Proposition 47: The Aftermath

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For the degree of Master of Arts in Sociology

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DEDICATION

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ABSTRACT

Proposition 47: The Aftermath

By

Marilyn Ee

Master of Arts in Sociology

Proposition 47 is legislation recently passed in California that has sparked some controversy concerning its operations and efficacy. Although Proposition 47 was developed and launched with intended consequences, opponents claim that it is causing unintended consequences that are adverse in nature. None of these claims — intended and unintended — have been sufficiently substantiated by empirical evidence. This study examined the trends in four key areas — prison populations, drug treatment admissions, crime rates, and arrest rates — to test the claims about the unintended consequences of Prop 47. Prop 47’s intended consequences are downward trends in prison populations, crime and arrests, and upward trends in drug treatment admissions. Its unintended consequences are trends that contrast or otherwise deviate from those of the intended consequences. Four years of data, two years prior to Prop 47 and two years after Prop 47, for all four areas were collected and analyzed. The results demonstrate that contrary to intended results, prison populations increased, drug treatment admissions decreased, crime rates increased, and arrest rates partially increased, showing support for the unintended consequences of Proposition 47. This study is one of the first empirical
inquiries assessing the unintended consequences of Prop 47 and contributes to the general literature of public policy. As part of the analysis, limitations and suggestions for future research are addressed.
INTRODUCTION

In the United States, matters of public safety and finances tend to intersect with one another, and that interaction is often mediated by public policy. Where public safety is often valued and desired by Americans, incarceration has long been practiced as a way to bring lawbreakers to justice. As early as 1925, the United States has seen an upward trend in state and federal prison populations (Bureau of Justice Statistics, 1986).

However, the rate of incarceration accelerated and became particularly noticeable from the 1970s to the early 2000s, reaching a high of over 1.6 million prisoners (Clear, 2007; Raphael, 2014; Bureau of Justice Statistics, 2015; Lofstrom and Rafael, 2016). The number of incarcerated drug offenders, in particular, has seen a steady increase (Stemen, 2007; McNamara, 2014; The Sentencing Project, 2015; Clear, 2016). Between 1980 and 2005, the number of incarcerated drug offenders in both state prisons and local jails (as a whole) shot up by more than 1000 percent (Stemen, p.224). Taxpayer dollars at various levels (federal, state, county, and so forth) are used to maintain correctional facilities and their inhabitants. By 2004, more than $8.3 billion was spent on state prisons and local jails (Stemen, p.224).

Recently, various people ranging from the general public to policymakers and academics have been increasingly concerned about the efficacy and necessity of mass incarceration in reducing crime, increasing deterrence to crime, and in general as an effective solution to social problems (Stemen, 2007; Haney, 2008; Bales and Piquero, 2011; Cullen et. al, 2011; Cullen et. al, 2012; Badger, 2014; The Sentencing Project, 2015; Clear, 2016; Wakefield et. al, 2016; Bartholomew, 2017). Additionally, people have questioned whether it is truly worth spending large amounts of revenue on
corrections (Cullen, 2001; Aviram, 2016). As a result, policymakers in some states, California being one of them, have explored laws and regulations in a different direction. Specifically, the overcrowding of prisons has been viewed as a serious problem; and within the last decade, California propositions and orders have been put forth to resolve this issue.

One of the earliest recorded attempts began in 2006, when Governor Schwarzenegger released an official proclamation, declaring California’s prison overcrowding as a state of emergency. This action subsequently led to the development of Senate Bill 18 (SB18), legislation that reclassified certain felonies as misdemeanors, offered credit to certain offenders for good behavior, and shifted post-release supervision of prisoners to county authorities. Several years later, on May 23, 2011, following *Plata v. Brown*, the U.S. Supreme Court issued a federal mandate requiring the prisons of the State of California, then at 200 percent capacity, to bring down their population to 137.5 percent design capacity (Newman et. al, 2012; Rogan, 2012; Flynn, 2013; Romano, 2015). However, the Supreme Court did not specify procedures for the implementation of the mandate. Months later, Governor Brown signed Assembly Bill 109 (AB 109), putting into effect the Public Safety Realignment on October 1st, 2011, which shifted non-violent, non-serious, and non-sex offender prisoners from state prisons to county jails, thus freeing up space in California prisons (State of California, 2011; Rogan, 2012; Flynn, 2013).

The next initiative introduced in this effort to address the overcrowding of prisons and the focus of this study is Proposition 47 (Prop 47), also known as the *Safe Neighborhoods and Schools Act* or the *Reduced Penalties for Some Crime Initiative*. Prop
was placed on the November 4th, 2014 California ballot and was passed by 59.6% of California voters (California Secretary of State, 2014). Like SB 18 and AB 109, it relocates the responsibility of managing offenders from state custody to county and/or local custody through the reclassification of certain crimes with the objectives of reducing the population of prisons in California, generating state savings for distribution to institutions other than correctional facilities, and bringing down crime rates. In 2016, Prop 47 was followed by yet another initiative passed on a California ballot — Proposition 57, meant to “enhance public safety” and “save money by reducing wasteful spending on prisons” (California Secretary of State 2016, p. 141). Unlike Prop 47, Proposition 57 does not redefine crimes or penalties; instead, it makes non-violent felony offenders eligible for parole consideration after they have completed the full term for their primary offenses (Senate Bill SB-676). It also enables the Department of Corrections and Rehabilitation to award credits to inmates for good behavior and rehabilitative or educational achievements (California Secretary of State, 2016).

Among all these measures, Prop 47 was of particular interest for a few reasons. First, Prop 47 has been a popular topic of discussion among the general public, evidenced by many news articles (St. John et. al, 2014; Chang et al, 2015; Greene, 2015; Manley, 2015; Saslow, 2015; Abram, 2016; Gilbertson, 2016; Kaste, 2016; Rokos, 2016; Winton, 2017). The variety of opinions expressed in said articles about Prop 47 is intriguing and worth investigating. Second, Prop 47 has generally had more success compared to its predecessor, AB 109. A year after the implementation of AB 109, the California prison system had yet to meet its court mandate and its operations — mass shifting of prison inmates to county jails — had the potential to overcrowd county jails instead (Salins et.
al, 2013). In comparison, some early reports of Prop 47, to be discussed later, showed more positive results. Third, Prop 57 is so recent that virtually nothing has been documented about the relevant events that have taken place, so there is little to no qualitative or quantitative data on it to investigate.

Since its passing, Prop 47 has been a controversial topic of discussion within ordinary, non-scholarly circles. Briefly put, Prop 47 has been accused by various parties, including police officers, prosecutors, and social workers, not only of failing to achieve its goals, but also of causing adverse and opposite effects like rising crime rates and reoffending (St John et. al, 2014; Change et. al, 2015; Manley, 2015; Saslow, 2015; Kaste, 2016; Rokos, 2016). However, these suspicions have yet to be empirically verified. Other than lay allegations and anecdotal evidence, very little scholarly research has been done on Prop 47 as a subject. This study addresses this issue by examining the intended versus unintended effects of Prop 47 in four areas — prison population, drug treatment admissions, crime rates and drug offense rates, arrest rates, and return-to-prison rates — by addressing the following research questions:

**Research Question 1**: Has the number of people serving time in California’s correctional institutions and camps decreased as intended, or increased as unintended, following the implementation of Prop 47?

**Research Question 2**: Have the admissions to drug treatment facilities increased as intended, or decreased as unintended, following the implementation of Prop 47?

**Research Question 3**: Has crime decreased as intended, or increased as unintended, following the implementation of Prop 47?

**Research Question 4**: Has the number of arrests decreased as intended, or increased as unintended, following the implementation of Prop 47?
Before its potential effects can be discussed, what Prop 47 is and how it operates must first be understood. This information is outlined in the following section.

**Background - Prop 47**

Prop 47 legally redefined certain non-violent, non-serious crimes by reducing them, along with their penalties, from felonies to misdemeanors (California Secretary of State Text of Proposed Laws 2014, under section "Proposition 47", p.70; Legislative Analyst's Office 2015, p.3; Los Angeles County District Attorney's Office 2014, p.1; Romano, p.2.). As stated in Section 1170.18 of the California Legislative Information, the redefinition affected qualifying individuals in two ways: 1) Incarcerated offenders may petition for a resentencing, where they would be given credit for their time served and will be subject to parole for one year, unless otherwise released from parole by the court, and 2) Individuals who have completed their sentence for a crime that was a felony before being reduced by Prop 47 may file for a reclassification of their relevant crime(s) on their records (California Health and Safety Codes §11350, §11357 (a), and §11377; California Penal Codes §459.5, §473, §476a, §490.2, §496, §666).

The crimes affected by Prop 47 were formerly known as “wobbler crimes” (LACDA, 2014), i.e. crimes that, prior to Prop 47, may be charged as a felony or misdemeanor, depending on circumstances and prosecutorial and judicial discretion. Following the passing of Prop 47, these crimes are now considered misdemeanors. The crimes affected, listed on the 2014 California Secretary of State Text of Proposed Laws and a *One-Minute Brief* document by the Los Angeles County District Attorney's Office released in 2014, are:
• simple drug possession for personal use, including heroin, cocaine, concentrated cannabis, methamphetamine, ecstasy, and other substances listed under Health and Safety codes §11350, §11357 (a), and §11377;

• grand theft, of any form as per Penal Code §490.2, where the value of stolen merchandise does not exceed $950;

• shoplifting (or commercial burglary) as per Penal Code § 459.5, where the value of stolen merchandise does not exceed $950;

• petty theft, of any kind as per Penal Code §666, regardless of the number of priors the offender has on their record, except where certain Prop 47 Ineligible offenders are concerned;

• receiving stolen property as per Penal Code §496(a), where the value of stolen merchandise does not exceed $950;

• writing bad checks/fraud as per Penal Code §476(a), where the value of the checks does not exceed $950 unless the defendant has had 3 or more specified priors; and

• forgery as per Penal Code §473(b), where the value of forged checks or related instruments does not exceed $950.

Prop 47 contributed to the reduction of the prison population through these reclassifications of certain felonies to misdemeanors, which subsequently lead to the resentencing and release of qualifying offenders. Due to this reclassification, resentencing, and release, the State is expected to save a significant number of corrections dollars. The Legislative Analyst’s Office has estimated savings of about $100 million to $200 million per year, beginning in the 2016-2017 fiscal year. These savings are allocated to a new state fund, the Safe Neighborhoods and Schools Fund, which distributes the saved dollars into three types of programs: Mental Health and Substance Use Treatment Services, K-12 Truancy and Dropout Prevention, and Victim Services
The proposed distribution of the funds are stated below:

- 65% is to be allocated to the Board of State and Community Corrections (BSCC) to provide support to mental health, substance abuse treatment, and diversion programs for individuals in the criminal justice system, with the goal of reducing recidivism rates among the given individuals.

