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California's Proposition 6: **Safe Neighborhoods Act— at What Risk to the Poor?**

by **Francis Villaseñor Guzman**

This November, Californians will be asked to vote on Proposition 6, the Safe Neighborhoods Act. The Act is commonly referred to as the "Runner Initiative" after its sponsor, California State Sen. George Runner (R-Antelope Valley). The proposed law is an attempt at comprehensive reform to combat crime and gang activity. But Prop 6 is becoming increasingly controversial -- community leaders, civil rights advocates, and public officials argue that it will do more harm than good, specifically in communities of color.

At the heart of the debate are the likely effects of such an aggressive approach to crime prevention and punishment. Prop 6, co-authored by Mike Reynolds (author of the Three Strikes Law), would increase funding for law enforcement and prison expansion, while also getting tougher on crime with enhanced penalties for felons and gang members.

Meanwhile, many critics argue that the increase in funding for law enforcement activities, combined with a decrease in funding for drug treatment, mental health, and education, will result in the arrests of more youth, particularly youth of color, with harsher consequences.

"George Runner isn't waging a war on crime. He is waging a war on our schools; he is waging a war on health care and social services in the

state," says Jakada Imani, Executive Director of the Ella Baker Center for Human Rights. "Effective public safety results from employment and a strong economy, which is based on a strong school system."

Prop 6: Increased Spending and Redirected Funds

Along with a national mortgage crisis, dwindling tax revenues, and a failing economy, California's budget problems are particularly severe. This year, California faces a \$17 billion shortfall which will likely result in further budget cuts to public education, health care programs, and other publicly funded services. Amidst these budget woes, Prop 6 would increase spending without raising funds to replace those expenditures.

Prop 6 redirects money from state funds, some of which currently fund education and youth crime prevention, to law enforcement. For example, the State Penalty Fund collects money from offenders owed for fines and victim restitution and distributes the funds to various programs as well as the state General Fund. Prop 6 would redistribute the State Penalty Fund, giving a greater proportion to law enforcement, district attorneys, probation, and victims' programs, while eliminating any amount going to the General Fund and the Department of Education.

Similarly, the state Youthful Offender Block Grant program received \$24 million in 2007-2008 to assist counties with funding to

incarcerate youthful offenders and provide treatment services. Prop 6 would increase the Youthful Offender Block Grant funds to \$93 million in 2008-2009. This money would go directly to local law enforcement agencies. The initiative would prohibit any money from being distributed directly to mental health, drug treatment, and other county programs which provide treatment to youth offenders.

Also, Prop 6 would protect the current amount of funding for law enforcement at \$600 million and add \$365 million more, including tens of millions of dollars for crime prevention and rehabilitation programs. Yet the measure raises no new taxes and identifies no source of funding for the new programs and increased spending. Instead it redistributes state operated funds to law enforcement while cutting other programs.

Will Prop 6 Reduce Crime?

Prop 6 takes an aggressive approach to quelling gang activity and certain crimes which its authors attribute to street gangs, such as those involving guns and drugs. Prop 6 attempts to do this by:

- increasing penalties for certain crimes
- targeting youth for adult incarceration as young as 14, deeming them unfit for juvenile court or detention if they are convicted of a gang-related felony
- mandating criminal background checks for public housing residents in order to evict those involved in gangs or drugs

- requiring the development of gang databases, which list convicted gang members and allow sharing of information between federal, state, and local law enforcement.
- making it easier for law enforcement to obtain gang injunctions, making certain actions, such as associating with alleged gang members and wearing gang-related clothing, a separate crime punishable by fines and jail time

Prop 6 proponents claim that although crime rates have fallen significantly since the 1990s, certain types of crime have increased, including homicide and drug offenses. They allege that gangs, which often involve juveniles, are responsible for these increases. They believe that Prop 6 is necessary “to make our neighborhoods safe and reduce the number of street gangs.”¹

Opponents to Prop 6 take issue with many of the initiative’s measures. They argue that by increasing funds for law enforcement activities and decreasing funds for substance abuse, mental health treatment, and education, more youth, particularly youth of color, will be arrested for crimes. In addition, they say that the increase in penalties for certain targeted offenses will result in more youth being sent to prison for longer periods of time.

Some Prop 6 critics, such as the ACLU of Southern California, point out that similar efforts to reduce criminal activity (including increased criminal penalties, especially for non-violent and drug offenses; elevating youth to adult status in criminal prosecution; and a broad range of gang profiling measures) have had little effect in the past.

In a written statement opposing Prop 6, Alice Huffington, President of the California State NAACP, said the ballot initiative is “yet another irresponsible and reckless attempt to increase our already overcrowded prisons. The result, unintended or not, is a prison population increase largely made up of underrepresented, low-income citizens from communities of color.”

Runner counters that the measures are as crucial to his initiative as its get-tough approach.

