Impact of Proposition 47 on Los Angeles County Operations and Budget

Sarah B. Hunter, Lois M. Davis, Rosanna Smart, Susan Turner
In 2014, California voters passed Proposition 47, “The Safe Neighborhood and Schools Act,” which reduced certain nonserious and nonviolent property and drug offenses to misdemeanor offenses. Proposition 47 was expected to reduce the number of offenders eligible for state prison sentences and the number of adults incarcerated by the state, with prospective estimates suggesting state savings in the range of $100 million to $200 million per year. In addition, Proposition 47 was expected to reduce the county’s criminal justice workload. However, the legislation did not define how to track and calculate operational or fiscal changes or specify how county savings were to be reallocated. In August 2016, the Public Safety unit of the Los Angeles County Chief Executive Office contracted with the RAND Corporation to independently evaluate eight county departments’ operations and budgets and to make recommendations for improving procedures and mechanisms to track the impact of Proposition 47 as a follow-up to initial reports by Los Angeles County’s Department of the Auditor-Controller. The report is intended for the many stakeholder groups in Los Angeles County interested in monitoring the impacts of Proposition 47 and related initiatives. These groups include the Los Angeles County Chief Executive Office; the Los Angeles County Board of Supervisors and its Justice Deputies; and many county departments, including but not limited to the Departments of the District Attorney, Public Defender, Alternate Public Defender, Sheriff, Probation, Health, Mental Health, and Public Health. Interested stakeholders also include other offices or groups that provide supporting services to criminal justice populations in Los Angeles County (e.g., Office of Diversion and Re-entry, Information Systems Advisory Body, Countywide Criminal Justice Coordination Committee, Internal Services Department).

RAND Justice Policy

The research reported here was conducted in the RAND Justice Policy Program, which spans both criminal and civil justice system issues with such topics as public safety, effective policing, police-community relations, drug policy and enforcement, corrections policy, use of technology in law enforcement, tort reform, catastrophe and mass-injury compensation, court resourcing, and insurance regulation. Program research is supported by government agencies, foundations, and the private sector.

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Summary

On November 4, 2014, California voters passed Proposition 47, “The Safe Neighborhood and Schools Act,” with nearly 60 percent approval. The initiative is part of a sweeping series of criminal justice reforms passed in California over the past five years (e.g., Proposition 36 [2012], Assembly Bill 109, Assembly Bill 1468, Proposition 57) designed to reduce state prison overcrowding, focus criminal justice expenditures on violent and serious offenses, and increase investments in prevention and support programs. By reducing penalties for certain nonserious, nonviolent property and drug offenses, Proposition 47 was expected to significantly reduce criminal justice workload at the county level, particularly by freeing up beds in county jails and resources in probation departments (Taylor, 2015). At the state level, Proposition 47 was expected to reduce the number of offenders eligible for state prison sentences and the number of adults incarcerated by the state, with prospective estimates suggesting state savings in the range of $100 million to $200 million per year (Graves, 2016).1 State savings were to be directed to the Safe Neighborhoods and Schools Fund and redistributed to mental health and substance abuse treatment programs (65 percent), programs to reduce school truancy (25 percent), and trauma recovery services for crime victims (10 percent). The initiative did not specify how county savings were to be reallocated, nor did it define a particular method for tracking and calculating operational or fiscal changes (Californians for Safety and Justice, 2016).

In September 2016, the Los Angeles County Chief Executive Office contracted with the RAND Corporation to conduct an independent operational and fiscal analysis of Proposition 47 as a follow-up review of preliminary reports by Los Angeles County’s Department of the Auditor-Controller. Our overall objective was to draw insights from Los Angeles County departments’ experiences with Proposition 47 to develop a set of recommendations for metrics and data management systems that Los Angeles County can use to track the operational and fiscal impacts of Proposition 47 and other legislative initiatives.

Methods

We used a mixed-methods approach and data from multiple sources to undertake a new approach of how county departments have been affected by Proposition 47, extending the Auditor-Controller’s analytic findings. We also developed recommendations on how to measure

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1 Proposition 47 was projected to reduce the size of the state prison population through two mechanisms: (1) resentencing inmates currently in state prison to release an estimated several thousand inmates, and (2) reducing certain felonies and possible felonies to misdemeanors, which would make fewer offenders eligible for state prison sentences. Proposition 47 was expected to create a slight increase in the state parole population, which would rise by several thousand parolees over a three-year period (Taylor, 2015).
the impact of Proposition 47 (and future legislative mandates) on county operations and budgets and what metrics should be tracked. To understand the operational and fiscal impacts of Proposition 47, we were asked by the Chief Executive Office Public Safety division to focus our analyses on eight county departments that Proposition 47 was expected to affect with respect to workload (Sheriff, Probation, District Attorney [DA], Public Defender [PD], Alternate Public Defender [APD], Department of Health Services [DHS], Department of Mental Health Services [DMH], and Department of Public Health [DPH]).

The project was launched in late August 2016, and data were collected through November 2016. First, we reviewed previous documentation provided to us by the Auditor-Controller and met with representatives of the Auditor-Controller to ask questions about their approach. Next, we contacted representatives from each of the eight county departments and offices to schedule in-person interviews to acquire information directly. Multiple meetings often were required to fully understand the operations and data systems. We explored issues related to the departments’ ability to measure and track workload related to Proposition 47 and which data could be used to inform fiscal and operational analyses. During this time, we also attended the Consolidated Taskforce monthly meetings and the presentations to the Board of Justice Deputies and the Board of Supervisors. We also met individually with the Justice Deputies from Districts One, Two, Three, and Five to hear about specific needs and concerns and participated in a Justice Reform Metrics meeting. We had additional meetings with related entities, including the Information Systems Advisory Body, 211 LA County, and the Internal Services Department. We typically received data files from these departments and offices to help inform our efforts. We also reviewed relevant Los Angeles County meeting minutes, websites, and other public information regarding state and other county efforts to enhance our understanding about trends in workload and Proposition 47–relevant activities.

Findings

Summary of the Impact on County Operations and Workload

Table S.1 summarizes estimated changes in county workload and the direction of the workload effect for the different county departments as a result of Proposition 47. We summarize the changes with respect to new cases (both felonies and misdemeanors) and legacy cases (petitions and applications about prior felony arrests and convictions).²

² New cases involve individuals whose current offense is potentially eligible to be charged as a misdemeanor, not a felony, because of the changes introduced by Proposition 47. Legacy cases involve individuals who had a felony arrest/conviction before November 4, 2014, and were potentially eligible to have their felony sentences reduced to misdemeanor sentences under Proposition 47.
Table S.1. Estimated Changes Affecting Workload for County Departments Since Proposition 47

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<th>Department/Office</th>
<th>New Cases</th>
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NOTE: The arrows indicate the direction of the effect of Proposition 47 on workload related to new cases (felonies and misdemeanors), and on the legacy cases (petitions and applications). A question mark indicates that the direction of the effect is uncertain. N/A indicates not applicable.

Impact on the District Attorney, Public Defender, and Alternate Public Defender Offices

The DA, PD, and APD offices primarily experienced an increase in workload due to Proposition 47. All three offices were tasked with handling petitions and applications filed by offenders seeking legal relief under the proposition, in addition to handling new filings for Proposition 47 cases. Current data systems make it difficult to estimate changes in staff effort; however, available data show increased workload from legacy cases. This legacy case workload will remain, as Proposition 47 legacy filings have been extended to 2022. This increase in work has been partially offset by a decline in the felony caseload, although serious and violent felonies have been increasing. The number of misdemeanor cases has also increased since Proposition 47.

Impact on the Los Angeles County Sheriff’s Department

The Los Angeles County Sheriff’s Department (LASD) patrol and custody operations workload was affected by several competing factors following the passing of Proposition 47. LASD experienced reductions in narcotics arrests for 11350, 11357(A), and 11377 Health and Safety Code (HS) offenses after Proposition 47 went into effect. However, LASD experienced an increase in arrests for larceny theft offenses following Proposition 47, although the larceny theft arrest rates appear to be at about the same levels as 2010–2011 (the years before and after Public Safety Realignment was enacted). Part I crimes increased in 2015 from 2014, but were lower than rates reported for the years prior to Public Safety Realignment (2008–2011). Part I crimes include both larceny felonies and misdemeanors. Calls for service, which relate to LASD operations and workload changes, increased about 5 percent from the year before Proposition 47, although there does not appear to be a trend break at the time of Proposition 47. LASD also has

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3 California HS 11350 refers to possession of a controlled substance, 11357(A) refers to possession of concentrated cannabis, and 11377 refers to possession of methamphetamine.
identified a significant number of high-rate offenders, arguing that individuals who would have been incarcerated before Proposition 47 are now in the community and therefore reoffending at high rates. A more definitive analysis would need to compare arrest, conviction, and incarceration rates for offenders pre– and post–Proposition 47. The overall custody population in LASD jails declined after Proposition 47, due in part to a reduction in bookings. However, the number of functional beds has also dropped, as the amount of mentally ill people in custody has increased, and such individuals may need more housing space. The increase in the mentally ill population also increased LASD workload and costs due to a higher staff-to-offender ratio and the medication and diet needs of this population.

Impact on the Los Angeles County Probation Department

The Los Angeles County Probation Department experienced a reduction in their total probation population as a result of Proposition 47. The initial impact was a reduction in 10,603 probationers due to legacy cases, suggesting an initial decrease in workload. Due to other factors, including a change in the mix of caseload types, there was a resulting overall decline of 5,107 in the total probationer population. The Probation Department is still operating above national recommendations with respect to caseload ratios.

Impact on the Departments of Public Health and Mental Health

With respect to the DPH and DMH, some evidence shows that individuals receiving Proposition 47 relief (i.e., legacy cases) dropped out of mental health and substance use disorder treatment. In addition, data provided by the DPH suggest that the number of individuals referred to treatment from the criminal justice system has decreased, which may also be related to Proposition 47. No information was provided to reliably estimate the impact of Proposition 47 on general health care services. These findings regarding the effect of Proposition 47 on health services utilization suggest that further examination is merited to understand how these individuals are referred to and use services, as well as these individuals’ outcomes.

Issues Associated with Reliably Estimating Workload and Cost Impacts

Our analyses showed that it is difficult to reliably estimate the workload impact of Proposition 47 in the first several years following its enactment for several reasons. First, county departments lack the infrastructure to readily monitor workload changes and translate those changes into fiscal impact. Although caseload information is available, translating caseloads to workloads was found to be relatively difficult for many of the county departments. Second, some departments were underresourced, so any savings from Proposition 47 were put toward improvements in resource levels. For example, the Probation Department was operating at higher caseloads than the national recommended levels prior to Proposition 47. A reduction in caseloads was observed following Proposition 47’s passage, but the Probation Department still operates above recommended levels. Third, although hypothetical estimates can be made, costs or savings
cannot be truly realized because no funds were shifted as a result of the proposition: Each
department continued to operate without any direct changes in allocation of specific dollars away
from or to support of Proposition 47. Although the DA and PD have recently been granted new
paralegal staff to assist with Proposition 47 activities, this will account for only a small
proportion of the actual changes in workload and fiscal impact associated with Proposition 47.
Fourth, a new penal code was created as a result of the enactment of Proposition 47, which
means that it is impossible to use existing administrative database information to identify
Proposition 47–eligible cases. To estimate the initial operational and fiscal impact of Proposition
47 retrospectively would require examining a random sample of “potential Proposition 47” cases
from the pre–Proposition 47 period and conducting a detailed review of each case to determine
whether it would now qualify for Proposition 47. This would allow an estimate of the fraction of
total “potential Proposition 47” cases that would theoretically have been affected by the passage
of Proposition 47.

Insights from State and Other County Initiatives

We contacted individuals from a number of entities across the state to understand how they
were measuring the impact and costs of Proposition 47 in their counties. Although counties are
all interested in understanding the workload impact of Proposition 47, we did not identify any
comprehensive efforts to tie workload impacts to costs, although individual counties are doing
cost calculations for budget purposes. California also lacks a statewide set of metrics: The Board
of State and Community Corrections will provide all 58 counties’ information from 2011–2015
on population data, crimes reported, arrests, and jail populations, but it is up to each county to
analyze its own data. In our review, possible statewide metrics discussed were similar to Los
Angeles County metrics: arrests (including by offense type); changes in jail bookings and
populations; probation caseload changes; increases in cases handled by the DA, PD, and APD;
and changes in drug court participants. At the same time, there was interest in adding other
measures, such as changes in the homeless population and drug use by Proposition 47 offenders.

Conclusions and Recommendations

Los Angeles is interested in identifying a strategy to monitor the impact of Proposition 47, as
well as other criminal justice initiatives, on county operations. It is important to note that
Proposition 47 created new penal codes, making it harder to identify affected individuals in
existing databases. Also, it is impossible to identify whether an individual is Proposition 47–
eligible without reviewing the details of his or her case and knowing his or her past criminal
history. Moreover, Proposition 47 is unique in that it applies to individuals retrospectively. As a
result, there was an increased influx of Proposition 47–related activity immediately following
passage. A large population of legacy cases is still potentially eligible for Proposition 47 relief,
and the window for eligibility has recently been extended from 2017 to 2022. Despite these
challenges, we provide recommendations for estimating individual county service utilization and workload changes relevant to Proposition 47 and other initiatives, such as the recently passed Propositions 57 and 64.\textsuperscript{4} We also present some guidance on developing a set of criminal justice performance metrics given the feedback we received from multiple stakeholders during the project.

\textit{Understanding Proposition 47 Individuals' Utilization of Services and Outcomes}

Ultimately, it is important to understand Proposition 47 individuals’ needs for services, utilization of services, and outcomes. Because these individuals are the responsibility of multiple county departments and agencies and differ in their service needs, a study that follows a cohort of Proposition 47 individuals over time to assess their need for and use of services and, ultimately, their criminal justice and health-related outcomes would be informative. A database that identifies individuals and links data over time across different county departments would be needed to accomplish such a study; this database would also need to protect individual privacy rights. Although there are several data integration efforts under way, none currently link data across the eight county departments to accurately identify in real time those individuals affected by Proposition 47.

\textit{Measuring Workload}

Although several county departments (e.g., the APD) have developed systems to capture data on the level of effort associated with different types of cases, it likely is impossible to implement similar systems across all eight county departments. Given this, weighted workload studies are one way to more accurately monitor workload and associated fiscal impact. Weighted workload studies provide an objective measure of how various staff members within agencies are spending their time. Results can be used to determine staffing needs and to analyze or forecast the impact legislative changes will have on county department resources.

\textsuperscript{4} Proposition 57 (2016) was designed to allow parole consideration for felons convicted of nonviolent crimes, as well as authorize sentence credits for good behavior, rehabilitation, and education. It also allowed judges, rather than prosecutors, to decide whether to try certain juveniles as adults in court. Proposition 64 (2016) legalized marijuana under state law for those 21 years old and over.
Establishing performance metrics would help the county monitor the impact of Proposition 47 and similar initiatives. While the goals and metrics outlined below are suggested based on a review of the literature and on an understanding of Proposition 47, our recommended indicators are defined broadly, so they can apply to continual monitoring of justice system performance or can be refined to apply to any target population (such as Proposition 47 individuals):

- **Goal One:** Enhance public order and safety.
- **Goal Two:** Provide the opportunity for Proposition 47 legal relief to all potentially eligible individuals.
- **Goal Three:** Improve offender service provision, reintegration, and rehabilitation.
- **Goal Four:** Improve efficiencies in the justice system within and across agencies.
- **Goal Five:** Reduce nonserious, nonviolent offenders’ costs to the justice system.

We considered two types of metrics for each goal. *Output metrics* quantify the volume of workload produced by a program, policy change, or activity. *Outcome metrics*, in contrast, measure the consequences of a program, policy, or activity. Both sets of metrics reflect what is important to the community as a whole and can be used to gauge both the intended and unintended effects of a change in policy or implementation of a new program. The distinction between output and outcome is not always straightforward and may vary depending on the specific goals and input-output-outcome model defined. For example, while the metric of calls for service may be used to assess patrol workload (output), it may also be used to reflect community safety (outcome). Keeping in mind the potential overlap of some measures, we provide examples of both types of metrics for each goal:

- **Goal One: Enhance public order and safety.** Output metrics are especially relevant to law enforcement agencies, such as numbers of arrests by offense type and charge, number of citation and releases “in the field,” use of force, etc. Outcome metrics can include crime, calls for service, and various measures of recidivism (i.e., arrests, convictions and/or incarceration rates, probation violations for those under community supervision).

- **Goal Two: Provide opportunity for Proposition 47 legal relief to all potentially eligible individuals.** Output metrics can include the number of letters mailed, number of events held, and number of participants at legal relief events. Outcome metrics can include the number of hits to the Proposition 47 outreach website, proportion of contacted people seeking legal relief, number of individuals requesting other legal services, and number of individuals receiving Proposition 47 legal relief.

- **Goal Three: Improve offender service provision, reintegration, and rehabilitation.** This goal will require data sharing between agencies in the county to document services provided and impact on individuals. Output metrics can include the number or percentage of individuals referred to services, by service type (e.g., treatment programs, mental health counseling); number or percentage of individuals with identified need or risk profile referred to appropriate services, by service type or program provider; and number or percentage of inmates released from custody with supervision or service referral.
Possible outcome metrics include actual service use by offenders, by service type; program completion (and reasons for noncompletion); housing status of individuals (e.g., number or percentage of homeless clients, days spent in shelters); substance use outcomes, such as percentage of participants in programs with positive tests, number of relapses, or number of days “clean”; number or percentage of clients with improved mental health functioning (as measured by standardized scales); number of psychiatric hospitalizations; number or percentage of clients placed in jobs and degree of job stability; and payments made to restitution orders.

- **Goal Four: Improve efficiencies in the justice system within and across agencies.** Goals Four and Five can be seen as more closely tied to operational aspects of county departments than the first three. Outputs for county departments can consist of the number of collaborative interagency work group meetings between agencies; initiatives implemented to address community problems; and data-sharing memoranda of understanding created. Metrics for outcomes can include changes in case processing time and decreases in duplication effort by law enforcement, prosecutors, and community agencies.

- **Goal Five: Reduce costs to the justice system of nonserious, nonviolent offenders.** A central question the Los Angeles County Auditor-Controller has tried to address is the cost savings to county departments as a result of Proposition 47. However, given current information systems and operational data, it has not been possible to determine exact cost savings by departments. Future cost analyses will require weighted workload studies, for example, to assist in assigning dollar values to the output and outcome metrics agreed upon in Goals One through Four above.
Acknowledgments

We would like to express our appreciation to all of the individuals in Los Angeles County who participated in our interviews. We would like to thank the staff of the eight county departments who generously provided data requested for our analyses and took the time for in-depth interviews about the impact of and response to Proposition 47. We also would like to thank the Auditor-Controller’s Office for making staff available for interviews and the data analyzed for the office’s initial reports. We extend a special thanks to our project officer, David Turla, principal analyst, Los Angeles County Chief Executive Office, for facilitating this project and ensuring access to county departmental staff and data. Tiffany Hruby provided outstanding administrative assistance throughout the project.

