from arresting someone for engaging in petty theft or shoplifting. There is nothing that prevents a district attorney right now today from taking all of the petty thefts that Mr. Espinoza just talked about someone doing and aggregating them and putting them in one case and charging that as grand theft and making it a felony. Prop 47 does not stand as a barrier to any of those things. So in this conversation, I want us to be clear on the facts and not on things that have been put in front of us so that we can become angered or frustrated and say ridiculous things. Like we should be locking up criminals and not laundry detergent, because I am here to tell you that the people who are stealing laundry detergent need it, and they don't have the money. So it's not about giving them prison because of an economic crime because they're poor. It's about getting to the heart of why you would need to steal laundry detergent in the first place. And that is what Prop 36 does not address.

Speaker 2 ([00:15:07](#)):

So, um, Genevieve will stick with you for a minute. Um, shoplifting is down in San Diego, as we talked about 'cause of the numbers in four counties, it's up statewide according to PPIC. Um, you know, some people who support this measure, they're saying, we're not rolling back all parts of Prop 47. You know, you would need to be, have two previous theft convictions, or you'd need to have previous drug convictions. They say they're just working back towards the middle on this, and it's not so as extreme as getting rid of everything. What do you say to that?

Speaker 4 ([00:15:44](#)):

They're not working back to the middle. Well, we are talking about going back to failed policies. We can recall the impact on communities with the failed war on drugs. And this is exactly what Prop 36 is bringing us back to. This is a step backwards for California when you're talking about giving prison to people who have substance abuse disorders. This is what we were doing during the war on drugs and what are, where did that lead us to? It led us to overpopulated prisons that we were operating in California at nearly double capacity to the point that the United States Supreme Court said, do something about it because you are violating people's eighth amendment right against cruel and unusual punishment. Prop 47 came on the heels of that decision. So we're not talking about going to the middle, we are talking about pushing the pendulum back to where we incarcerate and over incarcerate people and ignore real solutions and put people in prison for things that we should be solving as elected officials. Hello, local government district attorneys. Where's the accountability? Right? I will end this answer to this question with this prop 36 says that it will give mandated treatment to folks who need it. How? Somebody ask that question, please.

Speaker 2 ([00:17:19](#)):

Thank you, Genevieve. Okay, we'll go back to you now, pat. Um, Genevieve brought this up and you mentioned in your first answer that there's a question of, um, law enforcement resources here, you said, um, and that if we push these things back to felonies, then that will kind of give law enforcement the, the, I'm not exactly sure how you would describe it, the, um, motivation they need to actually go out on these

calls in a way that they're not now. But, you know, I I guess I'll put Genevieve's question to you. Why can't they prioritize this now if someone can be sentenced up to six months in jail for a misdemeanor theft?

Speaker 3 ([00:18:07](#)):

There, there are two issues here. There's one, there's the theft issue and then there's the, the drug issue. And so you're speaking specifically about the theft issue. Why can't they prioritize that? Exactly. Uh, uh, I mean, one of the issues, I think I mentioned this was well, they have to be notified first. And when we have retailers who aren't calling the police, and that's not coming to the police police's attention. Um, is

Speaker 2 ([00:18:26](#)):

It, uh, you know, I mean, we know that there, I've I've done stories about people downtown who call the police. The police don't necessarily show up. Is it part of the reason they've stopped calling because the police aren't coming unless it's just like, I mean, I've heard stories of people in, you know, uh, uh, corner stores downtown saying like, I told the cops there was a knife involved just so they'd hurry up and get there.

Speaker 3 ([00:18:50](#)):

Right. Well, and also what we saw it occurred in Sacramento County was the target in the target area in Sacramento. They were calling the police every time this happened. And the response from the city attorney in that city was to, uh, to threaten them with being the target to be charged the crime of public nuisance for continuing to call. And so in part of the legislative package, the bills that were signed in AB 29 43, 1 element of that law crazily enough was they, they changed the law so that, um, city attorneys cannot charge retailers or threaten to charge them with public nuisance for reporting retail theft. So, I mean, it is an issue not just in San Diego, but but statewide, where, you know, they're just resource, um, starved and they can't respond to all these cases now, can't,

Speaker 2 ([00:19:43](#)):

How, how can we fix that? Um, will, will this proposition fix that?

Speaker 3 ([00:19:47](#)):

Well, what this proposition will do will, it will focus on not all, um, those who, people who commit thefts, but the small individuals who commit numerous serial thefts. Because the way it works is if you have documented serial theft, petty theft convictions, then the, the future petty theft that is committed becomes a felony, becomes a more of a priority for police. And it really is, I mean, it's issue of limited resources and what we're asking our law enforcement officers to respond to and what this says, it says, let's not make every petty theft a felony that's going too far. Let's focus on that small minority of, of these offenders that continue to do it despite, you know, being convicted and being convicted. Again, those folks, those are the ones that are gonna be looking at, uh, you know, felony offenses that will give the law enforcement more tools so that when they go in, they can make the arrest, even if the crime didn't occur in front of the police, they can make the arrest Now if, uh, you know, they have, if they have, for example, there's been a change in the law now that would allow them to make the arrest if it occurred on video tape and was not in the immediate presence of the police officers.