- 25% is to be allocated to the California Department of Education to administer programs for students in kindergarten and Grades 1 through 12, with the goal of reducing truancy rates, high school dropout rates, and student victimization rates.

- 10% is to be allocated to the California Victim Compensation and Government Claims Board to provide grants to trauma recovery centers (TRCs), with the goal of providing services to victims of crime and trauma (California Secretary of State, 2014; Legislative Analyst's Office, 2014).

Prop 47 is multifaceted in that it is supposed to, at maximum efficacy, tackle several problems at once. Going beyond freeing up space in correctional facilities, Prop 47’s rehabilitative approach would fund treatment and prevention programs to reduce criminality and to keep potential offenders from facing incarceration in the future. From one perspective, Prop 47 appears to be a rather beneficial policy; there is little about the proposition that warrants criticism. On the other hand, another perspective suggests that Prop 47 might account for rising crime and recidivism rates. Because both views are based on expectations and anecdotal stories, there is a need for an empirical investigation.
LITERATURE REVIEW

To date, few peer-reviewed publications and reports discuss the potential impact of Prop 47 (Romano, 2015; Austin, 2016; Aviram, 2016; Bird et. al, 2016). Two articles were of particular importance: a report by Romano (2015) via the Stanford Justice Advocacy Project published almost one year after Prop 47 was implemented and a report by Bird et. al (2016) via the Public Policy Institute of California (PPIC) published a year and three months after Prop 47 was implemented. These reports were very early attempts to analyze the effects of Prop 47 in certain areas. Their findings and discussions are therefore important references for any future relevant research, evaluative or otherwise. Two peer-reviewed publications only briefly comment on Prop 47, as they are primarily focused on discussing the overall topic of public policy in California as it pertains to correctional systems or, more specifically, the predecessor policies of Prop 47. Their significance, however, should not be underestimated, as they put the development of Prop 47 into context.

Other discussions and references to Prop 47 were found in government-released documents and news articles (CASOS, 2014; LACDA, 2014; St John, et. al, 2014; Chang, et. al, 2015; Greene, 2015; Los Angeles Times, 2015; Manley, 2015; Poston, 2015; Saslow, 2015; The Times Editorial Board, 2015; Abram, 2016; Gilbertson, 2016; Kaste, 2016; Rokos, 2016). These articles come sporadically, surfacing when Prop 47 emerges as a topic of interest in a given situation. Though they hardly provide substantial empirical evidence alongside their arguments, they constitute the first published materials to initiate a dialogue about and are valuable to the academic discussion of the initiative.
The next three sections explore the literature on Prop 47 from three perspectives: 1) the goals of the proposition (the intent of Prop 47); 2) the criticism that has emerged against the proposition (the controversy surrounding Prop 47); and 3) the need for an empirical examination of Prop 47 (framing the argument on Prop 47). Peer-reviewed literature was examined in the last of these sections.

The Intent of Prop 47

The goals of Prop 47 are clearly and explicitly stated in government documents and reiterated through news articles. In the California Secretary of State’s text of proposed laws — a document containing the specificities of each proposition on the ballot mailed out to voters — the overall function of Prop 47 is “to ensure that prison spending is focused on violent and serious offenses, to maximize alternatives for non-serious, non-violent crime, and to invest the savings generated from this act into prevention and support programs in K–12 schools, victim services, and mental health and drug treatment” (CASOS 2014, p. 70).

The same text delineates the specific purpose and intent of Prop 47, which includes the operation of reducing non-serious, non-violent felonies into misdemeanors, the allocation of resources from the Safe Neighborhoods and Schools Fund, and an estimation of funds that would be invested in certain programs to reduce crime and recidivism. The text does not explicitly mention the intent to reduce prison populations, but other literature points out that the need to reduce prison populations was a driving force behind the creation of Prop 47 (Romano, 2015; Austin, 2016). Sequentially, by reclassifying certain felonies into misdemeanors, the goals of Prop 47 are to:
• reduce California’s prison population, which would
• generate savings that would be distributed to treatment and preventive programs in the effort to
• reduce crime and recidivism.

Given the decades-long emphasis on incarceration in the United States, Prop 47’s stress on the deinstitutionalization of, and rehabilitative alternatives for, offenders indicates an attempt to deviate from the decades-long “war on drugs” and “tough on crime” mindset. That era began in the 1960s under the Nixon administration, was reinforced by the Reagan administration in the 1980s, and further perpetuated by the Clinton administration in the 1990s (McNamara, 2011; Badger, 2014; PBS, 2014). Research has shown that the increase in incarceration rates since the 1970s largely involved the imprisonment of non-violent offenders, such as illegal drug users, and that the benefit of incarcerating such offenders has repeatedly been called into question (Lurigio, 2011; Badger, 2014; Saslow, 2015; Gilbertson, 2016; Krisberg, 2016; Wakefield, 2016; Petersilia, 2016). Academics and non-academics alike have argued that incarceration, in general, is not an effective form of deterrence, nor does it reduce recidivism; some go as far as to say that incarceration sends individuals down a slippery slope towards an increase in offending (Haney, 2008; Bales, 2011; Cullen, 2011; Cullen, 2012; Saslow, 2015; Kaste, 2016).

California is among the few states that have attempted to address this challenge, developing new policies to deal with non-violent, non-serious offenders. In 2016, Kuehl, a member of the Los Angeles County Board of Supervisors, expressed hope for the criminal justice system to shift its focus away from incarceration and turn to
rehabilitation instead (Abram, 2016). Prop 47, with its emphasis on mental health and drug treatment centers (constituting 65% of savings from prisons) appears to be a response to this hope (California Secretary of State, 2014).

Furthermore, in 2015, the California Legislative Analyst’s Office reported that 85% of all crimes that have been affected by Prop 47 are drug offenses (Legislative Analyst’s Office, 2015). Where drug offenders are concerned, the success of Prop 47 would be evidenced by the reclassification of their felonies into misdemeanors, followed by successful treatment and rehabilitation, ultimately giving them a better chance at finding jobs and starting new lives. The idea appealed to many people, from legislators and law enforcement officials to low-risk offenders and the general public, and easily garnered their support. To them, the passing of Prop 47 was a positive change, a move in the right direction (Saslow, 2015; Kaste, 2016; Rokos, 2016).

Where savings for treatment and prevention programs are concerned, government-proposed budgets and fund-allocation plans have been released to the public. Otherwise, little else is said about these savings so far — neither a mention of the specific programs that would financially benefit from the Safe Neighborhoods and Schools Fund, nor post-Prop 47 reports on the programs that have directly benefited from it. On the other hand, there is documentation that shows that Prop 47 has generated progress in the area of prison populations. In their reports, Romano (2015) and Bird et. al (2016) stated that through Prop 47, California has finally met the federally mandated prison threshold. In just under one year, Romano (2015) found that prison and jail populations have gone down by 13,000 – 4,000 from prisons, and 9,000 from county jails. In a little more than a year, Bird et. al (2016) found that overall arrests and convictions appear to have gone
down following the implementation of Prop 47. These preliminary examinations indicate that Prop 47 has had success in achieving one of its many goals.

The Controversy Surrounding Prop 47

Nevertheless, questions about Prop 47’s effectiveness have also emerged, warranting further investigation. Not everyone feels that Prop 47 has had a positive impact. As various news articles indicate, prior to its passing, police officers were already apprehensive about the proposition; events in the past two years have made them (alongside other parties) even more so (St John et. al, 2014; Chang et. al, 2015; Manley, 2015; Saslow, 2015; Kaste, 2016; Rokos, 2016; Bartholomew, 2017).

Several concerns have been raised about Prop 47. Among the earliest had to do with how soon the funds saved from prisons would be made available to the treatment and preventive programs. Some sources caution that the availability of funds might take as long as a year after the passing Prop 47 (Saslow, 2015; St. John and Gerber, 2015; The Times Editorial Board, 2015). There is also dispute about the true amount of money saved from Prop 47, with some parties like the Legislative Analyst’s Office estimating hundreds of millions of annual savings of per fiscal year, while other parties claim that the observed distribution of funds has, so far, amounted to much less (Legislative Analyst’s Office, 2015; Gilbertson, 2016; Rokos, 2016). An even more recent news article reports that Los Angeles County has not received any monetary benefits from Prop 47, contrary to what was originally anticipated (Abram, 2016). In summary, the reports on Prop 47’s fiscal success have been less than favorable, and the proposition’s performance as a cost-saving initiative has been called into question (St. John et. al, 2014; Saslow, 2015; Abram, 2016; Rokos, 2016).
Other concerns appear in three intersecting areas: drug treatment, recidivism, and crime rates. In regard to drug treatment, drug offenders who are released from prison are said to be left to seek treatment at their own initiative and are provided little incentive to do so by the criminal justice system or other institutions (St. John et. al, 2014; Change et. al, 2015; Manley, 2015; Saslow, 2015; Rokos, 2016; Bartholomew, 2017; Winton, 2017). Prior to Prop 47, drug offenders charged with felony drug possession could be mandated by a judge in drug court to either seek treatment or face prison time. However, offenders typically must first be convicted of a felony before they are eligible for drug court (Manley, 2015; Bartholomew, 2017). With many drug offense felonies reclassified as misdemeanors under Prop 47, drug offenders no longer have to enroll in drug courts and whether or not they seek treatment is entirely up to them.

Several sources report that drug court enrollment statewide has been plummeting and that it is suspected that drug offenders are bypassing treatment, preferring a short time in county jail over months-long rehabilitation (St. John and Gerber, 2014; Chang et. al, 2015; Saslow, 2015; Kaste, 2016; Rokos, 2016; Winton, 2017). Furthermore, the California Department of Public Health claimed that few people are actually staying in drug treatment programs (Abram, 2016). Critics complain that, while Prop 47 may have good intentions, it may not be achieving its purpose in providing drug offenders effective and beneficial alternatives (Chang et. al, 2015; Gilbertson, 2016). Without treatment or accountability, relapse is more likely. This leads to the second concern: recidivism.