This report was peer reviewed according to RAND’s Standard for High-Quality Research and Analysis, available at www.rand.org/standards/standards_high.html. We appreciate the insightful reviews by Mia Bird and Nancy Nicosia.
Abbreviations

ADIP         average daily inmate population
APD          Alternate Public Defender
CCJCC        Countywide Criminal Justice Coordination Committee
CEO          Chief Executive Office
CEO-SIB      Chief Executive Office Service Integration Branch
CWMDM        Countywide Master Data Management
DA           District Attorney
DCFS         Department of Children and Family Services
DDA          deputy district attorney
DHS          Department of Health Services
DMH          Department of Mental Health
DPH          Department of Public Health
DPSS         Department of Public Social Services
ELP          Enterprise Linkage Project
FTE          full-time equivalent
FY           fiscal year
HIPAA        Health Insurance Portability and Accountability Act
HMIS         Homeless Management Information System
HS           Health and Safety Code
ISAB         Information Systems Advisory Body
ISD          Internal Services Department
IT           information technology
ITC          intermediate typist-clerk
JAIMS        Justice Automated Information Management System
LASD         Los Angeles County Sheriff’s Department
<table>
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<td>PC</td>
<td>Penal Code</td>
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<tr>
<td>PD</td>
<td>Public Defender</td>
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<td>PIMS</td>
<td>Prosecutors Information Management System</td>
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<td>Public Policy Institute of California</td>
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1. Introduction

On November 4, 2014, California voters passed Proposition 47, “The Safe Neighborhood and Schools Act,” with nearly 60 percent approval. The initiative is part of a sweeping series of criminal justice reforms passed in California over the last five years—e.g., Proposition 36 (2012), Assembly Bill 109 (2011), Assembly Bill 1468 (2014), Proposition 57 (2016)—designed to reduce state prison overcrowding, focus criminal justice expenditures on violent and serious offenses, and increase investment in prevention and support programs. By reducing penalties for certain nonserious, nonviolent property and drug offenses, Proposition 47 was expected to significantly reduce criminal justice workload at the county level, particularly by freeing up beds in county jails and resources in probation departments (Taylor, 2015). At the state level, Proposition 47 was expected to reduce the number of offenders eligible for state prison sentences and the number of adults incarcerated by the state, with prospective estimates suggesting state savings in the range of $100 million to $200 million per year (Graves, 2016).¹ State savings from Proposition 47 were to be directed to the Safe Neighborhoods and Schools Fund and redistributed to fund mental health and substance abuse treatment programs (65 percent), programs to reduce school truancy (25 percent), and trauma recovery services for crime victims (10 percent). The initiative did not mandate that county savings were to be reallocated, nor did it define a particular method for tracking and calculating operational or fiscal changes (Californians for Safety and Justice, 2016).

In September 2016, the Los Angeles County Chief Executive Office (CEO) contracted with the RAND Corporation to conduct an independent operational and fiscal analysis of Proposition 47 as a follow-up review of preliminary reports by Los Angeles County’s Department of the Auditor-Controller. This report provides updated information on operational changes following Proposition 47, as well as recommendations to improve the systematic collection and tracking of workload and cost measures, for the following eight Los Angeles County departments that Proposition 47 was expected to impact.

- District Attorney’s Office (DA)
- Public Defender’s Office (PD)
- Alternate Public Defender’s Office (APD)
- Sheriff’s Department (LASD)
- Probation Department

¹ Proposition 47 was projected to reduce the size of the state prison population by two mechanisms: (1) resentencing inmates currently in state prison to release an estimated several thousand inmates, and (2) reducing certain felonies and possible felonies to misdemeanors, which would make fewer offenders eligible for state prison sentences. Proposition 47 was expected to create a slight increase in the state parole population, which would rise by several thousand parolees over a three-year period (Taylor, 2015).
In the remainder of this chapter, we first provide a brief overview of Proposition 47 and highlight some of the considerations in evaluating how the measure has affected state and county agencies. Next, as context for this report, we summarize previous estimates of Proposition 47’s operational and fiscal impact for the state, counties, and specifically for Los Angeles County. We then summarize the study’s objectives and scope, discuss the study’s limitations, and outline the structure of the report for the remaining chapters.

Background

Proposition 47 reduced specific nonviolent and nonserious drug possession and property crime offenses from felonies or “wobblers” to misdemeanors through the reclassification, modification, or creation of new HS and penal codes (PCs). Effective the day following the law’s passage, new arrests for Proposition 47–eligible offenses were to be treated as misdemeanors unless the offender was determined to have a disqualifying prior conviction. Furthermore, the law applied retroactively, so that those currently serving a sentence for a felony conviction that qualifies under Proposition 47 could petition the superior court in which they were sentenced for resentencing under the new misdemeanor provisions. Persons who had completed their sentence for a qualifying felony conviction could apply to have the felony converted to a misdemeanor. Upon application approval, individuals could also apply for set-aside and dismissal relief under California PC §§ 1203.4, 1203.4a, and 1203.41. While the deadline for filing petitions and applications was initially scheduled for November 5, 2017, the signing of Assembly Bill 2765 by Governor Jerry Brown extended this deadline to November 2022.

Prior to the law’s passage, several reports had predicted that Proposition 47 would result in substantial savings for the state as well as for individual counties. Estimates suggested Proposition 47 would lead to potential net savings for the state in the low hundreds of millions of dollars annually, driven primarily by a reduction in the state prison population of several thousand inmates and only partially offset by a temporary increase in the state parole population and court costs (Taylor and Cohen, 2014). At the county level, Proposition 47 was expected to significantly reduce criminal justice workload, particularly by freeing up beds in county jails and resources in county probation departments (Taylor, 2015). Specifically, Proposition 47 was predicted to result in annual savings between $400 million and $700 million due to freed jail

2 “Wobblers” are offenses that could be charged as either a felony or a misdemeanor.

3 See Appendix A for specific details of the legislation, including the list of offenses qualifying for Proposition 47 and the list of statutory exclusions.
capacity of 10,000 to 30,000 beds, with additional potential savings from a reduction in county probation caseloads (Males and Buchen, 2014; Taylor and Cohen, 2014). One preliminary estimate suggested annual savings between $100 million and $175 million from freed jail beds in Los Angeles County alone (Buchen and Males, 2014).

However, several unique features of Proposition 47 complicate any evaluation of its realized operational and fiscal impacts; these factors are particularly pronounced at the county level. First, identifying “Proposition 47 cases” requires a detailed analysis of the specifics of a given case, as well as a comprehensive review of an individual’s criminal history. As most department data systems do not readily compile and store detailed case history information, particularly for legacy cases, it is relatively easier to identify potential Proposition 47 cases than to determine actual eligibility.

Second, there is no universally agreed-upon definition of a “Proposition 47 case.” Specifically, the definition depends on the individual county department’s mission, and the definition may change as the individual moves through the criminal justice system. For example, an individual arrested on a drug possession charge but is not convicted of a drug possession may be considered “Proposition 47” by the sheriff’s definition but not by the district attorney. This suggests that any measure of workload must be able to capture this variation in definitions, as well as the variation in the degree of complexity associated with different types of Proposition 47 cases. County departments’ limited experience to date with this population adds further complexity.

Third, to quantify the changes resulting from Proposition 47, one needs to establish a baseline comparison group from the pre–Proposition 47 period. In other words, this requires establishing a counterfactual of what would have happened had Proposition 47 not passed. For those with drug possession charges, this process is more straightforward, although one still needs to know the relative proportion of drug possession charges that were previously charged as felonies as compared with misdemeanors. For those that have committed property crimes, namely theft, this requires determining the value of the property stolen (this is part of the definition of Proposition 47–eligible property crimes).4 Further, Proposition 47 created new penal codes for petty theft, so we are unable to readily identify a comparable pre–Proposition 47 population.

In addition, the retroactive nature of the law requires distinguishing between “new” and “legacy” Proposition 47 cases. For example, new crimes that qualify under Proposition 47 as

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4 Proposition 47 changes receiving stolen property worth $950 or less from a “wobbler” crime to a misdemeanor. Proposition 47 also limits when theft of property of $950 or less can be charged as a felony. For shoplifting, under Proposition 47, shoplifting property worth $950 or less is always a misdemeanor and can no longer be charged as burglary in the second degree, which can be classed as a felony. Under Proposition 47, writing bad checks is a misdemeanor unless the check is worth more than $950 or the offender has previously committed three forgery-related crimes, in which case the crime is a wobbler. Under Proposition 47, forging a check is a misdemeanor if the check is worth $950 or less—unless the offender commits identity theft in connection with forging the check, in which case the crime can be classed as a felony (Taylor, 2015).
misdemeanors potentially affect all the departments, whereas individuals who are already serving for a Proposition 47–eligible offense could affect the departments differently. Individuals who have completed a sentence for a Proposition 47–eligible offense and want their sentences reclassified are likely to affect mainly the DA, APD, and PD.

Finally, to isolate the impact of Proposition 47, one needs to account for the complex policy environment in which the legislation was passed. For example, many county jail systems, including Los Angeles, are under court-imposed population limits restricting the number of inmates who may be housed in any given facility, and sheriff’s departments have been using early releases to stay in accordance with these court-ordered population caps (Lawrence, 2014). Thus, in capacity-constrained counties, while Proposition 47 may have reduced the flow of inmates with eligible charges into custody, reduced use of early releases may have mitigated some of the potential workload and cost savings and influenced the composition of the custody population (Bird et al., 2016). The implementation of other policy changes during this time period also makes it difficult to disentangle the effects of Proposition 47 from those of other policies. For instance, Assembly Bill 1468, which increased the use of split-sentencing for the Assembly Bill population in Los Angeles County, took effect shortly after Proposition 47 and also affected operations for LASD and Probation. The passage of Propositions 57 and 64 in November 2016 will also likely lead to changes in the functioning of Los Angeles County’s criminal justice system, and separating the impact of Proposition 47 from these other legislative changes moving forward will require careful consideration.

Prior Estimates of Proposition 47’s Operational and Fiscal Impacts

In addition to these challenges, data systems were not set up to follow Proposition 47’s effects at the time of implementation. Therefore, two years after the implementation of Proposition 47, there is significant controversy as to its realized fiscal and operational impacts.

State Estimates

In January 2016, the California Department of Finance released an estimate for fiscal year (FY) 2015–2016 state net savings from Proposition 47 of $29.3 million (California Department of Finance, 2016). This estimate was based on calculations of a reduction in prison inmate costs ($52.2 million), fewer criminal court filings ($1.7 million), and lower patient population in state hospitals ($8.7 million), offset by increased costs from trial court ($26.9 million) and state parole ($6.5 million) workload related to resentencing. This figure, a fraction of the amount predicted by previous reports, was met with immediate criticism. Upon review of the Department of Finance’s calculations, the Legislative Analyst’s Office proposed they had underestimated savings by about $100 million (Taylor, 2016).

A number of factors contribute to the divergence in cost savings estimates. State savings resulting from reduced incarceration under Proposition 47 are calculated as a function of the
reduction in average daily inmate population (ADIP) and the marginal cost of housing an inmate. The Department of Finance estimate for the marginal cost of housing an adult inmate used a “blended” rate that incorporated the marginal cost of housing an individual in state prison ($9,253 per person) with the marginal cost of contract bed utilization ($28,726 per person), while the Legislative Analyst’s Office estimate assumed all inmates would have been housed in contract beds and thus used the higher marginal cost estimate from contract bed utilization (Graves, 2016; Taylor, 2016). The Legislative Analyst’s Office also disagreed with the estimate of court costs, citing that the Department of Finance had included some court costs incurred in FY 2014–2015 and excluded some court costs incurred in FY 2015–2016 (Taylor, 2016). Court savings may have been further underestimated as the calculations implicitly assumed that felony and misdemeanor cases require the same amount of processing time, but existing workload studies suggest the average felony requires over three times more staff time than misdemeanor cases (Taylor, 2016). Finally, there is disagreement with the Department of Finance’s assumption that courts require the same level of resources to process resentencing and reclassification cases (Graves, 2016). While it is more straightforward to isolate the effect of Proposition 47 on costs or savings related to legacy cases (e.g., number of petitions filed, number of prisoners released due to Proposition 47 relief), estimating the fiscal impact of Proposition 47 on new cases requires a number of assumptions (e.g., how many individuals would have been sent to prison with a felony conviction pre–Proposition 47 but do not receive prison time post–Proposition 47); differences in these assumptions can lead to widely divergent estimates of Proposition 47’s total fiscal effect.

While the initial Department of Finance estimate was revised upward to $39.4 million and supplemented by a discretionary one-time investment of $28 million, resulting in a total allocation related to Proposition 47 of $67.4 million by the time the legislature voted on the budget in June 2016, these discrepancies highlight several of the difficulties in quantifying the impact of Proposition 47 (California Department of Finance, undated).

County Estimates

By reducing felony convictions, Proposition 47 was anticipated to significantly affect counties’ criminal justice system operations and budgets through various mechanisms (Males and Buchen, 2014; Teji and Graves, 2014).

First, with respect to LASD, Proposition 47 was expected to reduce the workload for county jails in several ways: (1) Proposition 47 offenders were expected to receive generally shorter jail terms than they otherwise would have; (2) individuals arrested for crimes affected by Proposition 47 would be less likely to be held in jail, since counties generally are less likely to hold individuals arrested for misdemeanors prior to their trials; and (3) offenders serving sentences in jail for crimes affected by Proposition 47 are eligible for resentencing, which could result in shorter jail terms or release (Taylor, 2015). The projected reductions in jail workload due to the reclassification of felony to misdemeanor were expected to be slightly offset by an increase in
workload associated with offenders who would otherwise have been sentenced to state prison (Taylor, 2015).

Second, courts were expected to incur temporary workload increases resulting from the processing of resentencing petition and reclassification application filings, though an alleviated felony caseload burden was anticipated to result in long-run operational improvements for the court system (Teji and Graves, 2014). County district attorneys and public defenders (and county sheriffs, who provide court security) might experience a temporary increase in workload, but Proposition 47 was projected to reduce on an ongoing basis the workload associated with both felony filings and other court hearings (Taylor, 2015).

Third, the hypothesized impacts of Proposition 47 were ambiguous for county probation departments and county health services. Workload changes for probation departments would depend on the frequency with which courts granted probation in misdemeanor cases, the relative risk composition of probation caseload, and the extent to which counties chose to redirect any workload savings to other local priorities. Proposition 47 was intended to allow counties to focus on rehabilitation, with state-level financial savings from reductions in incarceration reinvested in truancy, drug treatment, and mental health programs. However, there were concerns that fewer of these individuals would opt for drug treatment programs if they were not compelled to with the threat of jail time. In addition, Proposition 47–eligible individuals’ mental health and drug treatments needs are unclear.

Fourth, county-level efforts to quantify the impact of Proposition 47 have proven difficult. As counties were not required to audit budgetary savings related to Proposition 47, mechanisms were not initially put into place to specifically track operational or fiscal changes resulting from Proposition 47. Several counties have developed working groups and collected statistics to monitor post–Proposition 47 trends in arrests, inmate population, probation caseloads, outreach efforts, and Proposition 47 petitions or applications received by the courts (Community Corrections Partnership, 2016; County of San Diego, Department of Probation, 2016; Santa Cruz County Probation Department, 2016; Potthoff, 2016). However, no county has yet developed methods to examine how observed caseload changes across departments translate into savings (or cost increases). Further, to our knowledge, no county has yet estimated the overall causal effect of Proposition 47 on potential outcomes nor quantified countywide realized cost savings from the measure.

Los Angeles County Estimates

Los Angeles County has taken steps to develop methods to track and analyze workload and cost changes following Proposition 47 in order to better inform budgetary decisions. In December 2015, the Auditor-Controller was instructed to conduct an analysis of the costs, savings, and service changes associated with the implementation of Proposition 47 for eight county departments: LASD, Probation, DA, PD, APD, DHS, DPH, and DMH. The Auditor-Controller’s first review found that none of the eight affected departments had sufficient means
to quantify the operational or fiscal impact of Proposition 47, and the Auditor-Controller provided recommendations for how each agency could implement procedures to improve data collection to track the impact of Proposition 47 going forward (Naimo, 2016a). While the Auditor-Controller’s initial report provided preliminary estimates of Proposition 47 cost savings in FY 2015–2016 of $9.2 million (savings of $13.7 million for LASD and $1.1 million for DPH, net costs of $5.6 million for DMH), the report stressed that this estimate should not be considered causally related to Proposition 47. Fiscal effects were estimated based on comparing caseloads for the 12 months after Proposition 47 with caseloads from the 12 months prior, and therefore could not disentangle the direct effects of Proposition 47 from other confounding factors occurring during the time period studied.

In October 2016, the Auditor-Controller released a second report providing updated statistics for changes in each county department’s operations and associated costs, and an overview of new developments in metrics and tracking methods (Naimo, 2016b). The status update noted newly developed methods implemented by several county departments (Probation, PD, APD, and DA) to improve tracking of workload and cost changes resulting from Proposition 47. In addition, earlier cost estimates were removed for some departments based on feedback from them about how the costs were being measured. However, other departments (LASD, DHS, DPH, and DMH) continue to face challenges in identifying Proposition 47 individuals and measuring workload or budgetary effects directly related to Proposition 47’s passage.

Study’s Objective and Scope

Our overall objective in this study is to draw insights from Los Angeles County departments’ experiences with Proposition 47 to develop a set of recommendations for metrics and data management systems that Los Angeles County can implement in order to track the operational and fiscal impacts of Proposition 47 and other legislative initiatives moving forward. As with the Auditor-Controller’s reports described above, our study provides descriptive and quantitative evidence on changes in county departments’ workloads, operations, and cost increases or savings resulting from Proposition 47. The study’s aim is not to validate nor to reiterate the findings of the Auditor-Controller, but rather to build on the contributions of the Auditor-Controller’s work by undertaking an updated analysis of how county departments have been affected by Proposition 47, extending the Auditor-Controller’s analytic findings, and making recommendations on how the county can measure the impact of Proposition 47 (and future legislative mandates) on county operations and budgets and what metrics should be tracked. Specifically, our charge was to:

- Estimate or describe changes to-date in county departments’ workloads and operations resulting from Proposition 47.
- Estimate county departments’ implementation-to-date, FY 2015–2016, and prospective cost savings or increases resulting from Proposition 47.
• Identify other factors that may have affected county departments’ operations since the implementation of Proposition 47.
• Provide recommendations for metrics and methods to track the operational and fiscal impacts of Proposition 47, with possible applications to other legislation moving forward.

Organization of the Report

We organized the report as follows. Chapter Two provides an overview of the mixed methods approach we undertook and a discussion of the qualitative and quantitative methods used. Chapter Three presents the results of our qualitative and quantitative analyses for each of the eight county departments as well as a discussion of the integrated data systems in the county relevant to Proposition 47 and findings from our review of state and other county efforts. Finally, Chapter Four presents a summary of the impact of Proposition 47 on county operations and workload, discussion of recommendations for measuring the impact of Proposition 47 and other legislative initiatives moving forward, and recommendations for county metrics.

Appendix A details the statutory changes made by Proposition 47. Appendix B provides additional materials from the Public Defender’s workload estimates. Appendix C presents supporting materials regarding LASD, while Appendix D provides information about conducting a weighted workload study.
2. Approach

Overview

The scope of this study was to understand the operational and fiscal impact of Proposition 47 on eight county departments (i.e., DA, PD, APD, LASD, Probation, DHS, DMH, and DPH) and to identify fiscal and operational metrics to quantify and track the impact of Proposition 47.

The study was conducted by using a mixed-methods approach and data from multiple sources. We reviewed existing documentation from a variety of sources while also conducting in-depth interviews with personnel at each of the departments. We also requested additional documentation from many of the departments and other entities interviewed to enhance our understanding. We attended relevant county meetings to learn about current status and Proposition 47–related efforts and met with relevant county staff. Finally, we also reviewed other state and county efforts to document the impact of Proposition 47. Each of these activities is described in more detail in the following sections of this chapter.

All human subject activities were reviewed and approved by RAND’s Human Subjects Protection Committee before data collection started. This committee is an Institutional Review Board that monitors human subjects research activity to ensure that it is conducted in accordance with all federal, institutional, and ethical guidelines.