Speaker 3 ([00:21:04](#)):

So some of these rules that exist that, that that limit an officer's ability to make an a, a misdemeanor arrest would be Saul by having it it be elevated to a felony. And so that's, that's the, the response that would allow the police officers to, to, uh, prioritize. So would you, would you support a change

Speaker 2 ([00:21:22](#)):

Like that Genevieve, where it makes, uh, it easier for an officer to do a misdemeanor arrest if they have videotape evidence in that case?

Speaker 4 ([00:21:33](#)):

Absolutely. And I think we're already there. And, and that's the other part that we have to consider when we talk about Prop 36 and whether it's necessary. The answer is it's not, it's overkill. Prop 36 is not being placed in front of you or me in a vacuum. We live in a state where our governor just signed a slate of legislation. We have our legislative body who just passed in the teens laws that directly impact organized retail crime and the things that Prop 36 seeks to address. So when I hear Mr. Espinoza talk about how now police officers don't have to be a witness to a theft crime in order to make an arrest, I'm happy to hear that because guess what, that is one of the changes. But I can also tell you this, that has been the law as it relates to misdemeanors, period, not just theft offenses, that has just been what it was in California, that someone can't just tell a police officer, you committed a crime and it is a misdemeanor, and that officer who did not see you commit the crime can arrest you.

Speaker 4 ([00:22:45](#)):

So that is status quo. Now we have legislation that says an officer after looking at surveillance footage, and it is clear who that person is can be arrested. So we are not considering prop 36 in a vacuum, and this is what voters need to understand. The things that prop 36 is striving to do is actually regress us back and move us to a place where we want to move from. And so we will be moving backwards. And the other thing that I wanted to make sure that I stated was, there is no data to support that retailers or retail stores are not reporting crime. There's absolutely no data to support that at all. The data shows that law enforcement is not responding to the cause. Now, whether or not that ends up being a chicken and the egg problem where retailers are saying, I'm not calling because you're not showing up.

Speaker 4 ([00:23:48](#)):

I will tell you that I haven't seen an article or any data that actually supports that retailers are not calling the police. The other thing that I wanted to make sure that I mentioned in address was that even when a people are given citations for theft or property crimes and they don't show up, law enforcement still have this thing called bench warrants that they can ask judges for and judges can actually issue them and say, in the system, there's gonna be a warrant for this person's arrest and you can pick them up on that warrant given these conditions. So I really wanna make sure that while we're having this conversation about what has happened since Prop 47, that we are talking about reality and will, I really hope we get to the benefits of Prop 47.

Speaker 3 ([00:24:36](#)):

Okay.

Speaker 2 ([00:24:36](#)):

Okay. Um, uh, Patrick, I'll I'll give you a chance to respond to that first fuel.

Speaker 3 ([00:24:41](#)):

Well, I, I think she's speaking about citizen's arrests and, and that is cr true. You can have a, an officer can have a citizen arrest for a misdemeanor that occurs outside the officer's presence. But the problem is you have to have a citizen who's willing to side their name and say, you know, I, I agree to participate in the prosecution. Any that citizen who sees the theft at Target has to wait around until the police show up and then says, go to the officer, the officer find them and say, are you willing to, to sign this as a citizen's

arrest? Because the misdemeanor did not occur in my presence. And so, uh, and that's one of the issues that, that we've heard law enforcement express about the ability and the frustration, how, uh, a lot of the thefts that occur don't get reported. Uh, it was mentioned earlier that, you know, on the narcotics aspect of, of this, um, proposition is, you know, whether it's a war on drugs, it's not, it's a war on addiction.

Speaker 3 ([00:25:33](#)):

It's a war on addiction because someone who is in possession, simple possession of a drug would, it would still be a misdemeanor the first time it would still be a misdemeanor the second time it's, and what we've seen, because these drug offenses are now treated as misdemeanors when they used to be treated as felons before, when these cases end up in court, if they do, the judge does not have any leverage to get them treatment. Our drug courts used to be well attended with folks who would go and get drug treatment. Now, when they individuals are being sentenced and they have the option to go into drug, uh, court to get treatment, they're saying, no, I'll just sentence me. And I don't have to go through a burdensome program where I, the judge is following up on me every week. I, I come back to court and they're seeing if I'm remaining sober, what prop, uh, 36 would do.

Speaker 3 ([00:26:23](#)):

It'd say the third time you can be charged as a felon. The DA has that discretion. If the DA exercises his discretion improperly or her discretion properly, the judge, well, here's that case can still say, you know what, da, I think that should be a misdemeanor and not a felony. It has that ability to do that. And then we have the option of drug, uh, treatment mandated felonies. And that is you with the threat of incarceration, with the threat of prison. The judge can say, participate in treatment. That's what we want. We want you to get better. We don't want you to be an addict. We don't want you to say, just sentence me and and I'll go ahead and, and go about my business. We want you to be treated for the underlying cause of your addiction by going to drug court or by going to some type of treatment program.