The term “recidivism” can be ambiguous, and different studies utilize different definitions of the term. Ostermann et al. (2015) reveal that there is a great deal of variation in the definitions of recidivism. They identify several measures, including
adjudication, conviction, incarceration, and imprisonment, as they are used by researchers from the Bureau of Justice Statistics (BJS). Ostermann et. al refer to imprisonment as the most “conservative” (hereafter, narrow) measure of recidivism, which may generate a recidivism rate as low as 28.2%, and any type of adjudication as “liberal” (hereafter, broad) definition of recidivism, which may generate a rate as high as 60% (Ostermann et. al, p. 774). Given the range of definitions, rates of recidivism could vary greatly between studies. Therefore, it is important for researchers to clarify the definition and operationalization of recidivism for their specific studies, to avoid confusion or inconsistencies with other studies.

Romano (2015) addressed the issue of recidivism rates of offenders whose sentences were released under Prop 47. The report cited a 5 percent recidivism rate, compared to 42 percent prior to Prop 47 — a recidivism rate that was considered "exceptionally low" (Romano, p.6). Here, Romano (2015) utilized a narrow definition of recidivism: return-to-prison, where an individual is considered to have recidivated only after he or she has been imprisoned. In contrast, many accounts in news articles recognized a much broader definition of recidivism — reoffending, where individuals are already considered to have recidivated once they commit another crime (Chang et. al, 2015; Saslow, 2015; Rokos, 2016). This study used arrest rates to quantify recidivism, a moderate measurement level in between the broad (return-to-prison) and the narrow (reoffending).

The discussion in the literature primarily involves two types of offenders: drug offenders and property criminals. Drug addiction is said to be associated with property crime because drug addicts may steal to keep up their drug habit (Saslow, 2015). Some
news articles suggest that some offenders have adapted to new legal boundaries by strategically committing crimes that fit within Prop 47’s criteria (Saslow, 2015; Chang et al., 2015; Rokos, 2016). There are also examples of career criminals who have been taking advantage of the relative leniency of penalties for crimes affected by Prop 47 — as long as a given offender acts within statutes of the proposition, they are penalized on misdemeanor charges, which are less severe and less time-consuming than felony charges. One account featured a homeless resident of San Diego who has been repeatedly arrested and released for short periods of time since the passing of Prop 47, primarily on drug charges. Another account included a property thief who deliberately steals items under $950 to keep to Prop 47’s criteria and a gang member who was cited and released for possessing a stolen gun valued at $625 (Saslow, 2015). Yet another account introduced a repeat offender, drug user, and property criminal who openly approves of Prop 47 because it allows him to commit crimes with relatively little consequence: “Proposition 47, it's cool… I can go do a [commercial] burglary and if it's not over $900, they'll just give me a ticket and let me go.” (Chang et al., 2015).

It appears from these accounts that the reclassification of Prop 47 has led to a change in the way offenders are dealt with in the criminal justice system, even when they re-offend. Due to reclassification through Prop 47, some crimes — that is, simple drug possession and burglary, theft, fraud, forgery and receiving stolen items under $950 — are treated and sentenced as misdemeanors and therefore carry less severe penalties. For example, a drug offender caught in a misdemeanor could be arrested (which would result in a year in county jail, at most) or simply given a citation and released thereafter. As demonstrated in some accounts, law enforcement officers sometimes prefer to cite and
release drug offenders because the amount of work to book a suspect is often not worth the lower level of penalty offenders now face, as offenders who are convicted of misdemeanors and booked in jail are released as early as days, sometimes hours, later (Chang et. al, 2015; Saslow, 2015; Kaste, 2016). In short, the low severity of penalties for misdemeanor offenses under Prop 47 may allow past offenders to recommit such crimes without much concern. The combination of reoffending and the change in the way Prop 47 crimes are handled have led to yet another concern — rising crime rates (Chang et. al, 2015; Greene, 2015; Abram, 2016; Kaste, 2016; Rokos, 2016; Winton, 2017).

Several journalistic articles have reported a rise in crime across California. Chang et. al (2015) reported that crime has increased in California’s largest cities. Saslow (2015) supports this report with a list of cities in the state showing a two-digit percentage rise in crime since 2014 - Los Angeles, San Francisco, Lake Tahoe, La Mirada, Chico, and Desert Hot Springs. Rokos (2016) provides further support with mention of another increase in crime rates in 2015. Where Los Angeles is concerned, Poston (2015) wrote that all 21 divisions under the Los Angeles Police Department (LAPD) reported an increase in all categories of crime in 2015, the first time any such event had happened in over a decade. And more recently, it was reported that property crime rose by 4 percent in Los Angeles and by 6 percent in the San Fernando Valley in 2016 (Bartholomew, 2017).

There is speculation that Prop 47 and its operations may be a reason behind the rise in crime. Among the concerns for rising crime rates is the issue of repeat offending. Another concern is that there are now more drug users out on the street, committing other crimes such as stealing to keep up their drug habits (Kaste, 2016). Yet another concern is the lack of supervision and mental health and drug rehabilitation services for offenders.
It is important to recognize that accounts provided in news articles are not written based on systematic research, large data sets, or reliable measurements. Therefore, their validity and generalizability are often debatable. Nevertheless, news articles are important to this study because they present different perspectives about Prop 47, including criticism against the proposition. The introduction of different perspectives, however, needs to be followed by more empirical research on the subject.

**Framing the Argument on Prop 47**

“It is important to recognize that (Prop 47) might have an impact on crime.”
- Magnus Lofstrom, Public Policy Institute of California -

Relatively little has been done to systematically examine the effects Prop 47 may have on drug treatment admissions, crime rates, and recidivism rates, while some effort has been made to study its impact on prison and jail populations. The lack of research on Prop 47 might be due to the fact that it was only recently passed — just a little over two years ago, at the end of 2014 — and data on areas affected are delayed for analysis. Chief Beck of the Los Angeles Police Department (LAPD) cautions against prematurely blaming Prop 47 for the rise in crime rates, and Riverside County Public Defender Harmon is not convinced, for the lack of number crunching, that Prop 47 is responsible for the recent crime hikes (Chang, 2015; Rokos, 2016). Romano (2015) was the first to inquire into the impact of Prop 47, exploring the subject from a few angles, including prison and jail overcrowding, financial savings, and return-to-prison recidivism. In a summarized report, he revealed that state and jail populations have indeed dropped, reiterates the estimated annual fiscal savings from prisons and jails, and shows that the
one-year recidivism (return-to-prison) rates of offenders released due to Prop 47 are low (Romano, p. 6). Four researchers from the PPIC, a non-partisan organization, also published a study on the impact of Prop 47 on California’s jail population. They reported that jail populations in California are falling for four reasons: 1) a decline in new bookings; 2) a decline in convictions; 3) an increase in pretrial releases; and 4) a decline in the average length of stay in jail. Their analysis further shows a strong decline in Prop 47-related arrests, especially drug-related cases. The researchers mention crime and recidivism as two key concerns for future analysis, as the changes in jail populations might have “public safety trade-offs” (Bird et. al, p. 3), and the long-term success of Prop 47 ultimately lie in lower crime and recidivism rates.

Other than the PPIC, two other authors – Aviram (2016) and Austin (2016) - have mentioned Prop 47 in peer-reviewed studies. These authors put Prop 47 into a larger context, as part of a series of policies developed within the past decade with similar themes, intent, and functions. In attempting to analyze the impact of regulations on incarceration in California, Austin brought up three specific policies: Senate Bill (SB) 678, Assembly Bill (AB) 109, and Prop 47. SB 678, passed in 2007, also known as the Adult Probation Performance Incentive Act, emphasized county-managed probation over imprisonment for eligible adult offenders. AB 109, passed in 2011, also known as Realignment, emphasized assigning non-violent and non-serious offenders to counties instead of state prisons. In 2014, Prop 47 followed the trend of passing the responsibility of handling low-risk offenders to counties and freeing up prison space. Very little is said otherwise about Prop 47 in Austin’s paper, and even less about crime rates in California post-Prop 47.
Aviram compares three policies as well: Senate Bill (SB) 18, AB 109, and Prop 47, emphasizing their “humonitarian” nature, a term constructed by Aviram that refers to the implementation of humanitarian policies for fiscal reasons instead of compassionate reasons. Like Austin, Aviram has little to say about Prop 47; he mentions the purpose of Prop 47 as it is defined by the Secretary of State and proceeds to discuss the allocation of Prop 47 savings. An important issue Aviram brings up in his discussion on AB 109, or Realignment, is its unintended consequences. Under Realignment, the responsibility to house and process non-serious, non-violent prisoners falls on county jails instead of state prisons. According to Aviram (2016, p.268), the California Department of Corrections and Rehabilitation’s (CDCR) assured the public that state prisoners would not be released early under Realignment, as it was stated on their website. This assurance, however, was misleading. Due to Realignment, some defendants were placed under “mandatory supervision”. In other words, they were released on probation instead of given jail time. That is to say, the mandatory supervision approach is, in essence, no different from early releases. While CDCR (apparently) did not anticipate early releases, they nevertheless happened with the passing of Realignment.

The Realignment case of the misleading assurance raises serious concerns about the discrepancy between the intentions of an initiative and its actual effects. Part-and-parcel of modern societies, laws and policies are created for specific purposes. However, throughout history, they have been known to produce unintended consequences, some having more impact than others. Anderson (2004) provides an example of the Immigration Reform and Control Act of 1986 in the United States. People anticipated the Act to result in discrimination against foreign-looking individuals but failed to predict a
greater degree of problems, namely immigrants using more dangerous alternative routes to cross the border in order to avoid detection, resulting in more immigrant deaths. Roots (2004) provided more examples, such as the U.S. Social Security program that may be contributing to the stratification between the social classes instead of leveling it out, the minimum wage legislation that may be eliminating more jobs than providing a way of life for people.

The multiple instances of unintended consequences emerging from public policy make one thing clear: Even if a policy has good intentions, the results do not always follow suit. It is reasonable, then, to anticipate that Prop 47 will also have its share of unintended consequences. These potential unintended consequences were suggested in the literature but they were not studied or empirically tested, which highlights a need for further examination and discussion of the effects of Prop 47.
THEORY

Merton (1936) states that every purposive social action, either produced by an individual or a group, has the potential to produce both anticipated and unanticipated consequences. Anticipated consequences consist of outcomes that are foreseen and therefore expected by the actor. Merton (1968) also refers to them as “intended” or “planned,” and they are typically relatively desirable to the actor. Unanticipated consequences, on the other hand, are not foreseen or expected by the actor. Also called “unintended” or “unrecognized,” this type of outcome might be either desirable or undesirable to the actor. In the context of social structure, Merton classifies anticipated, intended, and planned consequences as “manifest functions,” and unanticipated, unintended, and unrecognized consequences as “latent functions” (if desirable) or “latent dysfunctions” (if undesirable). When referring to Merton’s concept, Van der Linden (2010) describes latent functions or dysfunctions as “actions (that) don’t always lead to the objectives that have been set” (Van der Linden, p. 281).