Document and Data Review

At project inception, we reviewed the Auditor-Controller’s operational and fiscal impact of Proposition 47 report and requested that the Auditor-Controller provide to us the data used to generate the findings in the report (Naimo, 2016a). In addition, we received additional updates from the Auditor-Controller including the joint Auditor-Controller and Chief Executive Office’s Proposition 47: Operational and Fiscal Status Report to the Board of Supervisors (Hamai and Naimo, 2016; Naimo, 2016b). We also received documentation and data directly from individual department entities prior to and following the in-depth interviews. Because of the diversity in data received across the departments, we provide greater detail about the documentation and data we received in Chapter Three of this report.

We also reviewed relevant Los Angeles County meeting minutes (e.g., Countywide Criminal Justice Coordination Committee), county department websites and other public information (e.g., reports by other California counties and research institutions, such as the Public Policy Institute of California [PPIC] report titled “How Has Proposition 47 Affected California’s Jail Population,” Bird et al., 2016) to enhance our understanding of Proposition 47–relevant activities. We reviewed these materials before our interviews with Los Angeles County departments to clarify the conceptual or predicted effects of Proposition 47 on agencies.
examined Los Angeles County meeting minutes to identify other issues affecting the Los Angeles County justice system that were occurring concurrently with Proposition 47. Published reports from other California counties or research institutions and additional phone conversations with state/county agencies and other organization representatives were used to understand how other counties were experiencing effects from Proposition 47 and attempting to monitor these impacts. We also used published reports to help address the objective to develop metrics to monitor the impact of Proposition 47.

In-Depth Interviews

We first conducted a project launch meeting on September 7, 2016, to provide an overview of the study to the various county departments and related entities involved with Proposition 47 and identify the key operational, fiscal, and information service points of contact from each department that we would later interview. Following that meeting and receipt of Internal Review Board approval, we conducted in-person or telephone interviews with representatives from each of the following eight county departments and offices: DA, PD, APD, DMH, DPH, Office of Re-entry and Diversion (DHS), Probation, and LASD. Although our focus is on the impact of Proposition 47 on the eight county departments, we also interviewed representatives from Auditor-Controller, Information Systems Advisory Body (ISAB), Internal Services Department (ISD), and 211 LA County to obtain a broader understanding of the various efforts under way related to the Proposition 47 population and the role of these different entities. In some cases, the department head participated in the interview; in other cases, we interviewed senior staff, who represented departmental leadership, operations, and fiscal and information services experts. Generally, the department interviews were conducted in a group setting. In total, 58 individuals participated in the interviews. For some agencies, two interviews were conducted so that a better understanding of both the operational impact and the data being managed by the entity could be fully explored (i.e., Auditor-Controller, DA, and LASD). All interviews were conducted between September 26, 2016, and November 11, 2016.

A semistructured protocol was used with representatives from each of the eight county offices and departments which included queries about roles and responsibilities related to Proposition 47, including how each entity’s operations had changed as a result of Proposition 47 and the entity’s effort to monitor operational and fiscal impact. We explored issues related to the ability of the departments to measure and track workload related to Proposition 47 and what data were being collected and monitored that could inform fiscal and operational analyses. While our interviews were tailored to the specific issues facing each agency, the main themes explored in each interview were:

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1 211 LA County is a nonprofit organization that has made efforts to connect individuals potentially eligible for Proposition 47 relief to support services.
• direct and indirect effects of Proposition 47 on department workload
• external or confounding factors that complicated efforts to isolate Proposition 47’s impact
• available data to quantify changes in workload or costs following Proposition 47
• specific challenges or limitations in data collection efforts.

We also asked whether any cost savings had been realized and if so, how those resources had been utilized. We used a formative interviewing process, so that if new ideas surfaced during an interview, we included them when probing in future interviews. The interviews, which generally took between 60 and 90 minutes to complete, were either digitally recorded or conducted by more than one researcher so that the information captured in the field notes could be verified.

The five Los Angeles County Board of Supervisors’ Justice Deputies were also invited to participate in individual, in-person interviews to help inform the structure and content of the report. Representatives from Districts One, Two, Three, and Five participated in interviews between November 4, 2016, and November 14, 2016. These interviews were used to garner information related to what the board’s key priorities were in regard to the impact of Proposition 47 on the eight county entities under study. These interviews were more open-ended in nature due to the goal of determining how the report could provide value to the Board of Supervisors’ Justice Deputies’ goals.

We also contacted individuals from the following organizations to ask about measuring Proposition 47 impacts and metrics used in counties across the state: California Board of State and Community Corrections; California State Association of Counties; PPIC; two former probation chiefs; California Forward; and Californians for Safety and Justice.

Observations

Upon project commencement, we started to attend standing county meetings that were relevant to the project. These included the monthly Consolidated Taskforce meetings held on August 31, 2016, September 30, 2016, and October 31, 2016. We also attended the presentations made at the Public Safety Cluster meeting on October 19, 2016, and to the Board of Supervisors on November 15, 2016. We also participated in the Los Angeles County Criminal Justice Reform Metrics meeting held on November 14, 2016.

The meetings that we attended allowed us to learn more about the status of different activities and initiatives related to Proposition 47 and how the different entities were affected by Proposition 47 and were monitoring its impact. These meetings helped provide useful context for the interviews and data that were requested. We also used the data provided in the presentation to the Public Safety Cluster on October 19, 2016, to help cross-check and verify some of the data we collected directly from the departments. In each county department’s write-up, we note the source of the data presented.
Analyses

Interview Data

Field notes were taken during the interviews and reviewed by other interviewers and/or checked against the digital audiofile for completeness and accuracy. Next, the information in the field notes was summarized to help describe the operational and fiscal impacts that the respondents reported. In some circumstances, department staff provided additional information following the interview that was better conveyed through screen shots, Excel files, or other data visualization methods, which were then incorporated into the summaries for each department presented in the next chapter.

Operations and Fiscal Data

We first reviewed the data shared with us from the Auditor-Controller and evaluated the underlying estimates used to determine impact on operations and fiscal impact. Next, based on our findings from the interviews with each department, we emailed the points of contact at each individual department with a follow-up request for additional data to augment our analyses. With the operations data, our goal was to establish a pre–Proposition 47 baseline and identify changes to the eight county departments’ operations (e.g., staffing and workload) resulting from Proposition 47. We also aimed to identify any other factors that may have affected departments’ operations since implementation of Proposition 47. With the fiscal data, our goal was to develop and apply mechanisms to quantify and track changes in staffing and workload as a result of Proposition 47 and distinguish between actual costs/savings and “soft” dollars (i.e., staffing reallocation or workload shifts where no actual costs or savings are realized). However, because departments varied greatly in the type of data provided, time frame covered, and level of detail (e.g., monthly, quarterly, or annual statistics), our analytic methods needed to be department- and data-specific. Thus, in the following chapter, we provide summaries of the data that were provided to us and describe any analyses that were conducted on changes in operations or fiscal impact resulting from Proposition 47.

Draft versions of the summaries describing each of the department’s efforts, as presented in the following chapter, were circulated to individuals designated as our key points of contact regarding the operations, budget, and information technology (IT) to check for factual accuracy. Revisions to the draft versions were made following input from each of the department points of contact.

Study Limitations

There are several study limitations to report, some of which are related to the short time frame (four months) in which the study was conducted. First, we did not have enough time to verify the data provided to RAND by the county departments. Second, the data collection was
somewhat of a moving target, as the Auditor-Controller and each of the departments were also collecting and reporting updated findings during the study period. To address this, in our analyses we tried to use the most updated information; we provide source citations, including date of the data source, in Chapter Three.

Third, the de-identified individual-level county service utilization data set was not provided during the contract period, limiting the results that can be drawn from this report. More specifically, part of the initial contractual agreement for this project included a plan for RAND to receive a de-identified data set from the CEO’s Enterprise Linkage Project (ELP) that would include individuals who were Proposition 47–eligible prior to and following November 4, 2014, to help analyze the impact of Proposition 47 on county service utilization (including LASD, Probation, DHS, DMH, and DPH) among individuals who may be eligible for Proposition 47 relief. County departments also did not provide unit-of-service costs; these data would have allowed examination of cost/savings estimates prior to and after the passing of Proposition 47, as has been done in past studies using ELP utilization data (Wu and Stevens, 2016).

Fourth, although we provide estimates of the potential impact of Proposition 47 on each of the county departments in Chapter Three, we are unable to provide causal estimates. These would require a more in-depth study to try to isolate the effects of Proposition 47 from other initiatives.

Fifth, our scope of work was restricted to the adult criminal justice population and the aforementioned eight county departments. Thus, our study does not include other potentially affected agencies or organizations within the county (e.g., the courts, city attorneys) and, with some exceptions, does not consider the impact of Proposition 47 on juvenile populations.

Sixth, our scope of work does not address “spillover effects”—the broader impact that Proposition 47 may have had on the external environment outside of the eight county departments.
3. Findings

We have organized the findings of our qualitative and quantitative analyses by each of the eight county departments, starting with the legal departments, followed by law enforcement, and finishing with the health service departments. For each department, we provide budget information; we do not analyze budget changes, but focus on workload changes and potential cost implications. We also discuss the integrated data systems, which reflect the multiple efforts under way to integrate county service utilization data across county departments to better monitor the impact of different policies and practices, including Proposition 47. We conclude with a discussion of efforts under way at the state level and in other counties to develop metrics to measure the impact of Proposition 47 and discuss possible implications for Los Angeles County.

District Attorney’s Office

The Los Angeles County DA handles both adult and juvenile felony and misdemeanor criminal cases in Los Angeles County. Specifically, the DA prosecutes felony crimes throughout Los Angeles County and misdemeanor crimes in unincorporated areas of the county and in 78 of the county’s 88 cities. The DA has nearly 1,000 deputy district attorneys who prosecute more than 71,000 felony crimes and roughly 112,000 misdemeanor crimes each year (DA, 2016). In addition, the DA has nearly 300 sworn peace officers, who serve as DA investigators providing prosecution support to deputy district attorneys (DDAs). Other staff include more than 800 clerical and support staff, including paralegals and victim services representatives. The DA is elected every four years; he or she serves as the county’s chief prosecutor and oversees the DA’s Office. The 2016–2017 final adopted budget for the DA was $383 million, including a net county cost of $216 million (County of Los Angeles, undated).

The general flow of cases starts with law enforcement agencies bringing a case to DA filing deputies, who are dispersed throughout the county in individual courthouses. Cases can be brought by LASD; California Highway Patrol; Los Angeles Police Department; other city police departments; the California Department of Insurance; and other local, state and federal departments and law enforcement agencies, as well as the Bureau of Investigation within the DA. DDAs review investigations conducted by law enforcement agencies and decide whether there is sufficient evidence to file criminal charges. Filing deputies review the case and decide whether to file charges; (2) decline the case for prosecution, which can include

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1 The exceptions are the cities of Burbank, Hawthorne, Hermosa Beach, Inglewood, Long Beach, Los Angeles, Pasadena, Redondo Beach, Santa Monica, and Torrance, which have city prosecutors who handle misdemeanor crimes and municipal code violations that occur within their jurisdictions. See DA, 2016a, for more information.
referral to another agency, such as a city attorney agency, for misdemeanor consideration; or (3) decline the case for prosecution pending a request for further investigation from law enforcement. They decide what charge or charges, if any, are appropriate based on the evidence presented. Prosecutors also handle court proceedings, including trials that may follow the filing of criminal charges (DA, 2016a). The DA handles all felony cases; approximately 30–40 percent of misdemeanors in the county; and all juvenile cases, whether felonies or misdemeanors.

Proposition 47 affected two major operational aspects of the DA, which greatly affected the workload of the deputy district attorneys, paralegals, and clerical staff around the county and the Systems Division (the IT unit). The first was handling the petition and applications filed by offenders seeking legal relief under Proposition 47. The second was the creation of new charging templates, including those used for the first three months as the DA agreed to be cross-designated to prosecute Proposition 47 misdemeanor cases as this caseload transitioned to several city attorney and city prosecutor’s offices. During the nearly two years of implementation following the enactment of Proposition 47, the DA has handled the workload associated with Proposition 47 changes without additional staff. As of September 2016, the DA was provided the ability to hire five temporary paralegal positions to process and enter applications and petitions into a Lotus Notes–based database to record key information about a Proposition 47 case.

Training

In our discussion with DA staff, they indicated that when Proposition 47 was enacted, the DA had to educate its own staff as well as law enforcement about the new law and develop procedures for transferring case files to city attorney and city prosecutor’s offices on cases reduced to misdemeanors. A training video was produced and information was communicated by office memoranda developed by the Appellate Division and the Proposition 47 Working Group.

Legacy Case Petitions and Applications

The DA reviews all Proposition 47 petitions and applications that are filed in Los Angeles County. During the first three months of Proposition 47, the DA offered to be cross-designated to prosecute cases on behalf of several city attorney and city prosecutor’s offices, as their staff developed procedures to internally prosecute the cases previously prosecuted by the DA and to assist in the increased volume of cases.

DA staff reported that legal issues have arisen regarding the interpretation of Proposition 47, which have resulted in litigation of these issues in the appellate courts, and components are still being clarified through continued litigation. Therefore, characterizing Proposition 47 offenses and the workload associated with them is much more complicated than it may seem. For example, staff reported that the $950 limit for property offenses is not the only factor

2 If the case is a straight misdemeanor in a city that has its own city attorney or city prosecutor, law enforcement can present the investigation directly to the city attorney or city prosecutor for charge evaluation, bypassing the DA.
determining whether a case that could formerly be prosecuted as a felony can now be prosecuted as a misdemeanor. Not only is the value of the property important, but also the location and timing of the crime. Therefore, it is not easy to clearly identify cases looking at the charges alone, as details about the context of the offense need to be taken into account.

Before September 2016, the DA did not record the level of effort and relied upon the court’s tracking of Proposition 47 applications and petitions. In September, the DA was engaged in hiring the five temporary paralegals to track the applications and petitions in a Proposition 47 database that captures key information about a case, including the evaluation of each charge’s eligibility for legal relief. Although the paralegals are able to prep much of the case and make a recommendation regarding eligibility for relief, a DDA needs to make the final decision. In addition to the tracking database, the paralegals also track their hours worked on Proposition 47 applications and petitions in the eHR system. Moving forward, this will allow estimates of the paralegal workload and staff time spent on the Proposition 47 legacy cases. It will not, however, record time spent by other DA staff. Unfortunately, there is no information on the workload and staff time spent during the first two years of Proposition 47’s implementation.

The DA database system, Prosecutors Information Management System (PIMS), tracks some information that could be used to measure workload, providing that a formula could be developed. PIMS does not track time spent on any particular action by a particular staff member with respect to any particular case, nor does it contain information that would allow electronic determination of whether a prior case would be eligible for Proposition 47 legal relief. RAND’s review of the database indicated that, like other justice processing databases, information is focused on the case and defendant, with minimal information about the justice actors.

New Case Filings

According to DA staff, the Systems Division has been affected greatly by Proposition 47, not only in terms of preparing new templates for Proposition 47 charges, tracking the transfer of cases to city attorney and city prosecutor’s offices, and developing a Proposition 47 database, but also in preparing responses to requests for information by the county. The office had to create new charging templates (some just for city attorneys and city prosecutors’ cases in the first three months after Proposition 47 passed) for both new cases and old cases that require amendment. These changes are reflected in PIMS. The PIMS database system is 25 years old and was developed to produce case statistics and produce charging documents. The system receives key information from the jail system on offenders and from the Trial Court Information System about court proceedings, and DA staff enters charge evaluation information, including filings and declinations. Filing information is printed and provided to the courts. Court information is then provided electronically from the Trial Court Information System back to PIMS. When a case is closed, DA staff is required to check the validity of the data to make sure dispositions are accurately recorded. One can see case flow from the system, but not the actual time any particular action takes.
**Workload Changes**

DA interviewees noted it is impossible to meaningfully and uniformly estimate the average or marginal cost per case. Cases are assigned based on a variety of factors, including the level of complexity, time it may take to resolve a case, the pre-filing investigation required, experience level of the staff, and other factors. DA staff also indicated that different offices around the county have different ways of handling their workloads, as dictated by the court or by DA operations; therefore, there is no uniform way to capture effort. In addition, most cases are not vertically prosecuted and there is a lot of movement among staff, making it harder to track individual effort on cases. The DA has constitutional and statutory obligations and deadlines for each case, which requires that DDAs be fungible in order to be able to meet the legal obligations of each individual case. Given these and other factors, the DA felt that simply comparing the number of cases filed and in the pipeline did not take into account the range of DA personnel’s daily tasks outside providing courtroom coverage. The DA reported that there is a need to include activities such as Bureau of Investigation projects outside case investigation and prosecution; pre-filing diversion and prevention programming; providing training to outside agencies; rolling out new programs; multidisciplinary team participation; task force participation; victim services representation on cases not prosecuted by the office; and postconviction handling of cases.\(^3\) That said, we present the information below on petition and application filings and adult and juvenile felony and misdemeanor caseloads. This reflects a portion of the volume of work, but not the level of effort by staff.

Figure 3.1 presents data from the Superior Court of California on all Proposition 47 applications, petitions, and pre-conviction motions through July 2016, which are all processed by the DA. The figure shows that petitions were highest right after Proposition 47 went into effect. Applications currently represent the majority of the Proposition 47 legacy caseload.\(^4\) Since the deadline was extended to 2022 for legal relief, workload on applications, as well as petitions and preconviction motions which are in bench warrant status, will continue. Managing Proposition 47 legacy cases represents a direct increase in DA workload, though as mentioned previously, limitations in calculating the approximate time and resource needs per legacy case make it difficult to quantify any soft cost increases resulting from the additional workload.

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\(^3\) Post-conviction can include appeals, habeas corpus proceedings, third-strike resentencing, discovery pursuant to PC section 1054.9 (discovery on death penalty and life without parole cases), and conviction review.

\(^4\) Not shown on the chart are November–December 2014 applications (2,128), petitions (5,410) and pre-conviction motions (4,764).
The increased workload from Proposition 47 legacy cases appears to have been partly offset by a decline in the felony caseload for the DA. Figure 3.2 indicates that felony cases dropped following Proposition 47, with a sharp decline mainly in nonserious, nonviolent felony cases. In the year following Proposition 47, the number of nonserious, nonviolent felony cases prosecuted averaged about 7,500 per month, almost 30 percent below the year prior; through August 2016, the number of nonserious, nonviolent felony cases prosecuted has remained at these lower levels. In contrast, the number of serious and violent prosecuted cases has increased somewhat. The number of prosecuted serious and violent felony cases declined slightly following Proposition 47 (9,703 per month on average from November 2014–October 2015, compared with 9,828 from November 2013–October 2014), but it has recently increased; the DA now prosecutes just over 10,200 serious and violent felony offenses each month. This is consistent with reports by DA staff that many individuals are coming in with more complicated cases than before, so the workload on new (felony) cases has not really leveled off. Misdemeanor cases prosecuted are also up from just under an average of 28,000 per month prior to Proposition 47 to over 30,000 per month since (see Figure 3.3). Misdemeanor cases, including Proposition 47 charges, generally require fewer resources to prosecute than felony cases, are generally prosecuted by less-experienced DDAs, are resolved earlier in the process, and do not have preliminary hearings. DA staff also note that Proposition 47 charges generally require fewer resources to prosecute than serious felony cases because they are generally prosecuted by less-experienced
DDAs, are resolved earlier in the process, and are less likely to go to preliminary hearing or jury trial.