Speaker 3 ([00:27:07](#)):

And by treating it as a felony, it gives legal leverage to the judge to be able to say, you can either choose incarceration or change treatment. It's your choice. And it's written into the statute, the statutes that says, if they're not, you know, before incarceration is even an option under this law, it has to be that they are not eligible for treatment or not amenable to treatment. So treatment has to be tried first, and there has to be some reason why they cannot go to treatment. And we've seen how drug courts were just decimated after Prop 47 because there was no more legal leverage. And there's been studies done and, and I think there's wide conclusions up the state that we have seen our drug courts have just been in, and I think it was the Institute of Court innovations that yes, 67% in California of the courts now see their, uh, drug courts just basically decimated. Well, that's

Speaker 2 ([00:28:00](#)):

What I want. One thing I wanted to ask you about, um, I think probably most of us agree that addiction is a disease. Uh, uh, and so like that being the case, I wanna stick with you, pat, like what's your, what have you seen, you know, you've been in the DA's office for 30 years, I'm sure you've dealt with people who are addicted to drugs in, in many different ways. You know, it, do people just get ready to get sober by knowing that, like that third thing's coming, that deterrence or, you know, or is it something different when their rock bottom is their rock bottom? Like what, what's your perception of that? Do you think that that would real, that will really make a serious difference for addicts knowing that that third thing is coming?

Speaker 3 ([00:28:55](#)):

Difficult question. And, and what we've seen and my experience with those folks who come through the criminal justice system, so those are the folks who have been charged with the crime and find themselves there. I had the, the, the privilege of when I was, uh, years ago in, in, uh, the South Bay, um, branch office of the court system to be one of the founders who, who started the drug court in South Bay. And what we saw, and what that consisted of is folks who are at their lowest, they're not gonna necessarily choose to go to treatment, but there, there are a population of individuals who have to be forced into treatment. And there's a healthy debate to say, you know, should you force people into treatment? Well, for some individuals who just won't get better, um, that is the only option. And we've seen people who successfully move through the, uh, drug court program, come to drug court graduation, and they've expressed thanks.

Speaker 3 ([00:29:43](#)):

They've expressed thanks to the judge, uh, to the prosecution to say, I wouldn't have got better on my own, but for forcing me into this program. And that program made them better. So it's not this, it's not a one size fit fits all. It's not the same answer for everyone, 'cause a bunch of individuals. But we've have seen the successes how folks who otherwise would turn their back to treatment but found themselves in the criminal justice system and, and participated in drug work got better and, and went on a positive path. And so I think that that's a success story and that's what we're after. It's not a war on drugs. We don't wanna go back to that. It's a war on addiction. Genevieve, Genevieve,

Speaker 2 ([00:30:18](#)):

What, what do you think the answer is, um, when it comes to serious addiction in California and the serious drugs we have out on the street? Obviously you don't think prop 36 is the answer, but, but what do you think is the right answer for, for how we deal with, you know, addiction in this state?

Speaker 4 ([00:30:40](#)):

I can tell you that this rhetoric of declaring a war on addiction is exactly why we're in the place that we're in war on addiction. We have to treat addiction, substance use disorders as the public health emergencies and crises. They are this rhetoric about declaring war on addiction and putting people into prison or even jail because they have an addiction is preposterous. This is how America as a whole has dealt with addiction. And this is why we are the most carceral nation in the world and why we look the way we look compared to other countries who are less carceral. And what I mean by that is when other countries have taken a different stance and have treated these same issues as public health crises, they don't have the addiction problems we have. And we can do this about every other issue where, whether it's gun violence and see how other countries address it.

Speaker 4 ([00:31:47](#)):

But this rhetoric of declaring war on addiction, it's what got us here in the first place. I can tell you that, that failed war on drugs we were in, they probably had that same notion. And who did it impact? It impacted communities of color because we got the harsher sentences for things like crack cocaine and we did not go to the underlying causes. That's the answer. The answer is addressing it like the public health crisis. It is an emergency, it is the way that we are now starting to see compassion around fentanyl use. Do you, did you hear the difference in how we're talking about fentanyl use versus how we would talk about crack cocaine? Right. We need that same compassion on every single level. The second thing is we've gotta get out of this idea that somehow we can just incarcerate our way out of problems and not do anything for the complex social issues that are the offspring of what we're seeing.

Speaker 4 ([00:32:49](#)):

And so Prop 36 for me is not a solution at all because it actually diverts funding from the things that address the root causes. With Prop 47, we got savings of, by the Attorney General's number \$95 million,

that's the Attorney General's number for last year. I've seen reports that it was upwards to \$113 million in savings in our last fiscal year. And that's the Policy Institute of California with that number, prop 36 is going to take away the savings that we had from diverting away from our prison system. And where we have been able to use that money for K through 12 education, for mental health care, for trauma recovery services for victims or in crime survivors, that is where Prop 36 is going to take money from. So how do we solve an issue by creating more dire situations that is only gonna feed the same problem that we're saying we're going to address? And that's what Prop 36 does.

Speaker 2 ([00:34:04](#)):

Yeah, that, that's an interesting point you bring up there. Um, Genevieve, the, what happened with Prop 47 is that any savings the the state got from not locking people up so much that money is required to be spent, um, on things like treatment. And I don't remember the full list, but several other things. Um, and, and that money obviously is going to be cut into. Um, and so that \$95 million can be less, presumably it could even be zero or in the other direction. Uh, talk about the money aspect there.