The concept of manifest functions (hereafter, intended consequences) and latent dysfunctions (hereafter, unintended consequences) creates a framework for understanding the events that follow Prop 47. Once Prop 47 comes into effect, certain outcomes are expected to follow in related areas. If trends move in the direction of these expected outcomes over the years, then it can be said that Prop 47’s intended consequences are being realized. On the other hand, trends that move in an opposite direction, or otherwise deviate from the expected direction, indicate a development of unintended consequences instead. This distinction had not been examined in previous studies that investigated the effects of Prop 47 (Romano, 2015; Bird et. al, 2016). But because of its crucial role in
explaining outcomes that do not align with the intended consequences of a given action or policy, the theory of intended and unintended consequences provides important groundwork for the analysis of this study.
METHODS

Prop 47’s intended consequences predict a reduction in prison population, which would generate savings for programs meant to reduce crime and recidivism. The three types of programs that would benefit from the savings are mental health and drug treatment, K-12, and victim services. This study focused on the mental health and drug treatment aspect because of the overwhelming emphasis on fund allocation to such programs. The general sequence of events would look like this:

Prison populations → Drug Treatment and Mental Health → Crime and Recidivism

To determine whether Prop 47’s resulted in intended or unintended consequences, each aspect had to be redefined as measurable constructs. The operationalization of prison populations was straightforward, measured simply by the total number of inmates within CDCR’s camps and institutions. The operationalization of crime was just as simple, measured by the number of incidents recorded as a crime by police departments. Drug offenses were included in the analysis of crime as a whole but were also examined in a category of its own.

The actual amount of savings distributed to mental health and drug treatment programs was not examined. Instead, the number of admissions to mental health and drug treatment centers in California was used to measure the effectiveness of Prop 47’s distributed funds. The admissions would indicate whether or not drug users are receiving the treatment they need to recover from their addictions. Finally, recidivism was measured by examining the number of arrests made in California. Arrest rates would
indicate that more people are offending and present the possibility that Prop 47 offenders are contributing to these numbers.

The trends in each of these areas — prison populations, drug treatment admissions, crime rates, and arrest rates — were determined through the secondary analysis of existing data. The data used in this study were collected by various agencies that specialize in each aforementioned area and released for public viewing and use. This study was quasi-experimental in nature, in that it analyzed data at the aggregate level measured periodically at many time points, start from the beginning of 2013 to the end of 2016.

Prison population data were obtained from the California Department of Corrections and Rehabilitation (CDCR). The CDCR collects various types of data, including prison and parole populations, return-to-prison reports, and juvenile statistics. Reports for each type of data, found on the CDCR website, is collected on a different timeline. Institutional populations, in particular, are recorded on a daily, monthly, and yearly basis, whereas recidivism is recorded at one-, two-, and three-year intervals.

At the time the data were collected, the monthly reports on prison populations were updated as far as December 2016, and the annual reports dated up to 2010. The annual reports contained far more detailed information on prison populations, such as felon institution population by offense type, while the monthly reports provided a summary of the total number of people in CDCR’s custody, such as inmates in institutions and camps, state hospitals, and under parole. Although the annual reports contained more detailed information, the monthly reports were more frequently updated, and, therefore, were a more appropriate source of information for this study. From these
monthly reports, the total inmate populations at the end of every year (December), as well as the total design capacity of state prisons and the percent of capacity occupied, from 2012 to 2016, were observed and analyzed. The prison population reports contained aggregate data from all CDCR institutions across California, so prison population was analyzed at the state-level.

Second, drug treatment statistics were obtained from the Substance Abuse and Mental Health Services Administration’s (SAMHSA) website. Specifically, data from the Treatment Episode Data Set - Admissions (TEDS-A) were analyzed. SAMHSA is a federal agency run by the U.S. Department of Health and Human Services. SAMHSA’s efforts in the American public health domain are concentrated on substance abuse and mental illness. There are various programs within SAMHSA that conduct surveys in their respective specialty areas, including the TEDS-A, which is a “national data system of annual admissions to substance abuse treatment facilities” (SAMHDA, 2016). The raw data sets for TEDS-A were obtained through SAMHSA’s Data Archive (SAMHDA) on their website, and the latest data set dated up till 2014. Since 2015 and 2016 data were needed for this study, SAMHSA was contacted directly for more recent information on drug treatment admissions. At the time of data collection and analysis, 2013, 2014, and 2015 TEDS-A data were available for use. 2016 TEDS-A data, however, would not be released until 2018, and could not be obtained for this study. Though collected on a national level, TEDS-A data included state-specific information. Therefore, drug treatment attendance was analyzed at the state-level.

Third, crime statistics were obtained from two sources: The Los Angeles Sheriff’s Department and the Los Angeles Police Department. Using crime data from these two
police departments allowed for the analysis of crime within Los Angeles County. These specific police agencies’ data were selected for the relative size of the agencies to take advantage of the relatively vast geographical areas and population under their jurisdiction, and because their crime statistics are readily available and open to public use. A combination of these two reasons allowed for the relative generalizability of crime rates analysis.

Los Angeles County stretches over 4,084 square miles, consisting of 88 cities and approximately 140 unincorporated areas. The latter makes up about 10% of the county’s population. The rest of the population resides in more urban areas, with almost half of the urban population residing in Los Angeles City (County of Los Angeles, 2016). The entire Los Angeles County is patrolled by dozens of law enforcement agencies, including school police, airport police, and park rangers. Two of the largest agencies that cover the county is the Los Angeles Sheriff’s Department (LASD) and the Los Angeles Police Department (LAPD). The LASD is comprised of approximately 18,000 sworn and civilian employees (Los Angeles Sheriff’s Department, 2010), whereas the LAPD is comprised of almost 13,000 sworn and civilian employees (Los Angeles Police Department, 2017). Combined, they cover a majority of the county’s land area and police a population of a little over 10 million people, almost 30% of the population of California (United States Census Bureau, 2016). Figure 1 shows the geographical boundaries of Los Angeles County (including Los Angeles City). Figure 2 shows the jurisdiction of the Los Angeles Sheriff’s Department (in brown) and the Los Angeles Police Department (in blue).
Drug offense and crime data recorded by the LASD were obtained from the Los Angeles County Open Data website, where the County of Los Angeles publishes various types of datasets for public viewing and use, including data on public safety. The drug offense and crime data set from LASD may be filtered in several ways. For this study, the data were filtered by date and crime category (or crime type).

Crime data recorded by the LAPD were obtained from the Los Angeles City Open Data website. Like the County, Los Angeles City also publishes public safety data for public viewing and use. While the filters for LAPD crime data differ slightly from that of LASD crime data, the data were also filtered by year (date) and crime description for the purposes of this study. Both datasets were current, to the end of 2016. LAPD data available through the Los Angeles City Data Portal did not include drug offenses. Instead, this data was requested and obtained directly from the Department.

The data sets obtained from both agencies were very large, containing hundreds of thousands of cases. Each one of these cases was labeled with descriptions. Law enforcement agencies have different ways of defining, categorizing, and labeling crimes. Consequently, the labels and numerical codes used to represent the crime data obtained from the Los Angeles Sheriff’s Department (LASD) and the Los Angeles Police Department (LAPD) for this study were inconsistent between the data sets. In order to improve consistency in the data, the incidents in the data sets were reorganized into four primary categories: violent crime, property crime, drug-related crime, and other crimes.
Figure 1 - Geographical Boundaries of Los Angeles County
(including Los Angeles City)
Figure 2 - Patrol Jurisdiction of the Los Angeles Sheriff’s Department (brown) and the Los Angeles Police Department (blue)
The categorization of incidents in this study was based on definitions and classifications of crimes by a few federal agencies and organizations. One of these organizations is the Federal Bureau of Investigation (FBI). The FBI collects, publishes, and archives crime data collected from thousands of law enforcement agencies across the United States through its Uniform Crime Reporting (UCR) program. A second organization that was referenced is the National Institute of Justice (NIJ), a branch of the U.S. Department of Justice dedicated to the research and understanding of crime and justice issues. Following are explanations on how the data were categorized for this study:

Violent Crime

The FBI defines certain incidents as violent crimes in their UCR program as "offenses which involve force or threat of force" (FBI, 2017). Four types of incidents that the FBI classifies as violent crime for the UCR are:

- Murder and non-negligent manslaughter
- Forcible rape
- Robbery, and
- Aggravated assault.

The NIJ defines violent crimes as incidents where "a victim is harmed by or threatened with violence" (NIJ, 2017). The NIJ classifies the four aforementioned crimes under violent crimes as well, but also includes sexual assault/violence, child abuse, elder abuse, gun violence, domestic violence, stalking, terrorism, and violence against women.

Based on these definitions, violent crime may be understood as incidents that involve a victim directly afflicted or threatened with force or violence. Therefore,
incidents in the LAPD and LASD datasets that matched the four incidents above, or that pertain to any direct physical, mental, or emotional violation against a person that may typically be considered violent, forceful, or a form of depravation, were considered violent crimes in this study.

The crimes from the datasets listed as violent crime for this study included: Aggravated assault, non-aggravated assault (or, simple assault), forcible rape and attempted forcible rape, criminal homicide, battery, elder or dependent adult abuse, false imprisonment, kidnapping, lynching, offenses against family, oral copulation, robbery, certain sex felonies and sex misdemeanors, brandishing weapons, child abandonment, child annoying, lewd conduct, lewd letters, indecent exposure, pandering and pimping, peeping, shots fired at a target, threatening phone calls or letters, throwing object at moving vehicle. Cruelty to animals and bestiality incidents were also considered violent crimes; while they do not involve a human victim, they entail force and/or depravation toward a living being.

Property Crime

The FBI defines property crimes as offenses involving "the taking of money or property, but there is no force or threat of force against the victim" (FBI, 2017). Four major categories of property crime that the FBI records for the UCR are:

- Burglary
- Larceny-theft
- Motor vehicle theft
- Arson
The NIJ defines property crimes as incidents where "a victim's property is stolen or destroyed, without the use or threat of force against the victim" (NIJ, 2017). In addition to the four crimes mentioned, the NIJ also classifies vandalism, identity theft, and fraud as property crime. The definition of property crime by both entities is similar. Based on these definitions, property crime may be understood as incidents that involve the theft or destruction of a person's property, without direct contact with the victim. Therefore, incidents in the LAPD and LASD datasets that matched the four incidents above, or pertain to the theft or destruction of property deprivation, were considered property crimes in this study.