**Figure 3.2. Adult Felony Cases Prosecuted by the DA, by Month**

<table>
<thead>
<tr>
<th>Year-Month</th>
<th>Non Serious/Violent Felonies</th>
<th>Serious/Violent Felonies</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013-Nov</td>
<td>10,000</td>
<td>9,000</td>
</tr>
<tr>
<td>2014-Jan</td>
<td>10,000</td>
<td>9,000</td>
</tr>
<tr>
<td>2014-Mar</td>
<td>10,000</td>
<td>9,000</td>
</tr>
<tr>
<td>2014-May</td>
<td>10,000</td>
<td>9,000</td>
</tr>
<tr>
<td>2014-Jul</td>
<td>10,000</td>
<td>9,000</td>
</tr>
<tr>
<td>2014-Sept</td>
<td>10,000</td>
<td>9,000</td>
</tr>
<tr>
<td>2014-Nov</td>
<td>10,000</td>
<td>9,000</td>
</tr>
<tr>
<td>2015-Jan</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>2015-Mar</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>2015-May</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>2015-Jul</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>2015-Sept</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>2015-Nov</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>2016-Jan</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>2016-Mar</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>2016-May</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>2016-Jul</td>
<td>8,000</td>
<td>8,000</td>
</tr>
</tbody>
</table>

**SOURCE:** DA, 2016b.

**NOTES:** Vertical red line marks Proposition 47 implementation. These numbers reflect DA cases, not the number of defendants.
Juvenile cases are presented in Figure 3.4. Since Proposition 47, the number of felonies and misdemeanors has dropped, as has the number of serious and violent felonies (a subset of all felonies).\(^5\) We note, however, that juvenile cases are less than 10 percent of all cases, a small proportion of the DA workload.

\(^5\) This may reflect the overall downward trend in juvenile arrests in Los Angeles County. In 2005, there were 6,139 felony arrests for juveniles; by 2014, arrests had dropped to 2,084. See State of California Department of Justice, undated.
Office of the Public Defender

The PD manages the provision of legal services to individuals accused of public offenses having penal consequences who cannot afford to retain the services of a private attorney. The PD has offices in 34 locations throughout Los Angeles County and supports over 1,100 budgeted positions, of which over 700 are attorneys. The 2016–2017 final adopted budget allocated $213.2 million to the PD, including $207.8 million net county cost (County of Los Angeles, undated).

Legacy Case Petitions and Applications

As of November 2016, the PD created a dashboard to track the workload and fiscal impact of Proposition 47–related activities since inception (November 2014) through October 2016 (see Tables 3.1 and 3.2). The workload and fiscal impact estimates are based mainly on the number of legacy cases that the PD processes. More specifically, the dashboard considers the increased workload that the PD has taken on to perform outreach, review potential cases, submit court filings, prepare and conduct legal proceedings, conduct additional legal services as needed, and monitor these activities. The estimates provided in the dashboard are based on detailed assumptions about hours worked by different staff (e.g., clerical staff, paralegals, attorneys) for six different processes: outreach, case intake, eligibility review, legal proceedings, related legal proceedings, and data compilation (see Table B.1 in Appendix B).
Table 3.1. Public Defender Estimated Proposition 47 Workload Impact

<table>
<thead>
<tr>
<th>Employee</th>
<th>Average Hours Worked per Case&lt;sup&gt;a&lt;/sup&gt;</th>
<th>Total FTE&lt;sup&gt;b&lt;/sup&gt; (Hours)</th>
<th>FTE (Hours)</th>
<th>FTE (Hours)</th>
<th>FTE (Hours)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney</td>
<td>2.092</td>
<td>461.13</td>
<td>447.68</td>
<td>5.55</td>
<td>7.90</td>
</tr>
<tr>
<td>Paralegal</td>
<td>1.992</td>
<td>439.08</td>
<td>426.27</td>
<td>5.29</td>
<td>7.52</td>
</tr>
<tr>
<td>Clerical</td>
<td>1.425</td>
<td>314.16</td>
<td>304.99</td>
<td>3.78</td>
<td>5.38</td>
</tr>
<tr>
<td>Call center&lt;sup&gt;c&lt;/sup&gt;</td>
<td>N/A</td>
<td>2.00</td>
<td>0.00</td>
<td>0.00</td>
<td>2.00</td>
</tr>
<tr>
<td>Receptionist</td>
<td>0.200</td>
<td>44.09</td>
<td>42.81</td>
<td>0.53</td>
<td>0.76</td>
</tr>
<tr>
<td>Warehouse</td>
<td>1.000</td>
<td>220.46</td>
<td>214.03</td>
<td>2.66</td>
<td>3.78</td>
</tr>
<tr>
<td>IT line staff</td>
<td>0.800</td>
<td>176.37</td>
<td>171.22</td>
<td>2.12</td>
<td>3.02</td>
</tr>
<tr>
<td>IT supervisor</td>
<td>0.750</td>
<td>165.34</td>
<td>160.52</td>
<td>1.99</td>
<td>2.83</td>
</tr>
<tr>
<td><strong>Total FTE</strong></td>
<td><strong>8.258</strong></td>
<td><strong>1,822.63</strong></td>
<td><strong>1,767.52</strong></td>
<td><strong>21.93</strong></td>
<td><strong>33.18</strong></td>
</tr>
</tbody>
</table>

NOTE: Items and salaries are listed in the “Assumptions” worksheet in Appendix B. There have been 38,360 case filings since inception (37,241 during November 2014–August 2016; 462 during September 2016; and 657 during October 2016).

<sup>a</sup> Average time worked by various staff to resolve one Proposition 47 case.

<sup>b</sup> FTE is monthly: (item x cases)/174 (monthly county standard).

<sup>c</sup> Call center employees’ impact on FTE was determined by multiplying n intermediate typist-clerks (ITCs) by monthly salary. The call center opened in October 2016.
Table 3.2. Public Defender Estimated Proposition 47 Fiscal Impact

<table>
<thead>
<tr>
<th>Employee</th>
<th>Average Hours Worked per Case</th>
<th>Total Fiscal Impact ($)</th>
<th>Fiscal Impact ($)</th>
<th>Fiscal Impact ($)</th>
<th>Fiscal Impact ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney</td>
<td>2.092</td>
<td>5,728,615.97</td>
<td>5,561,506.45</td>
<td>68,994.28</td>
<td>98,115.24</td>
</tr>
<tr>
<td>Paralegal</td>
<td>1.992</td>
<td>2,521,404.20</td>
<td>2,447,852.29</td>
<td>30,367.28</td>
<td>43,184.63</td>
</tr>
<tr>
<td>Clerical</td>
<td>1.425</td>
<td>1,090,203.27</td>
<td>1,058,400.94</td>
<td>13,130.19</td>
<td>18,672.15</td>
</tr>
<tr>
<td>Call centerb</td>
<td>N/A</td>
<td>6,940.54</td>
<td>0.00</td>
<td>0.00</td>
<td>6,940.54</td>
</tr>
<tr>
<td>Receptionist</td>
<td>0.200</td>
<td>153,010.99</td>
<td>148,547.50</td>
<td>1,842.83</td>
<td>2,620.65</td>
</tr>
<tr>
<td>Warehouse</td>
<td>1.000</td>
<td>941,654.23</td>
<td>914,185.22</td>
<td>11,341.09</td>
<td>16,127.92</td>
</tr>
<tr>
<td>IT line staff</td>
<td>0.800</td>
<td>1,040,647.72</td>
<td>1,010,290.97</td>
<td>12,533.35</td>
<td>17,823.40</td>
</tr>
<tr>
<td>IT supervisor</td>
<td>0.750</td>
<td>1,502,812.52</td>
<td>1,458,973.96</td>
<td>18,099.57</td>
<td>25,738.99</td>
</tr>
<tr>
<td><strong>Total fiscal impact</strong></td>
<td><strong>8.258</strong></td>
<td><strong>12,985,289.43</strong></td>
<td><strong>12,599,757.32</strong></td>
<td><strong>156,308.58</strong></td>
<td><strong>229,223.52</strong></td>
</tr>
</tbody>
</table>

NOTE: Items and salaries are listed in the “Assumptions” worksheet in Appendix B. There have been 38,360 case filings since inception (37,241 during November 2014–August 2016; 462 during September 2016; and 657 during October 2016).

In creating these estimates, the PD considered the complexity of the cases, such as whether a petition was filed and whether additional legal action was taken following the court hearing. The PD classifies its Proposition 47 caseload into three effort levels, labeled “Category 1,” “Category 2,” and “Category 3.” As of October 2016, the PD had handled a total of 58,512 cases. Category 1 cases are determined ineligible for filing; work includes client contact and research only. As of October 2016, the PD had classified 14,934 cases as Category 1. Category 2 cases include client contact, research, and petition filing (granted or denied). The PD had classified 38,360 cases as Category 2 as of October 2016. “Category 3” cases include client contact, research, and petition filing as well as additional, non–Proposition 47 legal services, such as expungements or certifications of rehabilitation. The PD had classified 5,218 cases as Category 3 as of October 2016.

The dashboard only reflects the average weighted effort for Category 2 cases because Category 2 cases have a well-defined, predictable workload and fiscal impact. In contrast, Category 1 cases have a limited, although defined, workload and fiscal impact, and Category 3
cases vary widely, depending on the non–Proposition 47 services performed. In addition, the dashboard totals include a fixed monthly cost for the call center. A fixed, rather than variable, amount is applied for the call center estimate because it is not caseload dependent (the costs of the call center were initiated in October 2016).

As can be seen in Tables 3.1 and 3.2, as of September 2016, the PD reports providing assistance with 38,360 Category 2 cases, for a total full-time equivalent (FTE) per month of 1,822.63 hours and a total fiscal impact of $12,985,289.43. Based on these estimates, if we apply the current rate of 66 percent of cases categorized as Category 2 to the rest of the potentially eligible cases that could be reviewed by the PD, the anticipated costs (excluding the call center) to process the remaining 498,233 cases would be $111,254,832.01. Assuming these costs are realized over the period ending in November 2022, this translates into costs of approximately $18.5 million per year plus an additional $541,362 per year for call center operations. This is a conservative upper-bound estimate of potential prospective costs to the PD from Proposition 47 legacy cases. Should many remaining potential cases be ineligible for Proposition 47 or not proceed past the outreach stage, these costs could be much lower.

The PD reported that it has requested paralegal and clerical support to assist with the increased Proposition 47 workload as it feels that it can absorb the attorney costs more easily. As of October 2016, four paralegals had been hired and had started training on processing Proposition 47 applications and petitions. One thing to note is that outreach activities represent the majority of time spent processing Proposition 47 legacy cases. Finding more cost-effective or efficient ways to conduct outreach could thus help reduce the workload and fiscal impact of Proposition 47 going forward (see Appendix B).

**Limitations**

The dashboard only reflects the average weighted costs based on staffing salaries of Category 2 cases. These cases reflect those that result in a petition being filed. Costs associated with cases that do not result in a petition or cases that result in additional legal assistance are not included. To date, these other types of cases (i.e., Category 1 and 3) reflect approximately 34 percent of the new volume of legacy caseload created by Proposition 47. The costs included in the dashboard also only represent the salary impact; they do not take into account other costs such as overhead. The costs also do not reflect other direct and indirect costs incurred, such as the extra computing and filing costs associated with this work.

The dashboard and associated estimates also do not take into account changes in the PD workload as a result of the shift in classification of new offenses due to Proposition 47. Although the PD did not provide estimates, it reported that addressing a felony case takes more effort than

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6 We calculated the remaining cases by subtracting the total cases handled to date (58,512) from the estimated number of potential cases to be handled by the PD (556,744). We calculated the costs by multiplying the remaining cases (556,744 – 58,512 = 498,232) by 0.66 and multiplying by total fiscal impact per Category 2 case.
addressing a misdemeanor case. As a result, Proposition 47 should have substantially decreased the workload because offenses previously considered felonies are now processed as misdemeanors.

**New Case Filings**

As shown in Figure 3.5, new felony case filings by the PD dropped almost 40 percent (an average of about 1,100 cases per month) in the months following Proposition 47. The decline in felony case filings does not appear to have been offset by a corresponding increase in misdemeanor filings in the short term, but without estimates of the relative staff effort and fiscal costs of processing a felony case, we cannot quantify the extent to which the reduction in felony filings offset cost increases driven by Proposition 47 legacy cases. As of October 2016, the legal departments report that over the past fiscal year they have seen an increase in more serious felony offenses being committed, resulting in an increased workload.

![Figure 3.5. Monthly Case Filings for PD, by Offense Type](source: ISAB, 2016a)

**Workload Changes**

The PD reported that although caseload does impact workload, it is not directly transferrable. Case workload depends on four factors: (1) client characteristics (including but not limited to
mental health issues, homelessness, substance use status, and jail status); (2) case characteristics, including charges, activity, status, and complexity; (3) court characteristics (since the PD services every courtroom in the county, the PD reported that its workload is higher than that of peer departments); and (4) staffing (the classification of the Deputy Public Defenders working the case).

As a result, the PD reported that misdemeanor and felony cases have dissimilar workloads, as do serious (or complex) felonies and less-complex felonies. Likewise, the workload distinction between complex felonies and less-complex felonies varies greatly as more complex cases entail a much higher workload. More specifically, a typical complex felony workflow includes arraignment (filing of complaint); early disposition program (also referred to as preliminary hearing setting); preliminary hearing; arraignment (filing of information); pretrial; jury trial; and probation and sentencing. However, a typical less-complex felony may have the following workflow: arraignment; early disposition program; and probation and sentencing, if necessary.

Therefore, the PD reported that any decrease in caseload in the months immediately following the passing of Proposition 47 in November 2014 was not reflected by a concurrent decrease in workload. In other words, since Proposition 47 disproportionately affected less-complex felony cases, the quantifiable decrease in less-complex felony cases minimally affected the overall PD workload, as the number of complex cases with high workload increased after the passage of Proposition 47 (see Figure 3.2).

Office of the Alternate Public Defender

Los Angeles County’s APD Office was created by the Board of Supervisors in 1993 to help address the rising costs of indigent defense cases. The APD represents persons charged with a crime who cannot afford to hire a private attorney and where the PD has a conflict of interest or is otherwise unavailable. In addition to its main office in downtown Los Angeles, the APD has branch offices in 12 locations throughout the county. The 2016–2017 Los Angeles County final adopted APD budget was $62.7 million, of which $61.5 million was net county cost (County of Los Angeles, undated).

The APD has developed an eWorkflow management system that processes all work generated by the attorneys for the support staff. This effort was not specific to Proposition 47 but accomplished to monitor all APD workload. Everything an attorney needs to have done on a case by a legal office support assistant, investigator, or paralegal is entered into the eWorkflow system. About 50 different types of tasks are handled through the system, which allows APD staff to look at what kind of work is being generated for each case type.

Legacy Case Petitions and Applications

Based on the eWorkflow management system, APD estimates for FY 2014–2015 that its direct costs for Proposition 47 requests for service were $451,838.00; it estimates for FY 2015–
2016 that direct costs were $117,428.00. The total comes to $569,266.00. If we include the APD’s costs to participate in various community Proposition 47–related outreach activities (combined estimate of $24,442.00, see Table 3.3), the total direct costs for completion of Proposition 47 petitions are $593,708.00. The total number of completed petitions the APD reported was 5,472 with an average cost per petition of $109.24.

Regarding the legacy cases, the APD has generated a list of individuals who are potentially Proposition 47 eligible, provides information about Proposition 47 legal relief on its website, and participates in outreach community events. The direct costs of these outreach community events are shown in Table 3.3.

Table 3.3. APD’s Estimated Direct Costs of Proposition 47–Related Community Events

<table>
<thead>
<tr>
<th>Community Events</th>
<th>Estimated Cost ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taste of Soul event (October 17, 2015)</td>
<td>13,070</td>
</tr>
<tr>
<td>Fresh Start—Proposition 47 Legal Clinic (March 19, 2016)</td>
<td>2,322</td>
</tr>
<tr>
<td>South LA Justice Resource Fair (April 16, 2016)</td>
<td>1,903</td>
</tr>
<tr>
<td>LA County Youth Summer Job Fair (June 18, 2016)</td>
<td>1,822</td>
</tr>
<tr>
<td>Trans Pride Festival (June 18, 2016)</td>
<td>1,320</td>
</tr>
<tr>
<td>Restorative Justice Fair (August 13, 2016)</td>
<td>3,985</td>
</tr>
<tr>
<td><strong>Total estimated costs</strong></td>
<td><strong>24,442</strong></td>
</tr>
</tbody>
</table>

*NOTE: APD Proposition 47 costs are from November 2014 to August 22, 2016.*

**New Case Filings**

Figure 3.6 illustrates how the number of misdemeanor and felony case filings has changed over time. Between June 2013 and October 2014, felony filings were higher than misdemeanor filings; however, starting in November 2014–May 2015, we see that misdemeanor filings were up and felony filings fell, reflecting the effect of Proposition 47. From Figure 3.6, the short-term impact of Proposition 47 appears to be an average reduction in felony case filings of about 160 per month, with a limited effect on misdemeanor case filings.
Workload Changes

Table 3.4 summarizes the relative work effort for different case types. As shown here, the APD experienced a decrease of 1,977 nonserious/nonviolent felony cases between the fiscal years before and after Proposition 47; at the same time, it experienced an increase of 5,045 misdemeanor new cases during this same time period. This is consistent with a shifting of Proposition 47–eligible individuals from the nonserious/nonviolent caseload to the misdemeanor caseload. APD interviewees estimated that about one-third of felony cases are now being filed as misdemeanors (APD, 2016a).
Table 3.4. APD’s Estimate of Average Cost per Case, by Case Type and Fiscal Year

<table>
<thead>
<tr>
<th>Case Type</th>
<th>FY 2013–2014 (Pre–Proposition 47)</th>
<th>FY 2015–2016 (Post–Proposition 47)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of Cases</td>
<td>Cost per Case ($)</td>
</tr>
<tr>
<td>Felony new cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nonserious/nonviolent</td>
<td>8,493</td>
<td>1,360</td>
</tr>
<tr>
<td>Serious/violent</td>
<td>2,422</td>
<td>5,655</td>
</tr>
<tr>
<td>Life/life without parole/death</td>
<td>419</td>
<td>24,777</td>
</tr>
<tr>
<td>Total new felony cases</td>
<td>11,334</td>
<td>10,166</td>
</tr>
<tr>
<td>Misdemeanor new cases</td>
<td>11,871</td>
<td>682</td>
</tr>
</tbody>
</table>

SOURCE: APD, 2016b.

NOTES: Unaudited figures. Estimates include all costs for executive/administrative/appellate and services and supplies, fixed assets, other charges, and revenue. Estimates do not include operations costs associated with pending cases. Note that data for FY 2014–2015 were not calculated by APD.

In terms of new felony cases, the APD experienced an overall decrease of 1,168 cases between the FYs before and after Proposition 47 (Table 3.4). However, although APD experienced a decrease of 1,977 of nonserious/nonviolent cases, which are generally less costly, it experienced increases in the most costly case types—serious/violent felony cases (an increase of 704 cases) and life/life without parole/death cases (an increase of 105 cases). From the APD’s perspective, these trends suggest cost shifts from less-costly to more-costly case types.

A change in the management of juvenile cases has also affected workload. As of November 1, 2016, APD began handling juvenile cases throughout the county, whereas before it only handled juvenile cases in Lancaster and in smaller jurisdictions.

Sheriff’s Department

LASD is the largest sheriff’s department in the world, with approximately 18,000 employees. It serves a population of almost 10 million citizens in Los Angeles County. The department provides general law enforcement to contract cities and unincorporated areas of the county, as well as the Metropolitan Transit Authority and Superior Courts. It is also responsible for approximately 18,000 inmates in seven custody facilities across the county (LASD, 2010). The 2016–2017 Los Angeles County final adopted budget for LASD was $3.2 billion, including $1.6 billion in net cost (County of Los Angeles, undated).