Speaker 3 ([00:34:40](#)):

Sure. And what we have to, we have to start with, in 2006, there were 137,000 folks in state prison in California. We've seen reforms over the years. So that number has gone down. So it was about 94,000 folks in state prison. I wanna say probably the year

Speaker 2 ([00:34:57](#)):

Before. Yeah, we were like fourth in the country and now we're somewhere in the middle, I think, in terms of incarceration rank. Right,

Speaker 3 ([00:35:03](#)):

Right. And the LAO, the legislative analyst ops is predicting that that number will continue to go down and be about 90,000, I think is probably where we are expected to be next year. However, add that with, you know, now prop 36, what will Prop three six to? So Prop 36 is estimate by LAO will increase the prison population by a few thousand. So that will put, put us back up to where it was last year. And so the, the way, excuse me, the funding is how much is there a prison savings? There will be still a prison savings that will be there for programs, but as, as Genevie mentioned, 36 is not in a vacuum. And we pr passed Prop one, proposition one, uh, in the March or June ballot, I think it was. It'll go into effect next year. And that it, that's about almost \$7 billion in bonds for, um, facilities that will treat folks who suffer from mental disorders and from substance abuse.

Speaker 3 ([00:35:58](#)):

And so that's another funding that's potentially out there as well. And so, you know, while it's right to say that Prop 36 does not provide more, more money, it it does, what it does is it's in a environment where there are other sources of brev that will be there. It does not eliminate the Prop 47 money. The impact will be the measurement of savings from where we were at the beginning to where we are now. There will still be some savings, but it will, it'll be about a few thousand more inmates in in prison. It's projected by the LAO.

Speaker 4 ([00:36:32](#)):

Will, can I, can I just add this little tidbit? The Attorney General has stated that the savings that we've enjoyed as a result of us passing Prop 47 has been hundreds of millions of dollars. The number that I have is \$800 million in savings since Prop 47 became law. The Attorney General has stated that if we vote in Prop 36, the savings will only be maybe tens of millions. So this is an exponential change and I really

want us to understand that it's not just about diverting funds away from things we absolutely need, but there is gonna come at a cost to us taxpayers. And is that a cost that we want to take on? And I'm, I'm not just talking about a financial cost, I'm talking about human costs as well. And this is what we have to consider when we have something like Prop 36 being pushed in front of us.

Speaker 3 ([00:37:34](#)):

Can I just jump in real quick? Yeah. Not gonna disagree, but I'd say we've had Prop 47 for, you know, 10 years now, and do we have enough resources now to provide treatment and programs for all those folks who, who have, um, substance abuse problems who come through the criminal justice system? And sadly the answer is no. So, you know, what, what it, what it that emphasizes there still is a need on the part of our, our policy makers is to divide, divert more resources. And I think that's what they're trying to do with things like Prop one and thankfully Prop 36 will operate in that environment. Well,

Speaker 2 ([00:38:08](#)):

Can I

Speaker 4 ([00:38:09](#)):

Oh, in market? Yes. Okay. Please, please. 'cause Okay, thank you. Please thank you for indulging me on this.

Speaker 2 ([00:38:14](#)):

Um, you know, uh, so this, this, um, we know that when we try to make laws tougher in this country, that frequently falls on the backs of black and brown folks. And so, you know, in this case, um, you know, how, how does that make you feel about strengthening those laws and like it, that that disparity that's at the heart of our criminal justice system sometimes. Sure.

Speaker 3 ([00:38:43](#)):

And part of my job is I go up to Sacramento and I will, you know, advocate on behalf of legislation, uh, or oppose legislation. And we see a lot of changes coming outta Sacramento in the last few years. Couple of 'em, lemme talk about the Racial Justice Act and what, and so Prop three six, if it were to become law, it would operate in an environment where the, where the Racial Justice Act is currently law. What the Racial Justice Act does is if someone says I was the victim of discrimination or I a person of color, I was, uh, negatively impacted by this law. Uh, the Racial Justice Act is a tool that their lawyers can use and bring on their behalf to say, judge, let's look at this to make sure race didn't serve an improper, uh, reason in the way this person was charged and the ultimate, uh, consequence the person received.

Speaker 3 ([00:39:28](#)):

And so that's, that's, that's, that's a protector that we have that's in place in the environment where Prop three six will act. In addition, we have another, uh, reform, and that reform is race blind charging that will take effect. I think it's either next year or the year after. And what the Race Blind Charging Act does, it says, when police law enforcement submits a case to a prosecutor to review, they can't know the race of that individual. So that has to be redacted out. They have to, they have to prepare police reports in such a way that they take out all reference, that they could possibly know the race of the person being, um, asked for charges. And so that takes that So you

Speaker 2 ([00:40:05](#)):

Feel pretty, you feel strongly that this will be implemented equitably?

Speaker 3 ([00:40:10](#)):

I think so, yes. I mean, that's the reason when they asked let's make these changes, it was to, to address those concerns. And so Prop 36 will operate in that environment. Geneva,

Speaker 2 ([00:40:23](#)):

She was right. No goodness.

Speaker 4 ([00:40:25](#)):

Yes, I was, I didn't want, I didn't wanna forget what I had to say. There's just so much here. Why can't you make this session three hours? My goodness. So I just, I I wanna say that, um, I sit on, uh, the implementation group for the RJA, the Racial Justice Act that Ms. Dar Espinosa just talked about. And I will tell you that San Diego has not granted now one judge of San Diego has granted an RJA motion in this county. Okay? Um, so I really want us to be clear that things that are being, and I think it's a great tool, I helped

Speaker 4 ([00:40:59](#)):

Write it. Hello. Um, and, and I wanna teach attorneys and continue to teach attorneys how to use it. But I, I I wanna say that we don't live in a, a perfect world, okay? One thing we know for sure is that Prop 47 has actually narrowed the, the disparities for racial justice when you look at arrests and bookings of African Americans, for instance, before and after Prop 47. So that is a tried and true, um, impact that we can point to and say, you know what? The data supports that there has been this change and the disparities are now lessened because of Prop 47. But Mr. Espinoza said something that was very interesting to me, and it was that we don't have enough money right now to support treatment of all these people. Well, what do you think is gonna happen if we pass Prop 36?