The crimes from the datasets listed as property crime for this study included: burglary (of any structure), larceny-theft (grand and petty theft), motor vehicle theft (or, GTA), burglary from motor vehicle or vehicle burglary, arson, fraud, forgery, vandalism, receiving stolen property, identity theft, extortion, embezzlement, federal offenses involving tampering, theft, or counterfeiting of documents, bunco, pickpocketing, driving without consent, purse snatching.

**Drug-related Crime**

Drug-related crimes are not defined by the FBI, nor the NIJ. The categorization of incidents as drug-related crimes in this study was therefore not based on definitions created by a federal entity. Instead, any incident that implicitly involved the use of drugs was considered a drug-related crime. The crimes from the datasets listed as drug-related crime for this study were: being under the influence of drugs, drunk driving (driving under the influence of drugs), transport, sales, and/or possession of controlled substances,
found narcotics, various felonies and misdemeanors involving narcotics, supplying drugs to a minor.

**Other Crime**

There are various other types of crime recorded by the LASD and the LAPD that are not specifically defined by the FBI or the NIJ. Additionally, it is difficult to match some of the incidents to the definitions of violent and property crime because they are labeled as such that the nature of the crime is ambiguous, such as incidents that do not have a specific victim, incidents that occur due to unanticipated circumstances or negligence, incidents labeled as 'miscellaneous', and unlabeled incidents. These types of incidents were, therefore, categorized as "other crimes" in this study.

The crimes from the datasets listed as other crime for this study included: child pornography, deputy or officer involved shooting, various types of disorderly conduct, exploitation of child via Internet, failing to register as a sex offender, federal offenses without money, certain miscellaneous felonies and misdemeanors, negligent manslaughter, gambling, hate incidents, accidental discharge of hazardous materials, illegal dumping of hazardous materials, immigration-related incidents, transit infractions, various liquor laws, loud parties, tobacco-related incidents, vagrancy incidents, incidents regarding vehicle and boating laws, incidents regarding warrants, incidents regarding weapon laws, abortion, bomb scare, conspiracy, contempt of court, failure to yield, failure to disperse, filing a false police report, illegal dumping, incest, reckless driving, resisting arrest, discharge of firearms, trespassing, unauthorized computer access, violation of a court order, violation of a restraining order, weapons possession, prowling.
Arrest data were used to loosely measure recidivism. Arrest statistics were obtained from Open Justice, an initiative developed by the California Department of Justice that makes statistical data collected from agencies across California available to the public to increase transparency and improve public safety. For the purposes of this study, the arrest data from Open Justice were filtered by year of arrest and offense level (felony or misdemeanor). While the data set does categorize the arrests by their level of seriousness, it does not disclose the specific type of crime committed by the arrestee or the types of crime that fall under the categories of "felony" and "misdemeanor". Arrest rates for each county represented in the data set for the years 2013 through 2015 were observed and analyzed. Data for the year 2016 were not yet available on Open Justice's website during the data collection and analysis stage of this study.

To recap, the variables used for this study are prison populations, drug treatment admissions for the State of California, crime rates, and arrest rates for Los Angeles County. The data, along with their sources, the years and geographic areas they cover, and their relevant content are summarized in Figure 3.

Figure 3 - Visual Map of Data (Source, Dates, Area Covered)
Hypotheses

Four alternative hypotheses were developed based on the research questions and the operationally defined constructs tied to the intended and unintended consequences of Prop 47. The intended consequences of Prop 47 are clear: to reduce prison populations, crime and arrest rates, and to increase drug treatment admissions. Prop 47’s intended consequences have been partially documented in early evaluative reports, just one year after the implementation of the proposition (Romano, 2015; Bird et. al, 2016). These reports mainly focused on prisons and briefly discussed fiscal and recidivism findings.

This study raised the subject of unintended consequences, which had not been taken into consideration in previous studies of Prop 47, contrasting them with the proposition’s intended consequences. It was proposed that if trends in the four areas are not moving in the direction consistent with Prop 47’s intended consequences, then they must be explained by an unintended consequence. The hypotheses of this study were formulated to test Prop 47’s unintended consequences. The four hypotheses are stated below:

\( H_1 \): Following the implementation of Prop 47, California prison populations have failed to trend downward, as intended.

\( H_2 \): Following the implementation of Prop 47, drug treatment admissions in California have failed to trend upward, as intended.

\( H_3 \): Following the implementation of Prop 47, crime rates and drug offense rates have failed to trend downward, as intended.

\( H_4 \): Following the implementation of Prop 47, arrest rates have failed to trend downward, as intended.
FINDINGS

Prop 47 was developed to accomplish a set of intended consequences: reduce prison populations, increase drug treatment admissions, reduce the number of crimes, and reduce the number of arrests, as a measurement of recidivism. Two years after the implementation of Prop 47, relatively little has been reported on the supposition that it is meeting its goals. On top of that, arguments against the initiative have surfaced, claiming that it might be causing adverse effects. In the context of this argument, this study presents a test of the theory that every social action comes with both intended consequences and unintended consequences. These findings demonstrate that the theory of intended and unintended consequences is applicable to Prop 47 and that its outcomes represent unintended consequences. While some effort has been made in the past to study Prop 47’s intended consequences, there has not yet been an attempt to examine them in light of its unintended consequences.

The hypotheses in this study are based on the argument that Prop 47 has unintended consequences. Data from the four relevant areas were then gathered and analyzed in order to empirically assess their trends and, therefore, to test these hypotheses. The results are reported and assessed in the next four sections.

Post Prop 47: State-wide Prison Populations

The variables included in the analysis of prison populations were the total number of in-custody inmates (excluding parolees and inmates under non-CDC jurisdiction), the design capacity of the CDCR institutions, and the percent of the said design capacity
occupied at the end of every year from 2013 to 2016. The first of these variables directly tests the first hypothesis (H₁). Each of these variables is organized and presented below.

### Table 1 - End of Year Prison Population

<table>
<thead>
<tr>
<th>Year</th>
<th>Total in Custody</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>134339</td>
<td>25.5</td>
<td>25.5</td>
<td>25.5</td>
</tr>
<tr>
<td>2014</td>
<td>134433</td>
<td>25.6</td>
<td>25.6</td>
<td>51.1</td>
</tr>
<tr>
<td>2015</td>
<td>127816</td>
<td>24.3</td>
<td>24.3</td>
<td>75.4</td>
</tr>
<tr>
<td>2016</td>
<td>129416</td>
<td>24.6</td>
<td>24.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>526004</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

The prison population column in Table 1 shows the total number of individuals under the custody of the California Department of Corrections and Rehabilitation (CDCR). Although Prop 47 was passed on the California ballot in November 2014, it did not take effect until the following year. Therefore, the prison population figure for 2014 reflects a pre-Prop 47 population.

At the end of 2013, the CDCR prison population was recorded at 134,449 inmates. In 2014, the population increased slightly, by 94 inmates. A year after the implementation of Prop 47 in 2015, the inmate population dropped by over 6,000 inmates, to 127,816. In 2016, the population trend shifted, increasing by 1,600 inmates to 129,416. The trend of California prison populations during this timeline can be seen below.
The trend of prison populations drops in the first year after the implementation of Prop 47 but then rises again the following year. This does not reflect the intended goals of Prop 47. Therefore, these results support the first hypothesis of this study (H₁), that Prop 47 has not decreased the prison population as intended.

**Post Prop 47: State-wide Drug Treatment Admissions**

SAMHDA’s TEDS-A data contained drug treatment admissions from every state across the United States. Initially, an analysis was run on the number of admissions per year to identify admissions trends of every state from 2013 to 2015. The results of this analysis are displayed in below.

<table>
<thead>
<tr>
<th>YEAR OF ADMISSION</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALABAMA</td>
<td>10212</td>
<td>9539</td>
<td>11074</td>
<td>30825</td>
</tr>
<tr>
<td>ALASKA</td>
<td>6379</td>
<td>6350</td>
<td>6496</td>
<td>19225</td>
</tr>
<tr>
<td>ARIZONA</td>
<td>21610</td>
<td>22835</td>
<td>20865</td>
<td>65310</td>
</tr>
<tr>
<td>ARKANSAS</td>
<td>11828</td>
<td>8744</td>
<td>11753</td>
<td>32325</td>
</tr>
<tr>
<td>CALIFORNIA</td>
<td>156800</td>
<td>158831</td>
<td>150071</td>
<td>465702</td>
</tr>
</tbody>
</table>
From 2013 to 2014, drug treatment admissions in California increased by 2,031 cases, a 1.3% increase. Subsequently, it decreased by 8,760 cases from 2014 to 2015, a 5.5% decrease. 2016 admissions data was not available for analysis. The numbers in the initial analysis include admissions with alcohol as a primary substance abuse problem. It should be noted that while alcohol is considered an abused substance by SAMHSA, it is of relatively little interest in this study for a few reasons.

First, and most importantly, alcohol-related offenses are not affected by the Prop 47 initiative. The substances addressed by Prop 47 are listed under Health and Safety codes §11350, §11357 (a), and §11377, which include heroin, cocaine, cannabis, methamphetamine, ecstasy, and other controlled substances (Los Angeles County District Attorney’s Office, 2014). Second, the drug-related problems mentioned in the literature more often involved illegal drugs such as methamphetamine and heroin (Chang et. al, 2015; Saslow, 2015; Kaste, 2016), so substances and the like are of greater interest to this study.

Because alcohol is not relevant in this case, the TEDS-A data were filtered so that alcohol-related cases would not be included in the analysis. A second filter was applied so that only cases from California would be considered for the analysis. With these filters in place, two more analyses were run on the number of drug treatment admissions. The first analysis, shown in Table 3, shows the number of admissions per primary type of substance abuse for each year. Excluding alcohol, the substances were divided into 17 categories. 12 of these categories were either specified by the legislative codes affected by Prop 47 (Health and Safety Code §11350, §11357, §11377) or include products covered by Prop 47 and were included in Table 3. The remaining 5 categories were not
included because of their ambiguous labels (such as “other”) or because they are not listed under the Health and Safety Codes under Prop 47 (such as “inhalants”). It is unlikely that the total number of drug treatment admissions was significantly affected by the exclusion of the 5 categories, as the admissions for each of these categories were very low.