Proposition 47 affects two major components of LASD operations: patrol and custody. As some felonies have been changed to misdemeanors, short-term effects on both patrol and custody may be expected. However, since some offenders now serve shorter (or no) jail sentences, long-term impacts may differ; the reduced incapacitation effect may or may not be offset by the reduced criminogenic effect of jail. Attributing both short- and long-term changes in LASD
operations is further complicated by limitations of the department’s existing data systems. During our discussions with LASD staff and our review of materials, it was clear that LASD data systems do not allow calculations of changes in the level of staffing and workload (to establish accurate associated costs) as a result of Proposition 47 for either patrol or custody functions. LASD data systems do allow calculations of numbers and limited characteristics regarding arrests and individuals in custody, which we obtained from the department. We present below our synthesis on six major themes for LASD: changes in patrol staffing and operations; crime and arrests; high-rate offenders; custody population size and characteristics of inmates; databases; and cost savings.

**General Patrol**

Our discussion with representatives from LASD indicated that the department is in the process of hiring more staff in the field. This is not related to Proposition 47, but is attributable to mandates for services in both incorporated and unincorporated areas. Thus the number of staff did not decline after Proposition 47. There was, however, a shift in workload, specifically in how arrests were handled. Offenses that were felonies before Proposition 47 are now misdemeanors, meaning that there are now different considerations for probable cause. However, the booking process remains the same: Individuals need to go through the live scan and cases are forwarded to the DA (or City Attorney). Since November 5, 2014, LASD has entered information on whether an offender is considered a Proposition 47 case at arrest. Patrol training efforts for Proposition 47 included an information briefing as well as working with IT to change the necessary items in databases to track Proposition 47. Representatives also noted that they had experienced increased calls for service in the county after Proposition 47. At the same time, they indicated that small businesses were not requesting calls for service due to the perception that it was “no longer worth it” to request assistance for charges that would now be considered petty theft.

In general, precise measures of the impact of Proposition 47 on patrol workload seem problematic due to the fluid nature of how stations respond to crime and arrest patterns in the various parts of the county. According to LASD, in monthly Crime Management Forums, staff analyze local patterns and develop a plan for the following 30 days. As an example, over the past year, each unit commander has been identifying the top ten repeat offenders to try to determine how best to help them (e.g., mental health services, housing), since they feel arresting them is not working. With this significant monthly variation, it would be extremely difficult to disentangle the causal impact of Proposition 47 on LASD’s operations.

We later discuss observed changes in arrests in the county before and after Proposition 47, but we want to note here that designation of a case as Proposition 47 by LASD is done at a very early stage in the justice process. Designation is not updated based on plea bargaining or

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7 This finding is similar to that of the Auditor-Controller.
conviction (this was noted by the Auditor-Controller in the October 2016 Proposition 47 update). Changing designation after case disposition would be very labor intensive, as there is currently no integration between the DA and LASD data systems. This point raises an issue that we heard frequently in our discussions with county departments—the desire to have one definition of what a Proposition 47 case is. Based on our review, it seems appropriate that different departments use a definition that fits their purposes.

**Crimes and Arrests**

**Crime Increase**

One of the concerns that LASD voiced during our meetings (and one that has been voiced by other county sheriffs across the state) is that Proposition 47 has resulted in an increase in crime. Data provided by LASD shows 85,671 Part I Uniform Crime Report crimes in 2008 and 72,306 in 2015 (see Figure 3.7 and Appendix C). However, there were 64,426 Part I crimes in the year prior to Proposition 47 (November 2013–October 2014), suggesting a relationship between the passage of Proposition 47 and an approximately 11-percent increase in crime in the year after Proposition 47.\(^8\) It is important to note the Part I crimes include larcenies that could be classified as either felonies or misdemeanors.

Attributing crime rates to policy changes, however, is fraught with problems. Many things can affect the crime rate, and it is very difficult, if not impossible, to parse the various causes. While Public Safety Realignment (Assembly Bill 109) was also met with criticism about increased crime rates soon after it was implemented, an analysis by PPIC was able to demonstrate that there were no estimated increases in crime after Public Safety Realignment, except for an increase in car theft. In addition, crime data for the first ten months of 2016 have just become available and indicate a continued rise in Part I crimes (see Appendix C); it is still too early to tell whether the post–Proposition 47 crime increase is part of a longer-term trend or an anomaly.

\(^8\) Based on LASD statistics of 64,426 Part I crimes from November 1, 2013, to October 21, 2014, and 71,646 Part I crimes from November 1, 2013, to October 21, 2014, there was an 11.2-percent increase in Part I crimes the year following Proposition 47. Excluding rape, the Uniform Crime Report definition of which changed effective January 1, 2015, the aforementioned percentage fell to a 10.9-percent increase in Part I crimes.
National crime trends suggest that Los Angeles County experienced an above-average increase in Part I crimes from 2014 to 2015. The number of Part I crimes decreased by about 2 percent from 2014 to 2015 for the nation as a whole (Federal Bureau of Investigation, undated). However, several cities outside of California (e.g., Denver, Charlotte) experienced comparable increases from 2014 to 2015 (Brennan Center for Justice, 2015). While the relationship between Proposition 47 and crime rates remains contested (Males, 2016), higher rates of crime in Los Angeles County have likely affected LASD’s operations in recent years.

Arrests

Data received by LASD show reductions in Proposition 47 narcotics arrests for HS 11350, 11357[A], and 11377 offenses following the passing of Proposition 47. The decreases are substantial, as shown in Figure 3.8, which plots narcotics arrests (combining HS 11350, 11357[A], 11377) from January 2008 to October 2016 alongside a seasonally adjusted series. In the year following Proposition 47, there were 10,175 narcotic-related arrests compared with 17,215 the year prior, a decline of just over 40 percent. LASD representatives noted that for HS 11350 (controlled substances), arrests were declining in the months before Proposition 47. Arrests for HS 11357[A] (concentrated cannabis) dropped. For HS 11377 (methamphetamine and other stimulants), there was a slight drop after Proposition 47, but arrests have been increasing to near pre–Proposition 47 levels. However, as evidenced in Figure 3.8, total narcotics arrests for these offenses remain far below pre–Proposition 47 levels.
It is difficult to interpret the seemingly sharp decline in arrests for Proposition 47–eligible narcotics offenses following the implementation of Proposition 47 given that the LASD-maintained patrol booking process had not changed and officers continue to arrest individuals for these offenses. We requested data on “citation and releases” to ascertain whether the seeming drop in arrests was offset by an increase in the use of cite and release “in the field” in lieu of arrest; however, LASD reported that obtaining these statistics is a more complicated task and that metrics for citation and releases in the field are not collected. It could also be that Proposition 47 led to changes in charging behavior; for instance, the decrease in arrests for possession of a controlled substance (HS 11350) may have been displaced by an increase in arrests for possession of a controlled substance with intent to sell (HS 11351). This merits further examination.

In contrast, LASD experienced an increase in arrests for larceny theft offenses following Proposition 47 (see Figure 3.9). These metrics include individuals arrested for a larceny theft crime that is potentially eligible for Proposition 47 as well as individuals arrested for a larceny theft crime that has not been affected by Proposition 47; it is impossible to distinguish between these crimes using the penal code (see Appendix A for complications in specifically identifying Proposition 47 larceny theft cases). In the year following Proposition 47, there were 4,895 larceny theft arrests compared with 3,609 the year prior, an increase of about 35 percent. Larceny theft arrests have remained relatively stable since November 2015, and do not appear to be
declining to pre–Proposition 47 levels. They do, however, appear to be at about the same levels as in the years before and after Public Safety Realignment took effect.

**Figure 3.9. Trends in Larceny Theft Arrests, January 2008–October 2016**

![Graph showing trends in larceny theft arrests from January 2008 to October 2016 with Assembly Bill 109 and Proposition 47 highlighted.]

**SOURCE:** LASD, 2016b.

**NOTE:** Seasonal adjustment calculated by the authors, with details on methodology provided in Appendix C.

Calls for Service

During our discussions with LASD representatives, staff noted a marked increase in calls for service following Proposition 47’s implementation. We requested data for service calls, which revealed an approximately 5-percent increase in calls for service from November 2014–October 2015 compared to November 2013–October 2014. As there is substantial seasonal variation in calls for service, Figure 3.10 plots monthly totals for calls for service alongside a time series adjusted for seasonal variation. While calls for service have increased since Proposition 47, there does not appear to be a trend break at November 2014, and therefore it is unclear whether the increases beginning mid-2015 are driven by Proposition 47 or are due to some other confounding factor. The increase in calls for service over the past year represents increased patrol workload, but metrics are not available to indicate the average amount of time or staffing resources needed to quantify costs associated with increased calls for service. LASD noted that there is substantial variability in the resource needs for handling a call for service, depending on the specifics of the situation and reason for the call, and estimates of workload requirements are not captured in existing data systems.
High-Rate Offenders

LASD estimates that in the almost two years since the implementation of Proposition 47, it has identified 21,487 LASD Proposition 47 offenders, who represent 33,674 arrests and 36,012 Proposition 47 charges (LASD, 2016b). LASD statistics show that to date, 12,433 (58 percent) of the identified Proposition 47 offenders are classified as repeat offenders. Twenty-three homicide arrests were attributed to Proposition 47 offenders. These data suggest that under Proposition 47, individuals are more likely to continue criminal behavior. Unfortunately, without knowing these same statistics for the time period before Proposition 47, we are unable to determine whether the number of high-rate offenders is increasing. A more persuasive analysis would be to identify offenders who were arrested for a Proposition 47 offense (or a subset of Proposition 47 offenses, such as HS 11350) before Proposition 47 went into effect and compare their arrest behaviors over a standardized period with those of individuals arrested for a Proposition 47 offense after November 2014. Given differences in the powers of arrest between felonies and misdemeanors, the analysis would be complicated by identifying offenses committed in the deputies’ presence as required to qualify as a misdemeanor offense. Such an analysis would also take into account differences in offender behavior as a result of changes in pretrial release and sentencing changes post–Proposition 47.9 This would be more akin to a standard recidivism analysis and could provide a clearer picture of whether under Proposition 47, “lower-level” property and drug offenders are more likely to return to crime.

9 Prior bail and sentencing patterns may have had an incapacitation effect prior to Proposition 47.
Custody

Overall Custody Population

The second major area of operations for LASD is custody. Available statistics from LASD show the number of functional beds from January 2013 through October 2016, as well as the custody population from January 2010 through October 2016. As evidenced in Figure 3.11, there was a sharp drop in custody population following Proposition 47; the ADIP fell from 18,535 one month prior to Proposition 47 (October 2014) to 16,301 the month after Proposition 47 (December 2014), a decline of 12 percent. The decline in jail population after Proposition 47 was in part due to a reduction in bookings, which fell from 134,703 during November 2013–October 2014 to 112,690 during November 2014–October 2015, a 16-percent reduction (LASD, 2016b). Further, around 500 inmates were reclassified or released due to Proposition 47 following its passage, and the number of Assembly Bill 109 nonserious, nonviolent, non-sex offenders declined, as some previous felonies instead were charged as misdemeanors (Countywide Criminal Justice Coordination Committee [CCJCC], 2015). LASD sentence status report snapshots for 2014–2015 indicate that the decline in ADIP post–Proposition 47 was entirely driven by reductions in the felony custody population, with about 30 percent attributable to the pretrial felony population (Los Angeles County Department of Auditor-Controller, 2016). From January through October 2016, average custody population remained relatively stable at about 16,680 ADIP, a level about 12 percent lower than the average ADIP from January through October 2014. However, the number of functional beds also went down, from 20,607 (the peak in April 2014) to 18,170—nearly 12 percent. LASD suggests this is due to the change in the mix of beds, with an increase in the mental health population, which has different housing requirements. Since April 2014, the percentage of functional beds filled has fluctuated between 92.8 and 89.0 percent, with the lowest point right after Proposition 47. However, the percentage of functional beds filled returned to the same levels as before Proposition 47 as of July 2016, suggesting a tightening of excess capacity.

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10 Data are also available on rated capacity with LASD’s East facility.

11 It is by differencing ADIP one year pre-post Proposition 47 that the Auditor-Controller initially calculated hard cost savings for LASD of $13.7 million in FY 2015–2016.
The reduction in ADIP for Los Angeles County is slightly greater than the average found in a recent PPIC report (Bird et al., 2016). In their study of 13 counties, the authors calculated that jail populations had decreased by 9 percent in the year following Proposition 47’s passage.¹² The authors also estimated the extent to which this decline was due to Proposition 47. Using a lower bound of those individuals whose most serious offense was a Proposition 47 offense, the authors estimated a reduction of 50 percent in the number of individuals who were incarcerated in jails in the year after Proposition 47 went into effect.¹³ Prior to Proposition 47, an estimated 27 percent of Los Angeles County jail inmates were incarcerated for an offense later covered by Proposition 47. The decline was estimated to be 47 percent in Proposition 47 cases after November 2014 (Bird et al., 2016). This suggests that the post–Proposition 47 jail population contains more serious offenders in terms of their offense type.

As of spring 2016, about 88 percent of the inmates in custody were in pretrial or had been sentenced for a felony offense, with crimes against persons accounting for just over 40 percent of felony offenses. Of the 1,927 inmates who were in custody for a misdemeanor offense, 50 percent were charged with crimes against persons (LASD, 2016b). While data system limitations preclude evaluating how the offense composition of the inmate population has changed since

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¹² The counties studied were Alameda, Contra Costa, Fresno, Humboldt, Kern, Los Angeles, Monterey, Orange, Sacramento, San Bernardino, San Francisco, Shasta, and Stanislaus.

¹³ They also calculated an estimate if any one of multiple charges was a Proposition 47 offense.
before Proposition 47, other data suggest a shift toward inmates with greater security needs.\textsuperscript{14} The proportion of inmates designated as low security level (level 1–4) has fallen from about 30 percent in the second quarter of 2015 to 24 percent in the second quarter of 2016, with a corresponding increase in the share of inmates requiring medium or high security (levels 5–7 and 8–9, respectively) (LASD, 2015a, 2015b). Again, since statistics prior to Proposition 47 are not available, it is not possible to quantify the extent to which the change in inmate risk composition has affected workload or costs, nor are we able to assess whether these changes are directly related to Proposition 47 or are driven by other confounding factors.

Rise in Mental Health Cases

Mental health beds have increased from 3,384 in April 2014 to 4,260 in October 2016 (LASD, 2016b). From 2013 to summer 2016, the numbers of LASD mental health inmates rose from 3,081 to 4,159. In our discussions with LASD, participants indicated that this was a secular trend nationally, resulting from the rise in mental health issues and not from Proposition 47 or Assembly Bill 109. Indeed, the focus on the mentally ill in the justice system has been front and center in many policy discussions. The Council of State Governments recently reported on the U.S. House approval of the “Cures” bill, which includes “criminal justice measures to address the prevalence of people with mental illnesses in U.S. jails and prisons” (Council of State Governments Justice Center, 2016). Federal efforts are receiving bipartisan support for increasing services to offenders with mental health issues. While the increase in mental health inmates may not be a direct result of Proposition 47, LASD noted that growth in this custody population significantly affects costs and workload due to increased requirements for direct supervision (and hence more staffing) and increased costs and resources associated with housing a mentally ill inmate.

We attempted to check whether other counties in the state experienced this increase in mental health patients by comparing changes in Board of State and Community Corrections jail survey data on numbers of inmates assigned to mental health beds and number of new mental health cases opened. The pattern of results for Los Angeles County, as well as other counties, appeared inconsistent and therefore unreliable for such analyses.

Length of Time in Jail

One of the reasons given for few changes in available beds is that offenders are serving longer terms because of the reduced use of early release due to overcrowding. A number of California counties are under federal jail population caps, which has resulted in very short times served so that the jail population remains under the cap. In Los Angeles County prior to Proposition 47, the release criteria were 20 percent for men and 10 percent for women. After

\textsuperscript{14} LASD stated that the data systems overwrite and therefore can provide only a current snapshot of the inmate population at any level of detail, or information would need to be pulled from past reports.
Proposition 47, these percentages increased to 90 percent in early 2015 but have since dropped steadily. In July 2016, male and female release criteria were 30 percent. The implementation of mandatory split sentences for convicted nonviolent, nonserious, non-sex offenders shortly following Proposition 47 (January 1, 2015) complicates the task of isolating the impact of Proposition 47 on jail sentence lengths.

These capacity releases were used by other counties under population caps prior to Proposition 47 and less so afterward. In the PPIC study, six counties (Fresno, Kern, Los Angeles, Sacramento, San Bernardino, and Stanislaus) jointly experienced a 65-percent decline in the use of capacity releases (Bird et al., 2016). It is also the case that capacity releases began to rise in 2015, but remained well below the numbers prior to Proposition 47. The PPIC report also noted that the average offense severity of capacity releases had gone down. Therefore, the argument that potential beds do not exist because individuals are spending longer time in jail is consistent with findings from the PPIC analysis (Bird et al., 2016).

Databases

Various features of LASD data management systems preclude calculations of the direct impact of Proposition 47 on costs and operations. For one, LASD currently cannot provide estimates of the number of individuals released from custody as a result of Proposition 47 legal relief, because release codes entered into the system do not provide this level of detail. Custody also faces limitations in providing historical statistics to assess trends retrospectively because some of LASD’s data systems overwrite; therefore, they can provide only a snapshot of those currently in custody for Proposition 47 charges or those convicted and in custody. Finally, since LASD data systems are not linked to metrics collected by the judicial agencies (DA, PD, APD), LASD cannot determine whether the population it identifies as “Proposition 47” ends up being sentenced under Proposition 47 guidelines.

LASD indicated that the data used for its reports to the Board of Supervisors are validated by ISAB and use the Justice Automated Information Management System (JAIMS), which is intended as a collection point for all agencies. LASD did not feel that JAIMS could be used to measure or track workload; for example, just counting the number of calls for service would not measure workload, since that would not include a measure of what is required to respond to each call.

As with other county department databases, the information that is collected serves the purpose of tracking the status of cases or individuals under LASD jurisdiction. The databases are not developed to capture the workload of the system actors as they do their jobs. Time studies would need to be conducted to determine the level of effort dedicated to Proposition 47 cases.

Cost Analysis

As with other departments, based on the data available, we feel it is impossible to calculate potential savings or cost increases in LASD operations as a result of Proposition 47. The
Auditor-Controller April 2016 report provided LASD estimates of a workload reduction of approximately $41.6 million, which was based on “hypothetical scenarios for major operational changes (i.e., the closure of jail facilities/areas).” However, since Proposition 47, LASD has not been able to close facilities because of capacity mandates. According to LASD, when Proposition 47 passed, facilities were over capacity by 500–600 people; they are still over the rated capacity. As discussed earlier, the Auditor-Controller April 2016 report also estimated potential hard cost savings for LASD of approximately $13.7 million for FY 2015–2016 due to the observed reduction in ADIP.

According to the FY 2015–16 Budget Variances by Department, realized cost savings to LASD were $2.6 million. Discrepancies between realized LASD savings and those estimated by the Auditor-Controller are in part due to the fact that the Auditor-Controller estimated the cost savings solely for Custody, while the budget report reflects cost savings or increases across the entire LASD. When asked about budget figures in the same report that seemed to indicate a $20 million cost savings to custody, LASD representatives responded that some cost shifting occurs across units—thus budget variances can only be examined by department (not by unit within a given department), and this did not represent actual savings.