“We believe it will actually take down the prison population because of successful early intervention,” he says.

Increasing the Prison Population Without Decreasing Crime

Over the past 15 years, several laws have been enacted in California that share Prop 6’s goal of reducing crime and making neighborhoods safer by imposing stiffer criminal penalties. For example, the “Three Strikes and You Are Out” law (1994) enhances prison sentences for offenders with one or more previous serious felonies. The “Truth in Sentencing” law (1994) requires that convicts with violent offenses serve at least 85 percent of their sentence. And Proposition 21 (2000) gives prosecutors the authority to try youth as young as 14 as adults for serious offenses and imposes enhanced jail sentences for gang members.

These tough on crime laws have failed to produce safe communities and reduce violent crime. Indeed, the authors of Prop 6 state that Californians continue to experience substantial increases in crime rates.

“Between 1999 and 2006, while the national homicide rate declined, our state’s murder rate increased—accounting for almost 500 more deaths per year and propelling

California from 19th to 10th worst among the states,”² according to the Safe Neighborhoods Act. The report also revealed that vehicle thefts have increased by more than 40 percent during the same time span.

While not reducing crime, the tough on crime laws have increased the overall prison population.

Despite a vow from Gov. Arnold Schwarzenegger to cut the prison population, it has surged to more than 173,000, causing the worst overcrowding in the country³.

According to a report published by the Public Policy Institute of California⁴, the “state prisons held 96,794 people in 1990; by year end 2005, the California prison population had increased by 73 percent, to 167,698.” Furthermore, at the end of 1995, the first year after “Three Strikes” went into effect, California prisons held 15,308 second- and third-strikers. The majority of these strikers were under age 35 (61 percent). By the end of 2005, the total number nearly tripled to 43,227, with the majority of prisoners older than 35 (65 percent). Very similar patterns appear for prisoners serving sentences of life, life without parole, or awaiting the death penalty.

Even more disturbing, in the wake of these tough on crime laws, a disproportionately high number of blacks and Latinos have been incarcerated (approximately 30 percent and 40 percent, respectively),⁵ and the number of people serving longer, or indeterminate sentences has increased.

In a letter of opposition to Prop 6, Stephen Walker, Chief Executive Officer of Minorities in Law Enforcement wrote, that “the bill fails to illustrate how it would actually make our neighborhoods safer. However, it does illustrate how to further

1 *Safe Neighborhoods Act: Stop Gang, Gun, and Street Crime*, Sen. George Runner. Dec. 17, 2007.

2 *Crime Statistics and Facts*. Safe-NeighborhoodsAct.com. July 1, 2008.

3 *California’s Crisis in Prison Systems a Threat to Public*. Washington Post. June 11, 2006

4 *California Counts*, Amanda Bailey, et al. Public Policy Institute of California. Aug. 2006.

5 *California Counts*, Amanda Bailey, et al. Public Policy Institute of California. Aug. 2006.

overwhelm a prison system that is largely occupied with African American and Latino males by imposing sentence enhancements and targeting these particular demographics.”⁶

"Safe Neighborhoods" at What Risk to the Poor?

When it comes to the Safe Neighborhoods Act, the key question is this: Will it really make our neighborhoods safer? Proponents believe it will, pointing to Prop 6's programs and crime prevention provisions that aim to reduce the number of youth who get involved in gangs and crime.

But critics argue that Prop 6 does little to address the social and economic factors that increase the likelihood that many poor and disadvantaged children will get caught up in the gang and drug culture, and ultimately the prison system. They say that certain elements of Prop 6, such as undermining the juvenile justice system (which emphasizes rehabilitation over punishment), labeling more low-income teens as gang members, lowering the age of criminal culpability to 14 for more crimes, and increasing prison sentences, make it less likely that poor youth will become productive members of society.

In addition, opponents argue that Prop 6 will effectively hinder a child's chances of success by cutting funding for health care and public education, two major factors in determining whether a child will meet success or failure in life.

Finally, critics say, by targeting offenses which are more common in poor communities, Prop 6 may bolster the cycle of crime and incarceration which plagues these communities. As more minorities are

incarcerated for longer periods, more poor families will be broken and more poor children will be left to fend for themselves in communities that lack the resources and opportunities to produce successful adults.

Will this initiative actually serve to make neighborhoods safer, or just lock up more low-income people of color?

Francis Villaseñor Guzman is Assistant to the Director at NCYL. He was formally a ward of the state in the California Youth Authority. In 2007, he received the Outstanding Achievement Award from the California Department of Corrections and Rehabilitation, Division of Juvenile Justice. He plans to attend law school next year and become a public interest attorney serving low-income communities of color.

⁶ *Re: Runner Initiative – Safe Communities Act*, Stephen Walker. Minorities in Law Enforcement. May 12, 2007.