Speaker 4 ([00:41:52](#)):

And that is my biggest concern. Again, it's overkill. I think it's unnecessary. But let's think about this. If we already don't have enough money to treat the people we have, then what happens when we actually take away that funding for mental health care, for drug treatment? And so you have less money in the pot, and then you're cycling people in and out of prison, and there's stigma attached to that. You know, the, the, the, the, uh, session name is Prop 47, our felonies. The answer I think we all know felonies can never be the right answer because it just gives another obstacle. And the one thing we haven't touched on is this purported solution for homelessness, which Prop 36 does nothing to address homelessness, but that's a another issue. But there's all these buzzwords in Prop 36 where they get to say, we're gonna help people, we're gonna help people, and people are gonna get into treatment.

Speaker 4 ([00:42:44](#)):

When we talk about why drug court attendance and participation is down, this is a perfect example of why Prop 47 is the perfect scapegoat for district attorneys and politicians and people who don't wanna do their job. I'm gonna be very honest with you, participation in drug court or any court ordered programs has to be looked at as a complex issue that does not distill down to Prop 47 being the law. We have to look practically at what drug court and programs actually demand and require of participants. One that they just stopped cold Turkey. How realistic is that? Do I want to volunteer to go into withdrawal with no help and I'm gonna be kicked out of a program or be placed on some sort of censure because I tested dirty? Because I use, and we all know that relapse is a part of recovery, right?

Speaker 4 ([00:43:45](#)):

So when we're talking about why numbers are down in certain programs, prop 47 is not the reason. The reason could be a slew of other things. How we do the programs, the, the demands that we make on the participants will, there's so much to say. Let me just, I'll end there, I will end there. But, but the, the problem is that Prop 47 has been scapegoated way too much, and it is not the cause of these issues that Prop 36 actually says it addresses and doesn't. And the last thing I will say on this will is we never give reform a chance. Prop 47 has only been on the books for 10 years. And I'm gonna say only because how long have we been completely punitive? How long have we not been focused on rehabilitation? How long have we been focused on incarcerating our way out of things? How many decades? And we give this 10 years and it's actually proven successful and now it's time to push the pendulum. And I'm using push the pendulum intentionally because it's not swinging. They're pushing it into a certain direction and it is incumbent upon all of us to not let that happen. And that's why we should be no on Prop 36. Let

Speaker 2 ([00:45:04](#)):

Me ask you about that, pat, you know, what, what if we, um, doubled down on treatment instead of going back in the other direction? Like, do you think that could also be an answer?

Speaker 3 ([00:45:21](#)):

Well, you know, we've had Prop 47 for, for 10 years, and the promise was gonna be that there's then there's, there was savings that there were gonna be adequate programs. And we, have we seen those adequate programs? I, I don't know. Um, what we did see instead was drug courts attendance, uh, being decimated. And so the, the reason that we're seeing from the court perspective is, well, there is no leverage to get folks into our drug court programs. This will potentially be that, be that leverage. And so the hope is that, you know, there is policymakers say we need more programs, we would welcome that, uh, 'cause that the judges could then, um, offer that as, as a, as a solution. And, and if not, we have drug court. And then we can hope that pro, uh, proposition one meets its goal and builds facilities and, and provides more opportunities for treatment for both those who suffer from mental illness and from substance abuse.

Speaker 2 ([00:46:17](#)):

Do you, do you agree with, um, what Genevieve said that that what's going on with drugs is a public health crisis?

Speaker 3 ([00:46:26](#)):

Well, yes, I think so. But we see there's an intersection with those who, who suffer then find themselves also in the criminal justice system. Some of them, we, we see the folks that are retail themes often do that because they're, they're feeding an addiction. And so, you know, oftentimes the public health crisis crosses into the criminal justice system and then it becomes the responsibility of the criminal justice system to come up with ways in which to address that.

Speaker 2 ([00:46:52](#)):

Um, thank you both. We're gonna jump into some questions. Thank you all for submitting your questions. I have them here in note cards. Um, but, um, one person is gonna get a little special treatment and that is an errand price fellow who's with us today. They're gonna, um, stand up and ask a question. I'm trying to find their name on this paper so I can lead it to you, <laugh>. Okay, here you go. I'm gonna actually let you introduce yourself. Sorry.

Speaker 3 ([00:47:28](#)):

Hello,

Speaker 5 ([00:47:28](#)):

My name is Sophia Rosa. I'm a senior at Point Loma High School. Prop 47 has helped to redirect funds away from the prison system and into K through 12 schools. How will any revisions to Prop 47 impact the positive effects that it has already had on our education system?