Table 3 - Primary Substance Abuse Problem by Year of Admission

<table>
<thead>
<tr>
<th>SUBSTANCE ABUSE PROBLEM (PRIMARY)</th>
<th>YEAR OF ADMISSION</th>
<th></th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2013</td>
<td>2014</td>
<td>2015</td>
<td></td>
</tr>
<tr>
<td>COCAINE/CRACK</td>
<td>7602</td>
<td>6396</td>
<td>4948</td>
<td>18946</td>
</tr>
<tr>
<td>MARIJUANA/HASHISH</td>
<td>28345</td>
<td>24402</td>
<td>21997</td>
<td>74744</td>
</tr>
<tr>
<td>HEROIN</td>
<td>31780</td>
<td>38462</td>
<td>36708</td>
<td>106950</td>
</tr>
<tr>
<td>NON-PRESCRIPTION METHADONE</td>
<td>506</td>
<td>493</td>
<td>453</td>
<td>1452</td>
</tr>
<tr>
<td>OTHER OPIATES AND SYNTHETICS</td>
<td>8085</td>
<td>8008</td>
<td>7569</td>
<td>23662</td>
</tr>
<tr>
<td>PCP</td>
<td>387</td>
<td>369</td>
<td>299</td>
<td>1055</td>
</tr>
<tr>
<td>OTHER HALLUCINOGENS</td>
<td>106</td>
<td>84</td>
<td>87</td>
<td>277</td>
</tr>
<tr>
<td>METHAMPHETAMINE</td>
<td>45954</td>
<td>48173</td>
<td>44831</td>
<td>138958</td>
</tr>
<tr>
<td>OTHER AMPHETAMINES</td>
<td>293</td>
<td>234</td>
<td>205</td>
<td>732</td>
</tr>
<tr>
<td>OTHER STIMULANTS</td>
<td>36</td>
<td>37</td>
<td>28</td>
<td>101</td>
</tr>
<tr>
<td>BENZODIAZEPINES</td>
<td>359</td>
<td>313</td>
<td>356</td>
<td>1028</td>
</tr>
<tr>
<td>BARBITURATES</td>
<td>71</td>
<td>57</td>
<td>70</td>
<td>198</td>
</tr>
<tr>
<td>Total</td>
<td>123524</td>
<td>127028</td>
<td>117551</td>
<td>368103</td>
</tr>
</tbody>
</table>

The second analysis, shown in Table 4, shows the principal source of referral for admissions for each year. The sources of referral were divided into 7 categories. 2 of these categories — individual/self-referral and criminal justice referral — and their admissions were selected for their relevance to the expectation that drug offenders would
enroll themselves into drug treatment facilities and to the claim that drug courts now play a much smaller role in drug treatment admissions.

**Table 4 - Principal Source of Referral by Year of Admission**

<table>
<thead>
<tr>
<th>YEAR OF ADMISSION</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>INDIVIDUAL (INCLUDES SELF-REFERRAL)</td>
<td>49899</td>
<td>54856</td>
<td>53741</td>
<td>158496</td>
</tr>
<tr>
<td>COURT/Criminal Justice Referral / DUI / DWI</td>
<td>49479</td>
<td>50070</td>
<td>42552</td>
<td>142101</td>
</tr>
<tr>
<td>Total</td>
<td>99378</td>
<td>104926</td>
<td>96293</td>
<td>300597</td>
</tr>
</tbody>
</table>

The total number of drug treatment admissions in California, depicted in Table 3, increased from 2013 to 2014 (by 3,504 cases and a 2.8% increase) but decreased again in 2015 (by 9,477 cases and a 7.5% decrease) after the implementation of Prop 47. The number of admissions for each category of substances follow the same trend from 2014 to 2015, with the exception of three — other hallucinogens, benzodiazepines, and barbiturates. Overall, the categories of methamphetamine, heroin, marijuana, and cocaine contributed the most to the decrease in total admissions in 2015 (each decreasing by over 1,000 admissions).

Most drug treatment admissions were referred by individual/self-referral sources and criminal justice sources. For both categories, the number of drug admissions dropped in 2015. Individual referrals dropped by 1,115 cases, while criminal justice referrals dropped by 7,518 cases. The trends of drug treatment admissions by substance abuse problem and referrals after the implementation of Prop 47 can be seen in Graph 2. Neither of these trends reflects the intended goals of Prop 47. Therefore, these results

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support the second hypothesis of this study (H₂), that Prop 47 has not increased admission to drug treatment facilities as intended.

**Graph 2 - California Drug Treatment Admissions and Referrals by Year**

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug Treatment Admissions</td>
<td>2.8%+</td>
<td></td>
<td>7.33% -</td>
<td></td>
</tr>
<tr>
<td>Individual Referral</td>
<td></td>
<td>9.9%+</td>
<td>2% -</td>
<td></td>
</tr>
<tr>
<td>Criminal Justice Referral</td>
<td>1.2%+</td>
<td></td>
<td>15% -</td>
<td></td>
</tr>
</tbody>
</table>

**Post Prop 47: County-level Crime and Drug Offense Rates**

The variables included in the analysis of crime and drug offense rates were the individual crimes recorded by the LAPD and LASD, the year the crimes were recorded, and the category that the crimes fall under (violent, property, drug-related, or other). An initial analysis was run to identify the overall trend of changes in crime rates. The results of this analysis are shown in below.
The frequency column shows the total number of crimes (all categories considered) for each year from 2013 to 2016. In 2013, 382,311 crimes were recorded by the agencies. This number decreased to 378,215 in 2014, an approximate 1% decrease in crime. In 2015, one year after the implementation of Prop 47, the total number of crime increased by almost 4% to over 393,272 crimes. In 2016, this number increased once again, this time by almost 5% to over 400,000 crimes.

A second analysis was run on the categories of crime and the year of occurrence to identify the trends in each category of crime. The results are shown in Table 6. The total number of violent crimes in 2013 was recorded at just over 89,000 incidents. In the following years, the number of violent crimes increased every year by an average of approximately 5,000 crimes, a 5-6% increase each year. By 2016, over 104,000 violent crimes were recorded, a 17.3% increase in the 4-year span.

Generally, there were more property crimes than violent crimes. In 2013, there was a total of over 200,000 property crimes. In 2014, this number dropped by 5,752 incidents (a 2.8% decrease). But in 2015, it increased once again by 19,569 incidents.
(a 9.9% increase). In 2016, it further increased by over 11,000 incidents, bringing the total number to 228,413 in this year (another 5.4% increase).

Compared to the other categories of crime, drug-related crime showed the most decrease during the four years. From 41,185 crimes in 2013, this number dropped to 39,522 in 2014 (a 4% decrease), and 28,149 in 2015 (a 28.7% decrease). The number of drug-related crime showed only a slight increase in 2016, by 740 crimes (a 2.6% increase). Other crimes began at over 49,000 in 2013, then dropped to over 47,000 in 2014 (a 3% decrease), and increased once again in both 2015 (a 2.6% increase) and 2016 (a 2.4% increase).

<table>
<thead>
<tr>
<th>Crime Category</th>
<th>Year Occurred</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2013</td>
</tr>
<tr>
<td>Violent Crime</td>
<td>89016</td>
</tr>
<tr>
<td>Property Crime</td>
<td>202973</td>
</tr>
<tr>
<td>Drug-related Crime</td>
<td>41185</td>
</tr>
<tr>
<td>Other</td>
<td>49137</td>
</tr>
<tr>
<td>Total</td>
<td>382311</td>
</tr>
</tbody>
</table>

The trends of overall crime and each category of crime are shown in Graph 3. The trends of crime after the implication of Prop 47, in general, do not reflect the goals of the proposition. Therefore, these results support the third hypothesis of this study (H₃), that Prop 47 has not decreased crime rates as intended.
Graph 3 - Los Angeles County and Los Angeles City Crime Rates by Year

<table>
<thead>
<tr>
<th>Overall</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1% -</td>
<td>4% +</td>
<td>5% +</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5.4%+</td>
<td>5.9% +</td>
<td>5% +</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2.8% -</td>
<td>9.9% +</td>
<td>5.4% +</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4% -</td>
<td>28.9% -</td>
<td>2.6% +</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3% -</td>
<td>2.6% +</td>
<td>2.4% +</td>
<td></td>
</tr>
</tbody>
</table>

Post Prop 47: State-wide Arrest Rates

The variables of interest in the analysis of arrest rates were the years that arrests were made and the two types of arrests made – felonies and misdemeanors. An initial analysis was run to identify the overall trend of changes in arrest rates. Data from 2016 were not available for this analysis. The results of this analysis are shown in Table 7.

Table 7 - Number of Arrests in California by Year

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Arrests</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>1363614</td>
<td>33.4</td>
<td>33.4</td>
<td>33.4</td>
</tr>
<tr>
<td>2014</td>
<td>1385320</td>
<td>33.9</td>
<td>33.9</td>
<td>67.2</td>
</tr>
<tr>
<td>2015</td>
<td>1339051</td>
<td>32.8</td>
<td>32.8</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>4087985</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>
Table 7 shows the number of arrests made throughout the state of California from 2013 to 2015. In 2013, there was a total of 1,363,614 arrests. In 2014, the total number of arrests increased by 1.6% to 1,385,320. And in 2015, it decreased by 3.3% to 1,339,051. A crosstabulation analysis was subsequently run on offense type and the year arrests were made to identify the trends in each category. The results of the crosstabulation are shown in Table 8.

Table 8 - Level of Offense by Year of Arrest in California

<table>
<thead>
<tr>
<th>Level of Offense</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Felony</td>
<td>469269</td>
<td>469007</td>
<td>344396</td>
<td>1282672</td>
</tr>
<tr>
<td>Misdemeanor</td>
<td>894345</td>
<td>916313</td>
<td>994655</td>
<td>2805313</td>
</tr>
<tr>
<td>Total</td>
<td>1363614</td>
<td>1385320</td>
<td>1339051</td>
<td>4087985</td>
</tr>
</tbody>
</table>

Table 8 shows that felony arrests were recorded at 469,269 in 2013. This number dropped for two consecutive years. In 2014, before the implementation of the Prop 47, felony arrests dropped by 262 cases (0.06% decrease). But in 2015, the first year that Prop 47 was put into effect, felony arrests plummeted by over 100,000 cases (26.6% decrease). Unlike felony arrests, misdemeanor arrests moved in an upward trend from 2013 to 2015. Starting at 894,345 in 2013, misdemeanor arrests increased by 21,968 to 916,313 in 2014 (2.5% increase). And in 2015, this number further increased by 78,342 to 994,655 (8.5% increase).