Observed changes to LASD may have also led to changes in societal costs. Reduced use of capacity releases may generate external consequences for public safety. Expanded capacity for mental health beds and the shifting composition of the custody population may have affected safety within county jails. While quantifying changes in societal costs or savings was outside our stated scope of work, these important potential effects of Proposition 47 merit further consideration.

Probation Department

The Los Angeles County Probation Department is the largest probation department in the world, with more than 6,500 employees. The department supervises both juveniles and adults including 12 state parolees, 60,000 adult probationers, 1,000 youth in halls and camps across the county, as well as 900 youth in at-home placements. The 2016–2017 Los Angeles County final adopted budget for Probation was $905.4 million, including $560.8 million in net county cost (County of Los Angeles, undated).

The impact of Proposition 47 on Probation was a reduction in 10,603 probationers, suggesting an initial decrease in workload. Due to other factors, including a change in the mix across caseload types, there was a resulting overall decline in the probationer population of 5,107 (Table 3.5). Specifically, of the initial probationer population (as of November 4, 2014), 30 percent (or 15,329 individuals) were identified by Probation as potentially being eligible for legal relief under Proposition 47. As of September 1, 2016, the majority of these cases (11,167) received legal relief and were discharged from supervision. A small number of cases (564) filed for relief, but remained on supervision. Per the Probation interviewees, Proposition 47...
individuals who remain on Probation’s caseloads are those who are generally eligible for supervision, have narcotics testing, or are part of a drug court program. Probation also confirmed that it may still be supervising individuals who potentially could have their charges reduced to misdemeanors under Proposition 47; some individuals eligible for legal relief may not have sought it out, or they may have other felony charges not reducible to a misdemeanor. Further, per Probation interviewees, the number of felony filings received on a monthly basis is down from about 1,100–1,200 referrals per month pre–Proposition 47 to about 741 referrals per month post–Proposition 47, suggesting that Probation was losing cases on the front end as well as the back end.

Table 3.5. Impact of Proposition 47 on Total Probationer Population

<table>
<thead>
<tr>
<th>Population Category</th>
<th>Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial probationer population as of November 4, 2014</td>
<td>50,804</td>
</tr>
<tr>
<td>Initial probationer population potentially eligible for legal relief</td>
<td>15,329</td>
</tr>
<tr>
<td>Probationers who received legal relief as of September 1, 2016</td>
<td>11,167</td>
</tr>
<tr>
<td>Probationers who received legal relief and were discharged from supervision</td>
<td>10,603</td>
</tr>
<tr>
<td>Probationers who filed for legal relief but remain under supervision</td>
<td>564</td>
</tr>
<tr>
<td>Probationer population as of September 30, 2016</td>
<td>45,697</td>
</tr>
</tbody>
</table>

SOURCE: Los Angeles County Board of Supervisors, 2016.
NOTE: Includes felony probationers as well as those on Assembly Bill 109.

At the same time, Probation interviewees noted that although the size of the probationer population has decreased as a result of the passage of Proposition 47, their caseloads remain above the national caseload standards and the standards of surrounding counties. Table 3.6 summarizes the national caseload recommended standards for adult cases. The cases are classified into several broad categories based on such criteria as risk of re-offending, offense type, and criminogenic needs with the goal of matching offenders with the appropriate level of supervision and services.
Table 3.6. National Adult and Juvenile Caseload Standards

<table>
<thead>
<tr>
<th>Adult Caseload Type</th>
<th>Case-to-Staff Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intensive</td>
<td>20:1</td>
</tr>
<tr>
<td>Moderate to high risk</td>
<td>50:1</td>
</tr>
<tr>
<td>Low risk</td>
<td>200:1</td>
</tr>
<tr>
<td>Administrative</td>
<td>No limit</td>
</tr>
</tbody>
</table>


Table 3.7 summarizes Probation’s trends in average caseload size per deputy probation officer at three points in time: September 2014 (before Proposition 47 was implemented), October 2015 (one year following the passage of Proposition 47), and July 2016 (2.5 years following the passage of Proposition 47). Probation uses somewhat different categories of case type than the national case types shown in Table 3.6, but comparison by risk level is still relevant. In addition, Probation has the Assembly Bill 109 Post Release Community Supervision probation caseload. Probation’s average caseload size per risk level remains higher than the national standards for all risk categories.

Table 3.7 indicates that between September 2014 and October 2015, Probation’s average caseload size decreased particularly for low-risk offenders, suggesting a drop in workload as a result of Proposition 47. However, comparing the change in average caseload between October 2015 (one year post–Proposition 47) and July 2016 (2.5 years post–Proposition 47), Probation’s average caseload size increased for low-risk and medium-risk caseload types. Probation interviewees also have noted that their caseload complexity has increased with the department now supervising more violent offenders, particularly taking into consideration the Assembly Bill 109 population. While overall staffing has remained stable (470 in October 2015 and 469 in July 2016), Probation reports having shifted some staffing to the high risk and Assembly Bill 109 caseloads.
Table 3.7. Changes in Probation’s Average Adult Probation Caseload over Time, by Risk Level

<table>
<thead>
<tr>
<th>Adult Caseload Type</th>
<th>Case-to-Officer Ratio</th>
<th>Increase/Decrease Comparison of 2014 and 2015 Average Caseload Estimates</th>
<th>Increase/Decrease Comparison of 2015 and 2016 Average Caseload Estimates</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>September 2014</td>
<td>October 2015</td>
<td>July 2016</td>
</tr>
<tr>
<td>High risk</td>
<td>91:1</td>
<td>79:1</td>
<td>72:1</td>
</tr>
<tr>
<td>Medium risk</td>
<td>52:1</td>
<td>55:1</td>
<td>79:1</td>
</tr>
<tr>
<td>Low risk</td>
<td>688:1</td>
<td>639:1</td>
<td>713:1</td>
</tr>
<tr>
<td>Assembly Bill 109</td>
<td>42:1</td>
<td>38:1</td>
<td>33:1</td>
</tr>
</tbody>
</table>

SOURCE: Probation Department, 2016.

NOTES: Risk rating is determined by eight factors, including alcohol abuse, illegal drug abuse, gang involvement, age at first conviction, prior probation grant, prior probation revocation, prior conviction (adult and juvenile), and current offense. The factors are scored and total risk rating is determined.

Currently, 3,763 probationers with Proposition 47 potentially eligible offenses remain on Probation caseloads (Probation, 2016). Those probationers are categorized by risk level as follows:

- 2,703 (72 percent) are classified as low risk.
- 364 (10 percent) are classified as medium risk.
- 696 (18 percent) are classified as high risk.

Probation tracks probationers who are potentially eligible for Proposition 47 relief and those who have been released due to the courts approving their petition. With respect to outreach efforts, Probation’s role is to provide a list to the PD and APD of potentially eligible Proposition 47 probationers; to assist with outreach efforts by posting Proposition 47 signage in probation supervision offices; to train deputy probation officers to provide supervised individuals with general information; and to refer individuals to general counsel for possible consideration of Proposition 47 legal relief.

The Auditor-Controller estimated initial cost savings of approximately $3.4 million from workload reduction due to a decrease in felony probationers on caseloads. However, Probation did not reduce its staff as a result of Proposition 47, and caseloads still remain above recommended levels. Therefore, it seems unlikely that caseload reductions could realistically produce savings. However, Proposition 47 may still have resulted in societal savings if reduced caseload for Probation led to improved quality of service provision and improved outcomes among the probationer population.

Health Departments

Currently the health departments—DHS, DMH, and DPH—do not have the information necessary to monitor and assess the impact of Proposition 47 on the provision of services. This is because the departments do not have access to information to properly identify patients who are
affected by Proposition 47. Both the DMH and DPH were able to provide some information related to service receipt for a subsample of individuals who received legal relief from Proposition 47. These findings are described in greater detail in the following sections.

**Department of Mental Health**

The DMH manages the provision of mental health care services through three primary service delivery mechanisms: (1) directly operated programs in more than 85 sites; (2) contracted DMH programs and DMH staff at 300 sites co-located with other county departments (e.g., jails, schools); and (3) more than 1,000 contracted organizations and individual practitioners. DMH on average serves more than 250,000 county residents each year. The 2016–2017 County of Los Angeles final adopted budget for DMH was $2.2 billion, including $47.8 million in net county cost (County of Los Angeles, undated).

DMH is able to identify a subset of individuals, that is, individuals receiving services as part of their Assembly Bill 109 status and who experienced relief from Proposition 47. Assembly Bill 109 status is tracked in their data systems. As of October 2016, DMH reported that 3,010 Assembly Bill 109 clients had terminated service provision since November 2014 (Los Angeles County Board of Supervisors, 2016). Of those who terminated service provision, 528 terminated because of Proposition 47 relief. Post-relief from Proposition 47, DMH reported that 184 individuals (i.e., 35 percent of those who received relief) continued to receive three or more mental health services. These findings indicate that the majority of individuals who would be receiving services prior to the passing of Proposition 47 because of their criminal justice status are no longer receiving those services. However, they represent a very small subset of the potential population affected by Proposition 47 that may be receiving DMH services, given the inadequacies of properly identifying Proposition 47–affected individuals in the county health care data systems.

It is also important to note that this analysis did not include changes in workload that may affect DMH service provision at the jails or other locations that serve populations affected by Proposition 47. As noted elsewhere, LASD has reported an increased number of individuals in custody with a mental health condition, suggesting the service utilization of mental health services in jail settings has likely increased; therefore, the workload for DMH (and DHS, due to the recent transitioning of county health care services in jail settings and the recent creation of the Office of Diversion and Re-entry) has expanded in these settings. Whether the increase in individuals in need of mental health services in jail is related to Proposition 47, as emphasized elsewhere in this report, is unknown.

**Department of Public Health**

The DPH manages the provision of substance use disorder treatment services provided by community-based agencies in Los Angeles County. The 2016–2017 County of Los Angeles final adopted budget for the Substance Abuse Prevention and Control division of DPH was $214
million, including $3 million in net county cost (County of Los Angeles, undated). These community-based agencies enter data into a countywide database called the Los Angeles County Participant Reporting System to track such elements as the number and type of treatment services received, length of stay, and discharge status (whether the client completed treatment or left with successful progress).

DPH has been able to document the number of individuals receiving treatment due to Assembly Bill 109 and their treatment status following receipt of relief from Proposition 47, as depicted in Table 3.8. More specifically, by using the Los Angeles County Participant Reporting System, DPH identified a total of 318 Assembly Bill 109 clients who received substance use disorder treatment and experienced Proposition 47 relief as of September 30, 2016. Of those, 154 (48.43 percent) remained in treatment following relief, and about half (n = 80) of those individuals had been discharged. Of those discharged, 36 clients (45 percent) were in positive compliance (completed or left treatment with successful progress) and 37 clients (46.3 percent) were in negative compliance (left treatment with unsuccessful progress). Of note, the average length of stay for both those who left with positive compliance (68 days) and those with negative compliance (42 days) is less than the recommended average length of stay of 90 days (Hser et al., 2001; Hubbard et al., 1989; Simpson et al., 1997).

Table 3.8. DPH Proposition 47 Cases, November 4, 2014, to September 30, 2016

<table>
<thead>
<tr>
<th>Proposition 47 cases</th>
<th>318</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remained in treatment after Proposition 47</td>
<td>154</td>
</tr>
<tr>
<td>Discharged after remaining in treatment after Proposition 47</td>
<td>80</td>
</tr>
<tr>
<td>Positive compliance</td>
<td>36 (45%)</td>
</tr>
<tr>
<td>Average length of stay (positive compliance)</td>
<td>68 days</td>
</tr>
<tr>
<td>Negative compliance</td>
<td>37 (46.3%)</td>
</tr>
<tr>
<td>Average length of stay (negative compliance)</td>
<td>42 days</td>
</tr>
<tr>
<td>Other</td>
<td>7 (8.75%)</td>
</tr>
</tbody>
</table>


To add context to these results regarding Proposition 47–affected individuals, Table 3.9 presents rates for clients referred by the criminal justice system more broadly since FY 2008–2009 (with the exception of drug court and related program clients, as discussed in the next section). There has been a steep reduction in referrals from the criminal justice system over time. The biggest reduction occurred between FY 2008–2009 and FY 2009–2010 (n = 6,702), representing a 39.7-percent reduction. DPH reported that this reduction may be attributed to the termination of dedicated Proposition 36 funding in FY 2009–2010. The Substance Abuse and
Crime Prevention Act, also known as Proposition 36 (2000), allowed first- and second-time nonviolent, simple drug possession offenders the opportunity to receive substance abuse treatment instead of incarceration. In FY 2015–2016, 6,738 clients were referred by the criminal justice system. The compliance rates among the criminal justice–referred clients who were discharged in FY 2015–2016 are similar (e.g., 46.6 percent with negative compliance) to those observed among the clients receiving Proposition 47 relief. However, the average length of stay among criminal justice–referred individuals who left treatment in positive compliance was much longer (i.e., 112 days), over the research-recommended amount of 90 days. In fact, the average length of stay for those who left in negative compliance (i.e., 51 days) is closer to the number of Proposition 47 clients who left in positive compliance.

Table 3.9. Clients Referred to DPH by Criminal Justice System (FY 2008–2009 to FY 2015–2016)

<table>
<thead>
<tr>
<th>Category</th>
<th>Admissions</th>
<th>Discharges</th>
<th>Positive Compliance</th>
<th>Negative Compliance</th>
<th>Other</th>
<th>Positive Compliance</th>
<th>Negative Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2008–2009</td>
<td>16,881</td>
<td>13,560</td>
<td>8,059 (59.4%)</td>
<td>4,685 (34.6%)</td>
<td>816 (6.0%)</td>
<td>126 days</td>
<td>55 days</td>
</tr>
<tr>
<td>FY 2009–2010</td>
<td>10,179</td>
<td>7,500</td>
<td>4,487 (59.8%)</td>
<td>2,437 (32.5%)</td>
<td>576 (7.7%)</td>
<td>112 days</td>
<td>52 days</td>
</tr>
<tr>
<td>FY 2010–2011</td>
<td>8,647</td>
<td>6,372</td>
<td>3,549 (55.7%)</td>
<td>2,395 (37.6%)</td>
<td>428 (6.7%)</td>
<td>111 days</td>
<td>50 days</td>
</tr>
<tr>
<td>FY 2011–2012</td>
<td>6,599</td>
<td>4,677</td>
<td>2,695 (57.6%)</td>
<td>1,706 (36.5%)</td>
<td>276 (5.9%)</td>
<td>125 days</td>
<td>56 days</td>
</tr>
<tr>
<td>FY 2012–2013</td>
<td>7,905</td>
<td>5,978</td>
<td>3,175 (53.1%)</td>
<td>2,422 (40.5%)</td>
<td>381 (6.4%)</td>
<td>127 days</td>
<td>55 days</td>
</tr>
<tr>
<td>FY 2013–2014</td>
<td>8,327</td>
<td>6,033</td>
<td>3,109 (51.5%)</td>
<td>2,433 (40.3%)</td>
<td>491 (8.1%)</td>
<td>121 days</td>
<td>57 days</td>
</tr>
<tr>
<td>FY 2014–2015</td>
<td>7,611</td>
<td>5,080</td>
<td>2,418 (47.6%)</td>
<td>2,219 (43.7%)</td>
<td>443 (8.7%)</td>
<td>112 days</td>
<td>57 days</td>
</tr>
<tr>
<td>FY 2015–2016</td>
<td>6,738</td>
<td>4,156</td>
<td>1,858 (44.7%)</td>
<td>1,935 (46.6%)</td>
<td>363 (8.7%)</td>
<td>112 days</td>
<td>51 days</td>
</tr>
</tbody>
</table>

NOTE: Drug court referrals are not included in this table.

Next, we examined the treatment rates among those referred from Adult Drug Court, Sentenced Offender Drug Court, and related drug court programs (see Table 3.10). Again, overall court-referred admissions decreased by 55.6 percent over time, from a high of 6,356 in FY 2008–2009 to 2,820 in FY 2015–2016. DPH reported that this reduction in drug court
referrals may be attributed to the passage of certain policies, including Assembly Bill 109 (2011), and Proposition 47 (2014), which marked two major shifts to the California criminal justice system since 2011. The discharge status of drug court clients tends to be more successful; about 61 percent reported leaving in positive compliance in the last fiscal year. Additionally, the average stay for clients referred by the drug court is much longer than for those referred by other criminal justice sources. Although the number of days has decreased somewhat (i.e., 178 days in FY 2009–2009 compared with 138 days in FY 2015–2016), it is still over the recommended average length of stay of 90 days.

<table>
<thead>
<tr>
<th></th>
<th>Admissions/Discharges</th>
<th>Discharge Status</th>
<th>Average Length of Stay</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Category</td>
<td>Positive Compliance</td>
<td>Negative Compliance</td>
</tr>
<tr>
<td>FY 2008–2009</td>
<td>Admissions</td>
<td>6,356</td>
<td>3,651 (66.3%)</td>
</tr>
<tr>
<td></td>
<td>Discharges</td>
<td>5,507</td>
<td></td>
</tr>
<tr>
<td>FY 2009–2010</td>
<td>Admissions</td>
<td>5,759</td>
<td>3,160 (66.2%)</td>
</tr>
<tr>
<td></td>
<td>Discharges</td>
<td>4,772</td>
<td></td>
</tr>
<tr>
<td>FY 2010–2011</td>
<td>Admissions</td>
<td>5,286</td>
<td>2,656 (62.1%)</td>
</tr>
<tr>
<td></td>
<td>Discharges</td>
<td>4,278</td>
<td></td>
</tr>
<tr>
<td>FY 2011–2012</td>
<td>Admissions</td>
<td>4,691</td>
<td>2,267 (60.5%)</td>
</tr>
<tr>
<td></td>
<td>Discharges</td>
<td>3,749</td>
<td></td>
</tr>
<tr>
<td>FY 2012–2013</td>
<td>Admissions</td>
<td>3,930</td>
<td>1,775 (61.4%)</td>
</tr>
<tr>
<td></td>
<td>Discharges</td>
<td>2,891</td>
<td></td>
</tr>
<tr>
<td>FY 2013–2014</td>
<td>Admissions</td>
<td>3,399</td>
<td>1,439 (62.6%)</td>
</tr>
<tr>
<td></td>
<td>Discharges</td>
<td>2,300</td>
<td></td>
</tr>
<tr>
<td>FY 2014–2015</td>
<td>Admissions</td>
<td>3,051</td>
<td>1,226 (61.0%)</td>
</tr>
<tr>
<td></td>
<td>Discharges</td>
<td>2,010</td>
<td></td>
</tr>
<tr>
<td>FY 2015–2016</td>
<td>Admissions</td>
<td>2,820</td>
<td>1,137 (61.0%)</td>
</tr>
<tr>
<td></td>
<td>Discharges</td>
<td>1,864</td>
<td></td>
</tr>
</tbody>
</table>


These findings may be of concern to the public because, although there is some controversy regarding court-mandated treatment due to its potential coercive nature, research suggests that court-mandated substance-use treatment may be just as effective as treatment that is not court-mandated. For example, several studies have shown that individuals who are mandated to treatment achieve outcomes similar to their nonmandated counterparts (Brecht, Anglin, and
Wang, 1993; Farabee, Prendergast, and Anglin, 1998; Hiller, Knight, and Simpson, 1998; Kiluk et al., 2015; Martin et al., 2003). Research has also found that court-mandated individuals may stay in treatment longer than non-court-mandated individuals, leading to better outcomes (Perron and Bright, 2008). Studies have also investigated the outcomes among individuals who are involved with the criminal justice system but who may or may not be mandated to treatment (Coviello et al., 2013; Kelly, Finney, and Moos, 2005). These studies show that individuals mandated to treatment by the criminal justice system actually experience better outcomes than those involved with the criminal justice system but not mandated to treatment, even after controlling for important covariates known to influence treatment outcomes. Legal coercion has also been shown to be an effective factor in promoting treatment entry (Hser et al., 1998). In sum, given that Proposition 47 may take away the opportunity for the courts to oversee and mandate treatment, it is likely that fewer people potentially in need of treatment will receive it. The available data also suggest that individuals in substance-use treatment who experience Proposition 47 relief undergo shorter treatment stays, which may not be as effective as longer stays.