Speaker 2 ([00:47:47](#)):

You guys got that,

Speaker 3 ([00:47:49](#)):

The impact on the education system, was that your question? Well, I mean, I, I could take a stab. I I, the way Prop 47 was set up the funding a a a portion of the funding would, I think it was 10% of the funding would go to, um, the schools and so forth. And so potentially that pot of money that's available to be passed out could be reduced to some degree. How much we don't know. It depends on what the stakes are. So I mean, it it's pretty speculative at this point to be able to predict how much, you know, the budgets are gonna be impacted, but we would suspect there'd be some hopefully minimally

Speaker 2 ([00:48:23](#)):

Joy <inaudible>. Yes.

Speaker 4 ([00:48:25](#)):

Thank you Sophia. Um, when we look at what Prop 47 actually did, it took money away from the prisons and basically from those savings put into three different pots, the schools being one, the first pot, which is the biggest portion of it was money that would go towards, um, mental health care and things of that nature. And that was 65% of the money. And then you had 10% of the money going to trauma recovery services for crime survivors. And then 25% will go through our K through 12 education system. What we saw with the money, what we still see with the money that comes from Prop 47 for our students is we have more in support programs for people who we call at risk. I don't necessarily like that term, but for our students who may be struggling in school for whatever reasons because of whatever's happening in school or even at home, their environment, what we know is that Prop 47 has helped to keep our students in school where school had been a challenge for them.

Speaker 4 ([00:49:28](#)):

It has supported afterschool programs and have given our students more opportunities and put them at less risk of being harmed or engaging in harmful activities. And what is gonna happen is if Prop 36 is passed is we are going to see those funds no longer be given to our school system, especially at that level. Obviously we're gonna have some funding that goes to our schools because that's just required under the law. But Prop 47 gives 25% of those savings. And again, we've saved \$800 million to the Board of Education to do what it needs to do for our K through 12 students. That is a huge amount of money that we are no longer going to have at our disposable, at our disposal to use for our students. And that is another fear of mine.

Speaker 2 ([00:50:23](#)):

Um, so I've got a question here for you, Patrick. I dunno what is going on with the sound, but I apologize. I definitely am not the right person to fix it. Um, oh, I also, I was supposed to give a better intro to the Aaron Price Fellowship. That was our Aaron Price fellow Sophia Rosa. And if you've never heard of the Aaron Price Fellows program, it um, selects 40 kind, inquisitive, open-minded ninth graders every year from a pool of 300 applicants for a three year journey. And they go behind the scenes like right now today to see how cities function. They explore the role of community members in shaping society and, um, it's

been around since 1991. Um, so yay for Aaron Price, fellas and <laugh>. Um, so, okay, so Patrick, um, you mentioned that law enforcement officers are currently resource starved, wouldn't changing theft to a felony cause resource starvation in other areas or crimes. Why not advocate for increasing law enforcement resources so they can respond instead of this, uh, change with Prop 36?

Speaker 3 ([00:51:32](#)):

Well, the focus would be on the, those serial thieves under Prop 36. So it wouldn't be all thieves. Maybe the ones that create the most damage both to the retailers, to the mom and pop shops, the ones that are a priority and should be a priority. And it was the state auditor two months ago. In July of 2024, they issued a report. And in that the state auditor of California made a recommendation. The recommendation was that there needed to be, uh, a change in Prop 47 so that you can focus on those recidivists who are the, you know, the folks that commit three or four thefts and just are not deterred. And so, you know, they're, the approach is let's identify those small subset of individuals who are the recce recidivate themes that should be the legitimate focus of law enforcement. And so it was not gonna be a widespread, um, approach, but one that's much more limited. And I think that's gonna be a more strategic approach for law enforcement to help them.

Speaker 2 ([00:52:30](#)):

Um, I'm gonna go ahead and hop onto the next one and give it to you Genevieve. Um, are there provisions in Prop 36 or elsewhere that requires the state to pay for court ordered drug treatment? If not, doesn't this keep people from actually affording treatment facing indebtedness or imprisonment?

Speaker 4 ([00:52:48](#)):

So that's actually a really big pitfall in a drawback, uh, for Prop 36. There is nothing in the language of the initiative that actually talks about a source of funding for all this mandated treatment. Just think about that. We're gonna mandate treatment, but how are we going to fund it? And this goes back to something Mr. ESP Esposa said earlier, we already don't have the funding to do it. Mayor Steinberg, mayor of Sacramento, who also, uh, used to be in the California State Assembly talked about how 18 counties in California don't have one single drug treatment bed. So when we started this conversation, we talked about how this is a statewide problem. How can we make it mandatory for counties to give drug treatment and to fund these programs without a source of the funding? Where's the money coming from? How is this going to actually work? It's not, this is gonna be another mandate from the state that we're not going to be able to fulfill. We don't have the money to do it. So no, there's nothing in that piece of proposed legislation that actually gives a source of funding for drug treatment or homelessness.

Speaker 3 ([00:54:09](#)):

I, we agree. I can just say I think we're both in agreement here, is there's not the resources to provide beds for everyone who is charged with a a drug crime comes in the court system. But just because there, there aren't enough funding to provide them beds in a residential treatment facility doesn't mean they should get some treatment. It doesn't mean that they should go to drug court or somehow do something be ordered by a court to address their underlying condition of, of substance abuse in some way. And so the, and we will never, as the state of California, with all the obligations we have, be able to find residential treatment in a bed for every individual who has a narcotic problem that's unrealistic to

Speaker 2 ([00:54:48](#)):

Treat everybody in the state, you think it's unrealistic

Speaker 3 ([00:54:50](#)):

To treat, to have a bed for them to have a residential treatment where you have a place that, that does not seem likely to somewhat for all the folks that have a drug problem because the drug problem is so great, but what this would do was it gives them some type of treatment and with that's drug court then that's the service that be available. And we've seen folks who've gone through the drug court system. It's not a bed for them, it's not a residential treatment facility, but it does allow them to address the issues of addiction. And we've seen them get better. We've seen them come back and say, can you explain

Speaker 2 ([00:55:21](#)):

A little what drug court is? Y'all both talked about it quite a bit.