The trends of overall arrests and each category of arrest can be seen in Graph 4. The results are mixed. Though the trend of overall arrests reflects the intended goals of Prop 47, the trends of specific categories of arrests do not. Therefore, these results
partially support the fourth hypothesis of this study ($H_4$), that Prop 47 has not decreased arrest rates as intended.

### Graph 4 - Arrest Rates in California by Year

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Arrests</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Felony</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Misdemeanor</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- All Arrests: 1.6%+, 3.3%-
- Felony: 0.06%-, 26.6%-
- Misdemeanor: 2.5%+, 8.5%+
DISCUSSION

When Prop 47 came into effect, it reclassified a list of crimes from felonies — or “wobblers” — into misdemeanors. This list consisted of seven crimes: simple drug possession, grand theft, shoplifting, petty theft, receiving stolen property, fraud, and forgery. The objective of Prop 47 through this reclassification was to reduce California’s prison population in order to meet a federal mandate issued by the Supreme Court in 2011. According to the agenda of the initiative, a number of activities were expected to follow the reduction of prison populations.

Fewer inmates in prisons meant less expenditure by the prisons. It was proposed that the unspent money — or savings, as they were called — would be distributed to mental health, drug treatment, and crime prevention programs. A large portion of the savings was partitioned out for drug treatment and mental health programs. By doing so, it was expected that low-level, non-serious, non-violent criminals like drug offenders would enroll into these facilities to receive treatment. Drug treatment admissions, therefore, were expected to increase.

Assuming that the increase in drug treatment admissions is an indication of drug offenders successfully receiving treatment, the number of drug–related crimes should decrease. On the same assumption, other types of crimes may decrease as well because such offenders would not have to commit other crimes to keep up their drug habit. By bringing down crime levels, the number of arrests — representing recidivism in this study — would also decline. Lower arrest rates would contribute to the continued reduction of prison populations or, at the very least, maintain the prisons’ federally mandated status quo. Figure 4 is a visual representation of the expected outcomes for Prop 47.

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The findings of this study are that two years after the implementation of Prop 47, the plan did not go quite as expected. Figure 5 is a visual representation of the findings of this study.
In the first year post-Prop 47 (2015), prison populations did drop: More than 6,000 inmates were released from state prisons across California. However, this trend did not continue in 2016. It is said in the literature that drug offenders could be mandated to
seek treatment by drug courts if they were arrested on a felony, but when Prop 47 reduced drug possession to a misdemeanor, many drug offenders were no longer mandated to seek treatment. Instead, enrollment into drug treatment facilities is entirely voluntary — the drug offender may choose whether or not to seek treatment. The literature also suggests that drug offenders choose to spend a few short days in jail than to undertake months-long treatment. If there is nothing to mandate treatment, and Prop 47 drug offenders are declining treatment, then drug treatment admissions would not go up.

This is the case in the results of this study: The total number of drug treatment admissions in California in 2015 plummeted by over 9,000 admissions, compared to 2014. The number of individuals referred to treatment facilities by criminal justice sources, such as a judge or a drug court, also dropped by over 7,000 admissions. The hands-off approach assumed by drug courts, as mentioned in the literature, may have led to this decline. Additionally, the number of individual referrals, including self-referrals, drops by over 1,000, indicating that fewer people are enrolling themselves into treatment programs. This is especially so with users of controlled substances like cocaine, heroin, and methamphetamine. Where drug treatment admissions are concerned, the results of this study are consistent with the unintended consequences of Prop 47.

Given that drug treatment admissions have gone down, drug offenders may not be receiving the treatment as expected. If drug addicts are not receiving treatment, then it is highly likely that they are still dependent on, and are still illegally using, their drugs of choice. If they committed crimes to supply their drug habit before, it is likely that they will continue doing so. Both continued drug habits and maintaining drug habits through illegal means would contribute to the number of crimes, causing crime rates to rise.
Furthermore, not only drug offenses but also a number of property crimes were reclassified into misdemeanors. As a result, many property criminals have been released due to Prop 47. Part of the savings generated from Prop 47 was proposed to be directed to crime prevention programs that involved juveniles, not adult offenders released from prison. There was no proposed plan to keep the latter from committing crimes again. When criminals are left to their own devices without assistance to assimilate back into society, and the penalty for their crimes is less than what it used to be, the likelihood of reoffending increases. Reoffending property criminals would contribute to the rise in crime rates.

According to the findings, it is indeed the case that crime rates rose after the implementation of Prop 47. There is, however, a small caveat. When the crime data was broken down into categories, violent crimes, property crimes, and other crimes all showed an upward trend in a two-year span. These, especially property crime that spiked more than the other two categories, support the idea that Prop 47 offenders may be re-offending after being released from prison. Drug offenses, however, plummeted. The fact that drug offenses went down is not likely a function of drug treatment admissions, given that the latter fell in numbers as well. Instead, there may be another plausible reason for the decline. Many incidents are recorded as crimes in the LAPD and LASD database based on reports made by police officers at the scene of a crime, or a by a civilian who has been a victim of a crime. Victims, for example, may report that their home has been burglarized, and the incident would be entered into the police department’s database as a burglary incident. Drug offenses are often recorded differently. The LAPD, for one, records drug offenses only in certain circumstances, such as when an arrest is made or
when officers make a drug bust — a report is not made if a community member calls to inform the police about drug activity. The reclassification of drug offenses as a misdemeanor may affect the number of arrests made on drug offenders. Recall that some law enforcement officers may be citing and releasing drug offenders, rather than arresting them, as stated in the literature. If this is so, then there would be relatively fewer drug-related arrests and fewer reports made on drug-related offenses, consequently reducing the number of drug-related crimes. This puts the true number of drug offenses into question: Are they reducing, or do they merely go unreported? The rise in overall crime and most categories of crime, along with the inquiry about decreasing drug offenses, do not align with the goals of Prop 47. Where crime rates are concerned, the results of this study are consistent with the argument that Prop 47 has had unintended consequences.

On the topic of fewer arrests being made, the findings showed that the overall arrest rates have indeed gone down. A closer look at the data shows that this decline was caused solely by a large drop in felony arrests in 2015. An obvious explanation might be that fewer people are committing felonies. But reality is not that simple. The results from the crime analysis show that, clearly, crime is on the rise. However, since the reclassification of crime by Prop 47, many more crimes are now considered misdemeanors. Therefore, if an offender is caught and arrested for a crime that might have been considered a felony before Prop 47, the arrest would now be recorded as a misdemeanor instead. This would not only contribute to the decrease in felony arrests, but also to the rise in misdemeanor arrests. The results concur with this idea, as misdemeanor arrests hiked by over 78,000 cases in the same year that felony arrests
dropped. Where arrest rates are concerned, the results of this study are partially, but not entirely consistent with the goals of Prop 47.

The number of arrests seems to correlate with the number of prison populations in 2015, i.e. both numbers dropped in the same year. There is, then, the assumption that lower arrest rates may have helped in keeping the prison population down. 2016 arrest data was not available for analysis, so this assumption could not be empirically tested. However, in 2016, prison populations began to rise again. According to the California Penal Code § 17(a) and §18 (a), felonies are offenses that are punishable by imprisonment for over a year in state prison (with specific exceptions). And according to the California Penal Code §19 and §19.2, misdemeanors are offenses that are usually punishable by imprisonment in county jail for less than a year (Legislative Analyst’s Office, 2015; California Legislative Information, 2017). Based on these codes, felony arrests but not misdemeanor arrests result in time in state prisons. This understanding leads to the conclusion that felony arrests may have increased in 2016.

The possibility that felony arrests may have risen in 2016 is baffling, given that relatively more crimes are considered misdemeanors now. If there is an increase in felony arrests, there are a few possible explanations for it: An offender who commits a Prop 47 misdemeanor may be sentenced to prison under certain circumstances (California Health and Safety Code §11350, §11377; California Penal Codes §490.2, §459.5, §666, §496(a), §476(a), §473(b)), formerly misdemeanor offenders may be advancing to felony crimes, or there may simply be a rise in the number of people committing felonies unrelated to Prop 47. The rise in crime, especially violent crime, offers support for the possible increase in felony arrests. Many violent crimes are considered felonies, or at the least,
wobblers. Some property crimes not covered by Prop 47 are also considered felonies or wobblers. An increase in both in 2016 creates the possibility that relatively more felony crimes are being committed, which may lead to more felony arrests. Where prison population is concerned, the initial drop in numbers reflected Prop 47’s goals, but the recent rise is more consistent with the argument that Prop 47 has had unintended consequences.

Limitations and Future Research

In the attempt to understand the effects of Prop 47, this study examined the unintended consequences that conflicted with the intended goals of Prop 47, thus challenging its efficacy in four relevant areas – prison populations, drug treatment admissions, crime rates, and arrest rates. However, it must be emphasized that this study is an early macro-level attempt to look into the effects of Prop 47 that allows for the observation of trends in the aforementioned areas, but the findings are neither comprehensive nor conclusive concerning the effectiveness of Prop 47. A micro-level examination of individual data that would provide more context and better explain such trends should be considered for future research.

As to limitations, first and foremost, the change in prison populations, drug treatment admissions, crime rates, and arrest rates are not necessarily caused by Prop 47, and certainly not solely influenced by Prop 47. There are many other factors that need to be considered that could affect the rise and fall in these numbers, including interaction effects between existing variables, or variables that were not included in the analysis, as well as various social and economic factors and other legislation that overlap with Prop 47. For example, studies may investigate how much increasing crime rates are accounted
for by economic downturns and recoveries, or how much decreasing prison populations are accounted for by legislation similar to but came into effect before Prop 47, like AB 109.

If causal effects are the purpose of a given investigation, different types of studies and analyses that focus more on these causal relationships must be conducted. One of such studies may include a path analysis. As discussed, there is an expected sequence of events that follow Prop 47. The developments that occur within each of the examined areas — prison populations, drug treatment admissions, crime rates and arrest rates — are not standalone, but likely influence one another. The relationship between them may look like the diagrams in Figure 4 and 5. A path analysis was not possible for this study because of the lack of 2016 data in some of the areas. Only one year of post-Prop 47 data for drug treatment admissions and arrest rates were available, but there were two years of data for prison populations and crime rates. Incomplete data between the areas of interest would create a time lag in the analysis, producing inaccurate and misleading results. For example, the two-year drop-and-rise trend of prison populations may not be reflective of the one-year drop in drug treatment admissions, and with just an initial drop in drug treatment admissions, it is difficult to tell if that contributed to two years worth of crime rising.