### Integrated Data Systems

#### Overview

There appear to be multiple efforts under way to integrate county service utilization data across county departments to better monitor the impact of different policies and practices. For example, the CEO Service Integration Branch (CEO-SIB) manages the ELP and ISAB, and a subcommittee of the CCJCC, oversees the planning and development of JAIMS. Another system being developed in the county is the Countywide Master Data Management (CWMDM) system. These systems are designed to link individual-level data across different county departments to assist in analytic purposes (see Table 3.11).

The ELP currently includes service utilization data from the following departments: Department of Community and Senior Services, DHS, DMH, DPH–Substance Abuse Treatment Services, Department of Public Social Services (DPSS), Department of Children and Family Services (DCFS), LASD, and Probation (Byrne et al., 2012). Over the past year, data from Los Angeles County’s Homeless Management Information System (HMIS) have also been added to the ELP. The ELP is designed to track service utilization patterns and to include individual-level demographic information (e.g., disability and insurance status). Once data are matched across departments, a unique identifier can be assigned (identifiable information can be removed before analysis).

Set up in 2007, the ELP can track individuals longitudinally, allowing for comparisons across time and between cohorts. For example, CEO-SIB recently examined the county costs of homelessness by examining the service utilization and associated costs for approximately
150,000 single adults in Los Angeles County who experienced homelessness during FY 2014–2015 (Wu and Stevens, 2016). For this effort, data from the HMIS were used to identify individuals who utilized homeless services during the target period. Service utilization records from six departments (DHS, DMH, DPH, DPSS, LASD, and Probation) then were used to determine the impact of this population on county services.

Previous efforts have used ELP data to compare service utilization and costs of different cohorts over time, such as homeless individuals who did or did not receive permanent supportive housing (Flaming et al., 2016); to examine whether service utilization changed pre- and post-housing among those who received the housing subsidy; and to assess whether any changes in utilization were different from other similar individuals who were contemporaneously homeless but did not receive a housing subsidy. More specifically, the ELP can help monitor trends over time in service utilization at the individual level, which can help to answer research questions such as whether a specific policy or program leads to changes in individual trajectories of crime, homelessness, or health care utilization. Cross-sectional data that provide snapshots in time of particular utilization rates do not have the power to take into account individual experiences and profiles and therefore make attributing associations less likely.

However, ELP data are not available in real time; data must be sent by different departments to the CEO-SIB for specific matching and linking. Also, the ELP does not currently have a data dictionary or “codebook” that includes documentation of the characteristics of the included variables; therefore, significant input from departments is needed to enhance interpretation.

The CWMDM system is under development. CWMDM is designed to provide real-time information to identify common clients across departments. With this enhancement, one of the goals of the CWMDM is to provide a countywide registry of clients so that departments can improve service delivery coordination. CWMDM is not currently designed to include client case data; rather, it will track whether clients were receiving services. As of October 2016, CWMDM was planned to include DHS, DMH, and DCFS (CCJCC October meeting minutes, 2016).

JAIMS is also under development. It is designed to be a centralized data repository that is more inclusive than the ELP; it will include information from the courts, prosecution, and defense as well as from law enforcement and probation departments in Los Angeles County. JAIMS includes information from the Proactive Information Exchange system and the Countywide Criminal History Reporting System. The Proactive Information Exchange system was developed initially as a messaging platform by transmitting and monitoring data on case transactions across agencies and departments. The Criminal History Reporting System links data on criminal history information on individuals who come into contact with the local criminal justice system (CCJCC, 2016). It is currently operational but still being built out to include additional data sets from public and mental health services. For example, one of the goals of JAIMS is to provide a criminal justice performance dashboard by matching records across different criminal justice databases.
JAIMS will be more relevant for the examination of Proposition 47 and similar policies than the ELP because JAIMS contains criminal justice information that is needed to identify individuals affected by the proposition. More specifically, the courts specify whether an individual is granted relief under Proposition 47. As noted elsewhere in this report, other county agencies, such as the DMH and DPH, were only able to identify those who experienced Proposition 47 relief who were also flagged in their database as receiving services as part of Assembly Bill 109. The capability to more accurately characterize individuals served by different county departments will depend on better identification and data links across county data systems.

Table 3.11. Components of the Integrated Data Systems

<table>
<thead>
<tr>
<th></th>
<th>ELP</th>
<th>JAIMS</th>
<th>CWMDM</th>
</tr>
</thead>
<tbody>
<tr>
<td>DCSS</td>
<td>Courts</td>
<td>DCFS</td>
<td></td>
</tr>
<tr>
<td>DCF</td>
<td>DA</td>
<td>DHS</td>
<td></td>
</tr>
<tr>
<td>DHS</td>
<td>APD/PD</td>
<td>DMH</td>
<td></td>
</tr>
<tr>
<td>DMH</td>
<td>Probation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DPH</td>
<td>LASD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DPSS</td>
<td>DHS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Probation</td>
<td>DMH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LASD</td>
<td>DPH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HMIS</td>
<td>DPSS</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTE: DCSS = Department of Community and Senior Services.

Data Sharing Challenges

Two different concerns have been raised regarding data system integration: matching capability and addressing individual privacy rights.

First, it appears that the ELP, CWMDM, and JAIMS use different algorithms to match data across the different departments. The accuracy and efficiency of these different matching approaches should be evaluated to determine which system is most appropriate to meet the needs of the county. CWMDM is planned to serve as a shared infrastructure for departments to develop master person index systems, using a standard software product, and it will enable data sharing on common clients, using the countywide system to resolve and link client identities. The goal is for CWMDM to provide the functionality needed for DPH, DPSS, and Public Safety to share data using a common registry of person identity records. ISAB has developed a plan to implement a master data management system using the same software product as CWMDM with future plans to link its master data management to CWMDM. JAIMS will deploy the ISAB master data management with links to CWMDM once ISAB master data management is fully operational; therefore, CWMDM and JAIMS will use the same approach to link client information across departments.
Second, there are concerns from a number of departments about the release of protected information. For example, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) precludes health information from being shared, the Alcohol and Drug Abuse Patient Records Privacy Law (along with the HIPAA Privacy Rule) prevent the release of substance use treatment information, and attorney-client privilege stops the sharing of an individual’s legal status across departments.

HIPAA and the regulations promulgated thereunder (collectively referred to as the “Privacy Act”) do permit the use and disclosure of certain health information for public health, research, and health care activities as long as the privacy and security of such information are protected, such as by the use of a de-identified limited data set where direct identifiers (e.g., name, Social Security number, health insurance number, and home address) are removed and a unique identifier that does not compromise anonymity is used. Under the Privacy Rule, the use and disclosure of this limited data set are permitted without the patient’s written authorization; therefore, obtaining consent is not required to use these data for the performance monitoring purposes needed to study the impact of Proposition 47 and similar initiatives.

Given the work to date, there appear to be data sharing agreements in place for many of the departments to share information to track individual service utilization over time.

**Proposition 47 Data Sharing and Data Analytic Support Activities**

Two efforts have been made with regard to information and data analytics specifically designed to support Proposition 47–related activities. First, data systems have been used to identify, provide outreach, and coordinate service delivery for the legacy case population. Second, there have been efforts to utilize data to evaluate the impact of Proposition 47 on different agencies’ workload. Next, we describe each of these two efforts and discuss the current status.

**Legacy Population**

Regarding the legacy population, ISAB collaborated with the PD and APD to develop a database of individuals potentially eligible for Proposition 47 relief. The database contains the records of over 519,000 individuals who have a potentially eligible Proposition 47 offense and includes information used to conduct outreach. This database is also used to track any contacts these individuals make with the county for legal relief and other services. Given the complexities of determining who is eligible, anyone with a felony arrest or conviction prior to November 2014 was included, which likely means that the database overestimates the number of individuals who are qualified for relief. For example, prior criminal history that would preclude an individual from receiving Proposition 47 relief was not used as an exclusion criterion.

ISAB, PD, APD, DA, CEO, and ISD also developed system interfaces between the Proposition 47 database and the 211 LA County system. This interface allows the county and 211 LA County to share data, tracking potential Proposition 47 clients’ contacts with 211 LA
County and referrals for services. Using a unique client reference number, the 211 LA County system uploads two files to the interface: one includes client contact information, and the other includes referrals made for services. ISD then makes files available to individual county departments, which can download department-specific files and use them to identify service provision to Proposition 47–eligible clients. All 211 LA County contact and referral data are also submitted electronically to the ISAB Proposition 47 database. Given that the LA 211 County system was only put in place in late July 2016, the use of this system for service delivery outcomes has been minimal.

Workload

ISAB has been engaged in assisting the justice agencies in examining the implications of Proposition 47 on workload. ISAB uses JAIMS as its data analytics platform, which is designed to be a data warehouse for all criminal justice–related activities and, as mentioned earlier, is still under development. ISAB developed the “Proposition 47 Data Analytics Strategy” (see Figure 3.12) to help clarify the issues surrounding the evaluation of Proposition 47. The middle of the figure outlines the different criminal justice events that may be relevant to identifying Proposition 47–relevant workload, for example, whether the event is defined at the incident, arrest, charge review, filing, arraignment, or conviction stage. Also, the figure helps to clarify where the data from each event are generated (e.g., LASD, DA, PD/APD, or court) and the data source (i.e., in what database the information resides). For example, the figure helps to clarify that LASD has information about potentially eligible Proposition 47 incidents and arrests only. This affects both patrol and custody workloads. However, it is not until a case is processed through the justice system (the case is reviewed by the DA, a Proposition 47–relevant charge is pursued or not, etc.) that Proposition 47 relief is determined; this would not be noted in LASD records but would appear in court records.

The figure also helps to describe the different data dashboards under development (JAIMS and CWMDM) that potentially could be used to track service utilization related to Proposition 47. JAIMS is currently being utilized to provide data analytics to support agency workload analysis, service integration, and program evaluation. Integration between JAIMS and CWMDM would allow for measurement of service utilization. The data analytics and statistics are still in development to examine high utilizers and diversion as well as to support demographic analysis of defendants.
Figure 3.12. ISAB’s Proposition 47 Data Analytics Strategy

**Pre 47**

- **Clients/Defendants**
  - Size of the population
  - Demographics as to gender, age and race
  - Location by Supervisorial district
  - Demographics as to client status—homelessness, mental or physical health, employment status

- **Offense Types**
  - Part I and II offenses
  - Part I only
  - Part II only
  - Both Part I and Part II offenses

- **Defendant Criminal History**
  - Case with 2 counts:
    - Prop 47 dropped
    - Robbery convicted

- **Agencies**
  - LASD only
  - LASD only
  - All LEAs
  - LASD / all other LEAs
  - DA, PD, APO, Probation, Superior Court

- **Events**
  - Reported Incidents
  - Arrests (booked)

- **Disposition**
  - Preliminary
  - Probation
  - Sentencing
  - Vindication

- **Metrics**
  - Count by Offense Type
  - Count Arrests by Offense Type
  - Count Arrests for Repeat Offenders
  - Count Cases by Offense Type by Defendant
  - Count Number of Hearings by Case by Defendant
  - Count Events by Case by Defendant
  - Average Number of Days between Events

**Post 47**

- **All offenses are Prop 47**
- **Breakdown by Drug and Property offenses**
- **At least one Prop 47 offense**
- **Breakdown by Prop 47 vs non-Prop 47**
- **Breakdown by Drug and Property offenses for Prop 47 arrests**

**Data Sources**

- LARCIS
- AJIS
- AJIS
- CCHRS – PIMS – TCIS

**Source:** ISAB, 2016c.

**Note:** AJIS = Automated Justice Information System; LARCIS = Los Angeles Regional Crime Information System; LEA = law enforcement agency; TCIS = Trial Court Information System.
Lessons Learned from State and Other County Initiatives

The research team reached out to a number of organizations and individuals at the state and county levels to understand what efforts may be under way to measure the impact and costs of Proposition 47. We also reviewed publicly available reports from other counties to understand how Proposition 47 was being monitored. What we found was that larger counties appear to be making efforts similar to those being made in Los Angeles County, and they are facing similar challenges in quantifying realized changes in workload and costs. For example, in San Diego County, the Probation Department began monitoring its adult population trends on a weekly basis, engaging with the DA to ensure Proposition 47 relief efforts met the targeted probation population as well as to reconcile data-based discrepancies between them. Between November 2014 and January 2016, San Diego County’s Probation Department reported a decline in the overall adult probation population of 12.6 percent (from 13,119 to 11,471), with the majority of the reduction coming from the low-risk formal probation population (County of San Diego, Health and Human Services Agency, 2016). San Diego County has also incorporated Proposition 47 legal relief metrics into its annual performance measures for the PD (County of San Diego, undated); in the first eight months since Proposition 47 implementation, San Diego County processed over 10,000 more resentencing petitions and applications as Los Angeles County (Dooley-Sammuli, 2015). News reports have cited the preemptive planning by San Diego County’s DA and PD as being instrumental in the rapid processing of Proposition 47 legacy cases (Davis, 2015).

Santa Cruz County tracked probation caseload changes from Proposition 47 in a comparable manner to Los Angeles County. Between November 2014 and April 2016, at least 342 individuals under formal supervision by Santa Clara’s Probation Department had charges reduced, and 234 had at least one case closed directly as a result of Proposition 47 resentencing, with about half coming from administration and lower-risk caseloads (Santa Cruz County Probation Department, 2016).

As of June 2016, Riverside County’s Probation Department had identified 196 Post-Release Community Supervision offenders and 827 mandatory supervision offenders released from supervision as a result of Proposition 47 (Riverside County Community Corrections Partnership Executive Committee, 2016). The Riverside County Sheriff’s Department also tracked a 31-percent decrease in the number of drug arrests and a more than 16-percent decline in arrests for property crime offenses that resulted in a reduction in bookings into Riverside County jail for the first six months of 2015 compared with the same period one year prior (City of Temecula City Council, 2016).

While official reports were not found for Sacramento County, news reports suggest that Sacramento County had managed a relatively streamlined method for handling increased court workload for Proposition 47 legal relief cases by assigning one judge, one prosecutor, and one public defender to all Proposition 47 legacy cases (Smith, 2016).
While smaller counties have faced difficulties in identifying the causal impact of Proposition 47 on county department operations, less populous counties seem to report a much wider range of metrics compared with those of the larger counties. For instance, Stanislaus County released a preliminary analysis of Proposition 47’s effects presenting monthly statistics from 2012 through 2015 on crimes, misdemeanor and felony arrests, citations in the field, DA case dispositions, jail population distribution (by sentenced or unsentenced, offense type, average length of stay), probation population distribution, and program attendance for the probation population (Community Corrections Partnership, 2016). El Dorado County’s 2015 annual report noted 54 individuals released from county jail directly as a result of Proposition 47 sentencing reductions (El Dorado County Sheriff’s Office, 2016). The report also provided a wide range of metrics tracking year-over-year trends from 2014 to 2015, including officer-involved shootings, citations issued by patrol, county jail medications administered, assaults on custody staff, and calls for service by cause. Other, albeit less detailed, reports were found for the counties of Humboldt (Humboldt County, 2015), Ventura (County of Ventura Executive Office, 2015), and Santa Cruz (County of Santa Cruz, 2015; County of Santa Cruz, 2016).

The Judicial Council of California (2016) also recently released a report worth noting. The report provides an overview of the early impacts of Proposition 47 on court operations based on phone interviews with nine counties and site visits to the Superior Courts of Kern, San Bernardino, San Diego, Shasta, and Santa Clara Counties. The report notes variation in how courts initiated, processed, and managed workload associated with Proposition 47 legal relief filings. Primary findings were that many jurisdictions experienced a decline in arrests immediately following Proposition 47, but perceived changes in prosecution charging (e.g., increased filing of felony drug sales cases under HS 11366). Of the 40 courts reporting complete data in the first six months of 2015, misdemeanor filings increased by approximately 15 percent (about 22,000 case filings), and felony filings fell by about 34 percent (about 32,000 filings). Courts and justice system staff indicated an increase in the complexity of both misdemeanor and felony cases being filed compared with the pre–Proposition 47 period, consistent with our interviews with Los Angeles County justice system departments.
4. Summary and Recommendations

Our study was intended to draw insights regarding Los Angeles County Departments’ experience with implementing Proposition 47, particularly with respect to its impact on operations and workload. The study also intended to develop a set of recommendations for metrics and data management systems to assist Los Angeles County with tracking the operational and fiscal impacts of Proposition 47 and other legislative changes or court-ordered changes moving forward. To do so we provided both descriptive and quantitative evidence on changes in county departments’ workloads, operations, and costs resulting from Proposition 47. Here we summarize our key findings, observations, and recommendations for assisting the county in achieving these goals.

Summary of the Impact of Proposition 47 on County Operations and Workload

Table 4.1 shows whether Proposition 47 had a positive, negative, or uncertain effect on county operations and workload, by department. Based on our analyses, the impacts can be summarized as follows:

- The increase in workload appeared to be primarily for the DA, PD, and APD. With Proposition 47, all three offices were tasked with handling petitions and applications filed by offenders, seeking legal relief under the proposition in addition to handling new filings for Proposition 47 cases. Given the current DA data systems, it is difficult to estimate changes in staff effort; however, available data show increased workload from the legacy cases which has been partially offset by a decline in felony caseload, although serious and violent felonies have been increasing. Misdemeanor cases have also increased since Proposition 47. Moving forward, the workload will remain for these departments given the extension of Proposition 47 legacy filings to 2022.

- LASD workload with respect to patrol and custody operations was affected by several competing factors. LASD experienced reductions in narcotics arrests (for HS 11350, 11357(A), and 11377 offenses) after Proposition 47 went into effect. In contrast, LASD experienced an increase in arrests for larceny theft offenses following Proposition 47, although the larceny theft arrest rates appear to be at about the same levels as in 2010–2011 (the years before and after Public Safety Realignment was enacted). Calls for service increased about 5 percent from the year prior to Proposition 47, although there does not appear to be a trend break at the time of Proposition 47. LASD also has identified a significant number of high-rate offenders—those who LASD believe are responsible for a large number of crimes as a direct result of Proposition 47. A more definitive analysis would need to compare recidivism outcomes for offenders pre- and post–Proposition 47 to determine whether this is attributable to Proposition 47. The overall custody population in LASD jails declined after Proposition 47, due in part to a
reduction in bookings. However, the number of functional beds has also dropped due to a change in the mix of beds with an increase in the mental health population, which has different housing requirements.

- Probation experienced a reduction in its total probation population as a result of Proposition 47. The impact of Proposition 47 on Probation was a reduction in 10,603 probationers, suggesting an initial decrease in workload. Due to other factors, including a change in the mix across caseload types, there was a resulting overall decline in the probationer population of 5,107. Further, Probation is still operating above national recommendations with respect to caseload ratios.

- With respect to the DPH and DMH, there is some evidence that individuals receiving Proposition 47 relief dropped out of mental health and substance use disorder treatment. Also, data provided by the DPH suggest that the number of individuals referred to treatment from the criminal justice status has decreased, which may be related to Proposition 47. No information was provided to reliably estimate the impact of Proposition 47 on general health care services (DHS). These findings merit further examination to better understand when individuals are referred for health services and their rates of utilization as well as their outcomes.