Speaker 3 ([00:55:24](#)):

Drug court, it's first, if someone was convicted of a drug offense, um, and this is different than where they're ordered in a lockdown bed and you know, they have to stay there. Drug court would be, you're, you have strict conditions you can't use, you're tested for use. Maybe you have to go to narcotics, uh, uh, anonymous classes. You come back, see the judge once a week with your lawyer, with the other folks that are in drug court with the judge, and you address those issues of your addiction. You talk about your struggles and you work with those folks and they know I gotta go back to court for my weekly court date and address these issues. The court's looking at me. Um, they have law enforcement officers that'll reach out to them and, and, and follow up with them during the week, see how they're doing. Mm-Hmm, <affirmative>. So that's what I,

Speaker 2 ([00:56:08](#)):

The case is dismissed if they right

Speaker 3 ([00:56:09](#)):

And you get dismissed. And so what I'm saying, there's not money for treatment. There's not money for residential, you know, in-care treatment for everyone. But that doesn't mean we just ignore that. We don't offer them no treatment at all. Because by coming through the court system and, and if the court has the ability to say, we need you to participate in the type of treatment we do have, be it drug court or whatever, whatever kind of, uh, programs can be available that is still some good and it's better than the alternative. The alternative is when these folks are coming into court, they're being sentenced on their, their felony offense and they're just saying, put me on probation. I'm good. I'm not gonna participate in any treatment. And we've missed the opportunity to address that underlying problem of addiction that they have.

Speaker 4 ([00:56:55](#)):

The missed opportunity is diverting funds away from what would actually fund treatment programs, which is what Prop 47 already provides for. Prop 47 gives funding to nonprofits that engage in recovery work. It gives funding to the courts for recovery programs. So what we're talking about, what Prop 36 is taking away that funding and putting it back into our prison system, that's a problem. So whether they need a bed or they can do outpatient treatment, the point and the problem is that we're not going to be able to give the treatment at the level we need under the rubric of Prop 36, because it takes away funding that is vital to support the programs we need to give people the help they need to address the underlying conditions and issues.

Speaker 2 ([00:57:52](#)):

What'd you think about what Pat said about how it seemed, you know, unlikely that we were gonna have all the beds we need for, you know, people who need them in California. Like, is, does that strike at what you were talking about? About we haven't given prop, um, 47 enough time?

Speaker 4 ([00:58:10](#)):

We absolutely have not, but I think that that statement really calls into question what the heck we're trying to do with Prop 36.

Speaker 3 ([00:58:23](#)):

What we're trying to do is provide the legal leverage so we can use the resource, resources, resources we had in the, in the past, like drug court. Because the alternative is we're folks just say, I don't want any treatment at all. Isn't, isn't appropriate.

Speaker 2 ([00:58:37](#)):

Um, okay. So another question here, um, Patrick, you referenced serial misdemeanor, perpetrators not showing up to hearings and such. Why is your office not prioritizing prosecution of those people, um, to address the sense of crisis people feel right now?

Speaker 3 ([00:58:55](#)):

Well, when, when someone doesn't show up for court, then, you know, we can get, put a bench warrant in the system and then, I'm sorry, <laugh>, we, when someone doesn't show up for court, um, the way the system should work is that there would be a bench warrant that's put into the system and that it hopefully law enforcement go make an arrest. Or when they cross paths with that individual, again, because another arrest, another contact, you run 'em up, you see that there's a warrant and then they can hopefully bring them into the system. Bringing them in the system means booking 'em into jail. Staying in jail till you go to court. 'cause this is if the type of offender that won't show up at court on their own. However, when we're talking about misdemeanors, the jail won't book misdemeanors because as a function of some reforms, AB 109 that we had in 2011, where now our jails are places where felons are being punished and set of prison.

Speaker 3 ([00:59:47](#)):

So there's not a lot of room for misdemeanors in some of our jails. And so now oftentimes in big cities and big counties, the the county sheriff is not booking mis misdemeanors. If you're charged with a misdemeanor that's deemed as not serious enough where you're gonna stay in jail. And so it's this perpetual, like hopefully they will come to court on their own promise, even if they're picked up on a warrant, on a misdemeanor warrant, we can't keep 'em in custody, get them into court. If they're the type of individual that says, I'm gonna show up for court on all the future court dates, then yeah. But if they're the folks that they on their own, if they're homeless or they're out of custody, those are the kind of folks that obviously have a lot of barriers and challenges on getting transportation and come into court and going through all the court process. And that's, that's the challenge.

Speaker 2 ([01:00:35](#)):

I know, um, uh, Genevieve wants to respond, but I have a question that, um, I feel like it would be malpractice of me not to ask you, Patrick, is, you know, how aggressively will your office use this law if it passes? The legislative analyst's office has said that part of the cost we'll see is dependent on how prosecutors use the law. Obviously prosecutors have a lot of discretion in what they charge and the type of plea deals they do. So, so how aggressively would you use the law?