Second, a longitudinal study with additional years of data is needed for a more accurate analysis of trends in the four areas following the implementation of Prop 47. Given the recent passing of Prop 47, this study was only able to analyze a few years worth of data obtained from public records. The need for more data is especially urgent in the areas of drug treatment admissions and arrest rates, where only one year of data was
available for analysis. Two years of prison population data and crime rates were available, allowing for the observation of the start of trends, but not enough to make substantial conclusions. Where prison populations are concerned, the population initially dropped in the first year after Prop 47 and then began to rise again in the second year. The slight rise warrants further analysis years down the line in order to see if the population continues to rise despite the efforts of Prop 47, or if it falls even further, accomplishing the goal of Prop 47. Where crime rates are concerned, most crime consistently rose, but further investigation must be made in the following years after Prop 47 has had more time to operate in locations like prisons and drug treatment facilities.

Third, sampling errors and data levels needed to be accounted for. For one, all of the data analyzed in this study were collected at the state level, except for crime rates, which were collected at the county level. For future research, crime rates should be collected at the state level for a more accurate correlation with state-level drug treatment admissions and arrest rates. On that note, some common controversies about crime rates — the issue of crime definitions and underreporting — should be acknowledged. It was noted that the definition of crimes varies between states and agencies, making it tricky for any given study to categorize incidents. While some crimes are easily categorized — murder, for example, is always recorded as a violent crime among law enforcement — others are not. The categorization of crime in this study was based on definitions provided by a few government sources in the United States, but it should be cautioned that crimes may not be categorized the same way in other studies. Furthermore, definitions of crime change over time. The definition of rape, for example, has been a trending topic of discussion and has undergone several changes over the last several years
There is also the issue of underreporting, sometimes called the “dark figure” of crime (Tibbetts et. al, p.12). The recording of many crime incidents, with exceptions, is done based on reports that victims of crime make to a given police department. Crime goes unreported for various reasons — shame, fear, the relative unimportance of a crime, a victim’s personal relations to the offender, lack of confidence in the criminal justice system, and so forth (Skogan, 1977; Myers, Jr., 1980; Guiterrez, et. al, 2015; Bureau of Justice Statistics: National Crime Victimization Survey, 2012; Tibbetts et. al, 2015).

From a legal standpoint, crimes listed under Prop 47’s statutes are now considered less serious offenses (misdemeanors, rather than “wobbler” felonies) and therefore carry less severe penalties. It is important to recognize that this reclassification may have an effect on how likely crimes are reported. Since offenders who commit crimes affected by Prop 47 are sometimes given a citation or are released from jail soon after their arrest, members of the public may lose confidence in the ability of the criminal justice system to punish offenders and thus may be less inclined to report crimes.

Finally, there are many avenues for further research on Prop 47. Future researchers might develop a narrower focus on selected areas of this study to conduct a deeper analysis of the variables. One way of doing this might be obtaining identifying data during the data collection phase. Without identifying data, there is no way to track whether or not individuals who enroll into drug treatment facilities comprise of inmates released from prison due to Prop 47, nor to track patients with a criminal record to observe the efficacy of drug treatment facilities funded by Prop 47. Identifying
information would also be extremely useful to better measure recidivism rates in terms of offenders’ re-arrest. If arrest data contained more details about arrestees — names and specific type of offense they were arrested for, for example — a more detailed analysis could be run to observe whether the same offenders are recidivating by committing the same crimes. Furthermore, it may be useful to measure other forms of recidivism, like return-to-prison rates. If an offender released from prison by Prop 47 does return to prison later, identifiable information will allow a researcher to track their movement. In short, the documentation of recidivism, in the case of both return-to-prison and arrests, would become far more precise and accurate.

Other researchers may want to conduct in-depth studies to discover the reasons behind the rise in overall crime and each category of crime. Several questions and concerns emerged from the findings on crime rates that make for many potential research questions: If Prop 47 was not designed to address violent crime, and only non-serious, non-violent offenders were being released, then what is the explanation for the rise in violent crime? To what should the big hike in property crime be attributed to? Are offenders committing crimes after being released from prison, as per the concerns stated in journalistic literature? How much is the decline in drug offenses attributed to Prop 47, especially considering that drug treatment admissions are also down? If drug offenders are not getting the treatment they need, what is the reason for declining drug offenses?

In-depth studies may investigate the claims in the literature concerning police discretion, such as the factors that lead police officers to issue a citation for a misdemeanor instead of making an arrest. They may also investigate the reasons why offenders, such as those mentioned in the literature, are released soon after they are
arrested. For example, are the releases solely attributed to less severe penalties or are county jails experiencing overcrowding now that relatively more arrests result in time in jail instead of prison?

One important aspect that was discussed in the narrative of this study, but not put to empirical testing, was the fiscal effects of Prop 47. This study did not explore the distribution of savings generated by prisons, nor did it track which treatment facilities would receive the finding, or how much money has been distributed to these locations. Future research might look into prison data to observe the true savings being generated by the prisons, as well as drug treatment admissions collected from specific programs and facilities for a more focused analysis on the distribution, use, and outcome of the Prop 47 funds.

Other relevant areas that may be considered for future research include the effects of Prop 47 on homelessness and county jail populations. Neither topic was discussed in the narrative of this study. The issue of homelessness often intersects with Prop 47-related issues like drug addiction and mental health. Because Prop 47 affects drug and mental health treatment, it may also affect homelessness. Similarly, the populations in state prisons and county jails depend on the types of arrests made — if they are incarcerated, felony offenders typically go to prison and misdemeanor offenders typically go to jail. The findings of this study showed that misdemeanor arrests increased after Prop 47 came into effect. If this trend continues, county jail populations and efficacy will undoubtedly be affected.

Future studies might also consider comparing the prison populations, drug treatment admissions, crime rates and arrest rates of California and other states. Since the
legislation and laws differ between states, the comparison may help determine how much of the change in the four areas can be attributed to Prop 47. Finally, future studies may also take into account the effects of other legislation that has been passed even more recently. Proposition 57, an initiative said to follow Prop 47, and Proposition 64 (the legalization of marijuana) were passed by California voters in November 2016. Both propositions will most certainly affect the four areas relevant to Prop 47, and may also confound direct effects Prop 47 has on those areas.
CONCLUSION

This study developed out of recent debates about Prop 47, which have been comprised of two opposing views — the support, who defend the intentions of the proposition, and the critics, who doubt the effectiveness of the proposition or blame it for unfavorable outcomes. Some of the intended consequences of Prop 47 — the planned and expected outcomes — were published in reports shortly after the initiative came into effect. However, the areas examined in these preliminary reports were limited and they did not provide enough data to observe trends in such areas. Furthermore, despite the criticism made against Prop 47, no attempt has been made to study Prop 47 in regards to its unintended consequences.

This study examined the trends in four separate areas relevant to Prop 47 to address the overarching question of whether they align with Prop 47’s intended consequences or its unintended consequences. More specifically, the study investigated whether prison populations, drug treatment admissions, crime rates and arrest rates in California were increasing or decreasing. With respect to the complaints made about Prop 47 in the literature, the hypotheses of this study were formulated to test its intended consequence against its unintended consequences. The results of the study showed that after two years, the trends in prison populations, drug treatment admissions, and crime rates, as well as arrest rates in part, aligned with the unintended consequences of Prop 47.

As mentioned in the discussion, this study was meant to be an early examination into some key areas that were expected to be affected by Prop 47. While it may not be comprehensive, it was developed to make an inquiry into the subject matter of unintended consequences of public policy, specifically Prop 47.
On a general note, this study was meant to contribute to the literature on policies and the effects of policies, intended or unintended. More specifically, it was meant to greatly contribute to the literature on Prop 47, since few studies have examined the general effects of Prop 47 and even fewer have studied its effects as they pertain to its purpose and intent, and to the criticism made against it. This study was one of the first to empirically examine Prop 47 at this level. While it may not have necessarily provided comprehensive, causal relationships between prison populations, drug treatment admissions, crime, and recidivism, it was nevertheless a starting point and a valuable resource for further studies of the matter.

This study has several social and political implications. First, it may benefit various groups of people. The general public might benefit in that the study may help them better understand the impact of legislation and potentially advise them in voting for future propositions. It also benefits law enforcement officials by providing an empirical basis of the trends in areas relevant to the Prop 47. Since most of these areas are directly connected to the criminal justice system, the study provides a preliminary understanding of the events that follow Prop 47. In addition to that, it benefits policymakers by shedding light on the need to consider and prevent negative unintended consequences with future policies.

Second, the findings of the study allow both critics and supporters of Prop 47 to make judgments of the proposition based on systematic analyses. The discussion of the trends in prison populations, drug treatment admissions, crime rates, and arrest rates, as well as of the unintended consequences of Prop 47, may lead to changes in the balance of formal and informal modes of policing and sanctions. That is to say, due to the
limitations Prop 47 placed on formal policing (conducted by official law enforcement individuals and agencies), informal policing methods such as the involvement of community members in neighborhood watch groups and crime prevention programs may increase. Finally, this study may lead to systemic changes and the development of other legislation, such as government-funded groups or new measures to ensure treatment for drug offenders, programs for other types of non-violent and non-serious offenders, and other measures to counter the undesirable unintended consequences of Prop 47.


California Health and Safety Code, Division 10, Chapter 2, HSC §11054.
California Health and Safety Code, Division 10, Chapter 2, HSC §11055.
California Health and Safety Code, Division 10, Chapter 2, HSC §11056.
California Health and Safety Code, Division 10, Chapter 6, Article 1, HSC §11350.
California Health and Safety Code, Division 10, Chapter 6, Article 2, HSC §11357.
California Health and Safety Code, Division 10, Chapter 6, Article 5, HSC §11377.
California Penal Code, Preliminary Provisions, PC §17(a).
California Penal Code, Part 1, Title 13, Chapter 2, PC §459.5.
California Penal Code, Part 1, Title 13, Chapter 4, PC §473(b).
California Penal Code, Part 1, Title 13, Chapter 4, PC §476a.
California Penal Code, Part 1, Title 13, Chapter 5, PC §490.2.
California Penal Code, Part 1, Title 13, Chapter 5, PC §496a.
California Penal Code, Part 1, Title 16, PC §666.
California Penal Code, Part 2, Title 7, Chapter 4.5, Article 1 PC §1170.18.


Raphael, Steven. 2014. “How Do We Reduce Incarceration Rates While Maintaining Public Safety?” Criminology & Public Policy. 13(4): 579–597