Speaker 3 ([01:01:06](#)):

Well, when you say use the law, we're talking about both the, the, on those committing drug offenses and theft defenses, right? Yeah. I mean, we will look at the individual as we do every case, look at the circumstances of the case and look at their criminal history and decide does this person deserve to be

charged with a felony or is a misdemeanor, all right? And if we make the call and that's the wrong call, we charge someone with a felony. We have what's called a preliminary hearing where we put on evidence the judge, here's the evidence, looks at the individuals and has the power under this law to say, you know what? I think the DA got it wrong. I think this should, this one should still be a misdemeanor. And so it it's that protection that's built into Prop 36.

Speaker 2 ([01:01:45](#)):

So on the, I mean, I guess do on, do you envision that when it comes to theft, say when you see a person show up for the third time, um, and the the amount they stole is over \$950, do you envision that most of the time you're gonna go for that felony?

Speaker 3 ([01:02:00](#)):

Well, if the amount they stole stole, you said over nine 50. Yeah, if it was over nine 50, it would, it would be a felony today. Uh,

Speaker 2 ([01:02:07](#)):

Oh, sorry, sorry. Under nine 50, excuse me.

Speaker 3 ([01:02:09](#)):

Right under nine 50. Again, it would depend upon the circumstances. What I can tell you is that within the city of San Diego, that that prosecutes misdemeanor theft cases, we estimate there were probably about 500 cases that were prosecuted as misdemeanors in the city attorney's office that likely would be evaluated by the DA's office for potential filing

Speaker 2 ([01:02:31](#)):

500. Yeah. Um, and so you all would consider that 500 each individually is what you're saying? Yes. Genevieve, I wanna let you get in there before we run outta time.

Speaker 4 ([01:02:42](#)):

I just wanna say hogwash. Hogwash. Y'all mean to tell me that if the district attorney's office or the city attorney's office ask the judge to issue a bench warrant and that bench warrant is executed right, and we're talking about a serial thief, right? This is the context that somehow they're gonna be able to get outta jail when there's a bench warrant that they're being held on. That's not how it works. They would be held in custody until their appearance in court because that is what secured their presence in court. And then they would have to answer to it. They would be arraigned and then it would be in the system. There is no world in which we live, especially not in San Diego County, where a person can bail out in a bench warrant because there's gonna be no bail. Now I really wanna make sure we understand this because the broader context to all this is the lack of will, I'm sorry, will, but it's a lack of will they have a point to prove this is why they're not showing up when they're being called.

Speaker 4 ([01:03:52](#)):

This is why they're not making it a priority to actually go and get those people. 'cause they wanna complain, they wanna say, we have to do something about Prop 47 and I can't pick up these people who are not showing up to court. And so they just keep going to Walgreens and they keep gonna cvs and they keep thieving. There's something you can do. And the issue is that they're not leveraging the law as they can and as they should. I will repeat it again. District attorneys right now can take a person who has been involved in crime sprees, even if they're all under \$950 and put them into one case and make it grand theft if there is a common scheme plan, whatever. And I also wanna say Prop 47 has nothing to do with

organized retail theft crime. That has never been a part of Prop 47. We have the legislation, um, we have legislation about that that the governor just signed. But I also wanna just put that myth to rest. This is not why we have this surge of organized retail theft. It's not because of Prop 47, but no, the answer is they're not leveraging the, the tools they have at their disposal right now because they want excuses to repeal and roll back. Prop 47.

Speaker 2 ([01:05:06](#)):

Patrick, we're, we're pretty much outta time, but I do want to give you a quick chance to respond.

Speaker 3 ([01:05:10](#)):

I appreciate that. And, and what, what Ms. Jones Wright doesn't appreciate is the radical changes we've seen in the area of bail law, in light of Humphreys and so forth. The ability to get no bail is, is non-existent with the exception of like your LWOP murders and things like that. They have, you know, in the post Humphrey cases. We just don't see that that's the reality. And I, I, you know, I don't know how, how, how frequently you handle those type of cases, but it has, it's been a radical change in the last three years in some of these post Humphrey cases that we've seen. And so that's, I think, contributing to the problem. Also, during the pandemic, they had what's called zero bail, which I'm sure you're familiar with. They just said you're out, you know, you can't stay in jail. They, these folks would be arrested, they're out, they're out that door because the, at that time, the, the idea was let's keep the, uh, the jail population down. And so that's been a real problem with our ability to,

Speaker 1 ([01:06:00](#)):

But that was not prop 47. Right? You're

Speaker 3 ([01:06:02](#)):

Right. That was not pro, that was during the pandemic. We will end on

Speaker 6 ([01:06:04](#)):

Agreement. Good job,

Speaker 3 ([01:06:06](#)):

<laugh>.

Speaker 6 ([01:06:07](#)):

Thank you so much, y'all, that was awesome. I had a really great time. You were great. Y'all were great. Thank you so much.

Speaker 1 ([01:06:17](#)):

Thank you everybody for joining us. The next session starts at 1130, so you have a little time to break. Use the restroom, do what you need to do. Um, if you enjoyed our session, you can sign up for our weekly newsletters at [voice of san diego.com](http://voiceofsan-diego.com). And thank you again to our sponsors and wonderful volunteers. Enjoy the rest of the summit.