### Table 4.1. Estimated Changes Affecting Workload for County Departments Since Proposition 47

<table>
<thead>
<tr>
<th>Department</th>
<th>New Cases</th>
<th>Legacy Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Felonies</td>
<td>Misdemeanors</td>
</tr>
<tr>
<td>DA</td>
<td>↓</td>
<td>↑</td>
</tr>
<tr>
<td>PD</td>
<td>↓</td>
<td>↑</td>
</tr>
<tr>
<td>APD</td>
<td>↓</td>
<td>↑</td>
</tr>
<tr>
<td>Sheriff</td>
<td>↓</td>
<td>↑</td>
</tr>
<tr>
<td>Probation</td>
<td>↓</td>
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</tr>
<tr>
<td>DHS</td>
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<tr>
<td>DMH</td>
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<tr>
<td>DPH</td>
<td>?</td>
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</tr>
</tbody>
</table>

**NOTE:** The arrows indicate the direction of the effect of Proposition 47 on workload related to new cases (felonies and misdemeanors), and on the legacy cases (petitions and applications). A question mark indicates that the direction of the effect is uncertain. N/A indicates not applicable.

### Challenges Associated with Estimating the Impact of Proposition 47 on Workload

As noted in Chapter Three, it is difficult to reliably estimate the impact of Proposition 47 on workload and to estimate cost savings or increases for several reasons. First, the county departments lacked the infrastructure to readily monitor workload changes and then translate those changes to fiscal impacts. Although caseload information is available, translating caseloads to workload was reported to be relatively difficult for many of the county departments. Further, those departments that have data-tracking systems to estimate workload (APD and PD) have only recently implemented those systems.
Second, some departments were under-resourced prior to Proposition 47, so any savings that occurred led to improvements in resource levels, but not actual cost savings. For example, Probation was operating at higher caseloads than the national recommended levels prior to Proposition 47. A reduction in Probation caseloads was observed following the passage of Proposition 47, but the department still operates above recommended levels.

Third, although hypothetical estimates can be made, the costs or savings cannot be truly realized because no funds were shifted as a result of the proposition. That is, each department continued to operate without any direct changes in allocation of specific dollars away from or in support of Proposition 47. An exception is that the legal departments have recently been granted (as of fall 2016) new paralegal staff to assist with Proposition 47 activities, but this will account for a small proportion of the actual changes in workload and fiscal impact as a result of Proposition 47.

Fourth, due to the nature of the legislation, it is challenging to compare the operational and fiscal impact of Proposition 47 before and after its passage. For example, a new penal code was created as a result of the proposition, and it is not feasible using existing information in administrative databases to identify Proposition 47–eligible cases. It may be possible to estimate the initial operational and fiscal impact of Proposition 47 retrospectively studying a random sample of “potential Proposition 47” cases from the pre–Proposition 47 period and conducting a detailed case review to determine whether the case would now have qualified for Proposition 47. In this way, it might be possible to estimate the fraction of total “potential Proposition 47” cases that would theoretically have been affected by the passage of Proposition 47. While this analysis would not necessarily allow for quantitative estimates of workload or cost changes (unless assumptions were made about the relative time per case, similar to the APD’s eWorkflow management system), it would provide a better indication of how the case or workload composition has changed for new Proposition 47 cases. Similar approaches have been employed for cost-benefit evaluations of Proposition 36 (Urada et al., 2008) and adult drug court programs (Carey and Finigan, 2003).

Our original charge was to estimate cost savings or increases resulting from Proposition 47 for county departments. To do so, we provided assessments of changes in workload resulting from Proposition 47 for the individual departments, as well as estimates of costs obtained from several different departments, such as the PD and APD. The initial report also provided estimates of potential costs and savings for LASD, the DPH, and DMH, along with estimates of the value of workload changes for seven of the eight county departments. We agree with the Auditor-Controller that it is impossible to arrive at sound estimates of the initial costs savings and increases from Proposition 47 for several reasons. In particular, as noted by the Auditor-Controller, none of the eight departments studied have methods to fully capture, track, and measure the costs, savings, and/or service improvements (or reductions) attributable to Proposition 47. The APD is one of the few departments with a data system in place to capture costs associated with different types of cases, and other departments, such as the PD, are
developing systems to measure their workload. Also, county departments that have received funding to hire paralegals to assist with processing Proposition 47 cases will now be able to quantify the resulting workload changes; however, this represents only a fraction of what the Proposition 47–related workload is for the DA, PD, and APD. Further, as noted in Chapter Three, the short time frame for this study precluded us from being able to validate any of the data provided for such an analysis. Although a promising effort is under way to integrate systems’ data, this effort will focus more on questions related to utilization of services by Proposition 47–eligible individuals than questions related to workload. Thus, in our recommendations below, particularly with respect to measuring workload, we describe what is needed to address workload questions related to Proposition 47 and other initiatives.

*Insights from State and Other County Initiatives Related to Proposition 47*

The research team reached out to a number of organizations and individuals across the state to understand how they were measuring the impact and costs of Proposition 47 in their counties. Our major finding is that although other counties are interested in understanding the impact of Proposition 47, we did not identify any comprehensive efforts to tie impacts to costs, although individual counties are doing cost calculations for budget purposes. There is also no set of metrics used or advocated across the state. For example, the Board of State and Community Corrections will provide all 58 counties information from 2011 to 2015 on population data, crimes reported, arrests, and jail populations, but it is up to each county to analyze its own data to make a case for Proposition 47 state-level funding. In our conversations, metrics discussed were similar to those of Los Angeles County’s efforts: arrests (including by offense type); changes in jail bookings and populations; probation caseload changes; increases in cases handled by the DA, PD, and APD; and changes in drug court participants. At the same time, there is expressed interest in other measures, such as changes in the homeless population and measures of drug use by offenders. An upcoming report by Californians for Safety and Justice, while not specifically addressing metrics, is reported to outline several approaches to improve system efficiencies.

*Moving Forward: Recommendations for Measuring the Impact of Proposition 47 and Other Legislation on County Operations*

Los Angeles County is interested in identifying a strategy to monitor the impact of Proposition 47 on county operations, as well as the impact of other criminal justice initiatives. It is important to note that Proposition 47 is different from other legislation (e.g., Proposition 36 and Assembly Bill 109) in that individuals pre- and post-legislation may be easier to identify using existing databases. As described earlier, it is not possible to identify whether an individual is Proposition 47–eligible without reviewing the details of the case and combining case information with past criminal history. Also, Proposition 47 is unique in that it applies to
individuals retrospectively. As a result, there was an influx of Proposition 47–related activity immediately following its passage. Estimates of the population potentially eligible for Proposition 47 is still large, and the window for eligibility has recently been extended from 2017 to 2022. Despite these challenges, we provide our recommendations related to estimating individual county service utilization and workload changes that will be relevant to Proposition 47 as well as to other initiatives, such as the recently passed Propositions 57 and 64, and we present some guidance on developing a set of criminal justice performance metrics.

**Recommendations for Understanding Proposition 47 Individuals’ Utilization of Services and Outcomes**

Ultimately, the Board of Supervisors’ Justice Deputies expressed interest in understanding Proposition 47–affected individuals’ needs for services, their use of services, and their outcomes. Because these individuals are crosscutting multiple departments and agencies and differ in their service needs, we recommend a study that follows a cohort of Proposition 47 individuals over time to assess their need for and use of services and, ultimately, their criminal justice and health-related outcomes. Specifically, we recommend identifying a cohort of individuals who are potentially eligible for Proposition 47 relief, as legacy cases and a cohort of new cases, and track each cohort over time. The ISAB and PD/APD have developed a Proposition 47 potential client database for the legacy cases that could be used to draw a sample of cases and ultimately individuals to follow over time. With respect to identifying a cohort of new Proposition 47 cases, ISAB agencies have developed a Proposition 47 data strategy and logic model, as discussed in Chapter Three. However, as illustrated by Figure 3.12, it is not until a case is processed through the justice system (the case is reviewed by the DA, the Proposition 47–relevant charge is pursued or not, etc.) that the individual and case would be determined to be a new Proposition 47 case. Once that determination is made, then information on these individuals could be linked across departments to construct data records on their service utilization.

A database that protects individual privacy rights and identifies individuals and links data over time across the different county departments is needed to accomplish this for either legacy or new Proposition 47 cases. As described in Chapter Three, there are several efforts under way, but none that currently links individual-level data across the eight county departments to allow accurate, real-time identification of individuals potentially affected by Proposition 47. ISAB is in the process of utilizing JAiMS to develop an online dashboard system for the analysis of Proposition 47 data including statistics on client demographics and status, new arrests, and court cases; however, the system does not currently incorporate service utilization data from the health departments.

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1 ISAB, PD, APD, DA, CEO, ISD, and 211 LA County have built system interfaces to share service referral data between the ISAB Proposition 47 database (legacy cases) and the 211 LA County system. ISAB, PD/APD, and DA also are tracking Proposition 47 petitions filed with the Superior Court and the outcome of the petitions and applications (Los Angeles County Board of Supervisors, 2016).
**Recommendations for Measuring Workload**

The APD developed an eWorkflow management system to capture data on the level of effort associated with individual cases. Although useful, it may not be feasible to implement a similar system across county departments. Given this, one approach to more accurately monitor workload and the associated fiscal impact is to conduct weighted workload studies. Weighted workload studies provide an objective measure of how various staff members within agencies are currently spending their time, the results of which can be used to determine staffing needs and to analyze or forecast the impact legislative changes will have on county department resources. The primary aim of a weighted workload study is to identify and measure the time and effort required at distinct transaction points in the case management and disposition process to account for the distribution of case types and additional non-case-related work conducted by the agency (e.g., training sessions, community outreach, administrative responsibilities). This approach addresses many of the limitations of other assessment methods that were based on aggregate case counts or weighted caseloads (Gramckow, 2012). While the specific methodological design may require adjustments based on the data capabilities and processes of each agency, the overall implementation of a weighted workload study follows the same basic steps: (1) determine the scope of the study, (2) define case counts, (3) identify the processing steps for each case type, (4) compile case data, (5) conduct a time study within each department, and (6) calculate workload and costs based on the results of the time studies, case composition, and direct and indirect staffing costs. Details of conducting each step are provided in Appendix D.

Weighted workload methods have been utilized in a number of settings pertinent to the current study, including prosecutors’ offices (American Prosecutors Research Institute, 2002; National Center for State Courts, 2007; Wade et al., 2007), public defenders’ offices (Fabelo, Reynolds, and Tyler, 2012), and probation officers (DeMichele, Payne, and Matz, 2011; Johnson and Wagner, 2006; National Center for State Courts, 2010). Workload-based or time-study analyses have also been conducted within police departments, though they typically have been very narrow in scope (Austin Police Department, 2012; Alexander Weiss Consulting, 2015; United States Department of Justice, 2011; Wilson and Weiss, 2012).

**Recommendations Regarding Metrics to Track Proposition 47’s Impact**

The establishment of performance metrics would assist Los Angeles County in monitoring the impact of Proposition 47 and similar initiatives. Ideally, metrics would reflect the goals of all county departments. Drawing from a large body of literature (Dilulio et al., 1993; Marx, 1976; Urban Institute, 2015) and our discussions with county department staff, we next outline potential metrics to address each of the aforementioned goals. While the goals and metrics outlined below are based on our study of Proposition 47, our recommended indicators are defined broadly such that they can apply to continual monitoring of the performance of the
justice system or can be refined to apply to any target population (such as Proposition 47 individuals).

- **Goal One:** Enhance public order and safety.
- **Goal Two:** Provide the opportunity for Proposition 47 legal relief for all potentially eligible individuals.
- **Goal Three:** Improve offender service provision, reintegration, and rehabilitation.
- **Goal Four:** Improve efficiencies in the justice system within and across agencies.
- **Goal Five:** Reduce nonserious, nonviolent offenders’ costs to the justice system.

We considered two types of metrics for each goal. *Output metrics* quantify the volume of workload produced by a program, policy change, or activity, as opposed to the consequences of that workload. County departments are able to directly influence outputs, and they can represent measures of what is most directly salient for county agencies. *Outcome metrics*, in contrast, measure the consequences of a program, policy, or activity. Both sets of metrics reflect what is important to the community as a whole and can be used to gauge both the intended and unintended effects of a change in policy or implementation of a new program. Both output and outcome measures have advantages and disadvantages (Davis, 2012). A comprehensive set of metrics that tracks both types of information offers a multidimensional way to better understand the effects of policy changes on department workload and costs and to connect these changes in county department operations to relevant outcomes.

We recognize that agreement on either type of metric will require county agencies to come together and form a consensus. This can be difficult, as evidenced by the recent effort of California’s Board of State and Community Corrections committee to define recidivism. Additionally, the distinction between output and outcome may vary depending on the specific goals and input-output-outcome model defined. For example, while the metric of calls for service may be used to assess patrol workload (output), it may also be used to reflect community safety (outcome). Keeping in mind this potential overlap for some measures, we provide examples of both types of metrics under each of the goals.

- **Goal One: Enhance public order and safety.** Output metrics are especially relevant to law enforcement agencies, such as numbers of arrests by offense type and charge, number of citation and releases “in the field,” use of force, etc. Outcome metrics can include crime, calls for service, and various measures of recidivism (i.e., arrests, convictions and/or incarceration rates, probation violations for those under community supervision).
- **Goal Two: Provide opportunity for Proposition 47 legal relief to all potentially eligible individuals.** Output metrics can include the number of letters mailed, number of events held, and number of participants at legal relief events. Outcome metrics can include the number of hits to a Proposition 47 outreach website, proportion of people contacted seeking legal relief, number of individuals requesting other legal services, and number of individuals receiving Proposition 47 legal relief.
• **Goal Three: Improve offender service provision, reintegration, and rehabilitation.**
  This goal will require data sharing between agencies in the county to document services provided and the impact on individuals. Output metrics can include the number or percentage of individuals referred to services, by service type (e.g., treatment programs, mental health counseling); number or percentage of individuals with identified need or risk profile referred to appropriate services, by service type or program provider; and number or percentage of inmates released from custody with supervision or service referral. Possible outcome metrics include actual service use by offenders, by service type; program completion (and reasons for noncompletion); housing status of individuals (e.g., number or percentage of homeless clients, days spent in shelters); substance use outcomes, such as percentage of participants in programs with positive tests, number of relapses, days “clean”; number or percentage of clients with improved mental health functioning (as measured by standardized scales); number of psychiatric hospitalizations; number or percentage of clients placed in jobs and degree of job stability; and payments made to restitution orders.

• **Goal Four: Improve efficiencies in the justice system within and across agencies.**
  Goals Four and Five can be seen as being more closely tied to operational aspects of county departments than the first three. Outputs for county departments can consist of the number of collaborative interagency work group meetings between agencies; initiatives implemented to address community problems; and data-sharing memoranda of understanding created. Metrics for outcomes can include changes in case processing time and decreases in duplication effort by law enforcement, prosecutors, and community agencies.

• **Goal Five: Reduce costs to the justice system of nonserious, nonviolent offenders.**
  A central question the Los Angeles County Auditor-Controller has tried to address is the cost savings to county departments as a result of Proposition 47. However, given current information systems and operational data, it has not been possible to determine exact cost savings by departments. Future cost analyses will require weighted workload studies, for example, to assist in assigning dollar values to the output and outcome metrics agreed on in Goals One through Four above.

  While creating systems that can provide this information can help Los Angeles County monitor the impact of other legislation moving forward, attributing causality to a policy intervention will entail additional challenges, given other potential confounding influences. For instance, in the case of Proposition 47, legacy cases can be relatively directly tied to metrics; however, more distal measures, such as crime rates, require more complex analyses in order to be given a causal interpretation.
Effective November 5, 2014, the following crimes are now misdemeanors unless the individual is a PC 290(c) registrant or has a superseding prior conviction:

- **Drug cases:** Simple possession—personal use. HS 11350, HS 11357(a), and HS 11377. No limitation on amount possessed. Other drug-related crimes—including sales, possession for sales, transportation, and possession of narcotics while armed with a firearm—remain unchanged.

- **Forgery crimes:** Proposition 47 amended PC 473, adding a new subdivision (b) that makes the offense a misdemeanor if the forgery relates to a check, bond, bank bill, note, cashier’s check, traveler’s check, or money order where the value does not exceed $950. Subdivision (b) does not apply to a person convicted of both forgery and identify theft (C 530.5).

- **Insufficient funds checks:** Proposition 47 amended PC 476a(b) to change the dollar amount for a felony violation from over $450 to over $950.

- **Theft or receiving stolen property valued at less than $950:** PC 487, PC 666-484, PC 496, PC 473, and PC 476.

For commercial burglary related to theft, a new crime of PC 459.5 (shoplift burglary) was created. If the theft was for less than $950, then the burglary is a misdemeanor. However, if the theft occurs after hours or the amount is over $950, it remains a felony. Specifically the charge falls under PC 459.5 (shoplift burglary) if the individual or individuals entered a commercial establishment with intent to commit larceny, the incident occurred during regular business hours, and the intended item to be stolen is valued under $950. This crime now qualifies as a misdemeanor unless the individual is a 290 registrant or has a prior superseding conviction.

Per PC 490.2, all thefts are now petty theft unless the value is over $950, the individual is a PC 290 registrant, or the individual has a prior conviction for Super Strike. Note that this applies to grand theft person (PC 487(c)), automobiles (PC 487(d)(1)), firearms (PC 487(d)(2)), agriculture (PC 487(b)), animals (PC 487a), and theft of an access card (PC 484e(b), (d)).

The following charges can be a felony if the value of the theft is greater than $950 and the person charged is a PC 290 registrant or has a prior superseding conviction:

- PC 470(d): forgery by falsifying, altering, or counterfeiting document
- PC 475(a): possession or receipt of a forged, altered, or counterfeit item, with intent
- PC 475(b): possession of blank or unfinished check, with intent to complete or help to offer or pass the same to defraud a person
- PC 476: check fraud.
The following charges can only be a felony if the suspect is a PC 290 registrant or has a prior superseding conviction:

- PC 484e(a): sale, transfer, or conveyance of an access card, with intent to defraud
- PC 484e(b): acquisition of access cards in any consecutive 12-month period in the names of four or more persons that the suspect has reason to know were taken or retained under circumstances that constitute a violation of 484(a), 484(c), or 484(d)
- PC 484e(d): acquire or retain possession of access card account information with respect to an access card validly issued to another person, without consent, with the intent to defraud.

A nonexhaustive list of superseding priors is provided below.

- PC 37: treason
- PC 128: perjury causing the execution of an innocent person
- PC 182: conspiracy to commit a crime punishable by life or death, or conspiracy to commit any offense specified in PC 290(c)
- PC 191.5(a): gross vehicular manslaughter while intoxicated
- PC 191.5(b): vehicular manslaughter while intoxicated (formerly PC 192(c)(3))
- PC 205: aggravated mayhem
- PC 206: torture
- PC 207: kidnapping (if intent is to commit PC 261, 262, 264.1, 286, 288, 288a, or 289)
- PC 209: aggravated kidnapping
- PC 209.5: kidnapping in the commission of a carjacking
- PC 217.1(b): attempted murder of a government official
- PC 218: acting with intent to derail or wreck a train
- PC 219: derailing or wrecking a train
- PC 220: assault with intent to commit a sex crime (but not mayhem)
- PC 236.1(b): human trafficking with the intent of a specified violation
- PC 236.1(c): human trafficking inducing a minor to commit a commercial sex act
- PC 243.4(F/M): sexual battery
- PC 245(d)(3): assault on a peace officer or firefighter
- PC 261(a)(1), (2), (3), (4), and (6): rape (except submitting under false belief (a)(5) or threatening to use the authority of a public official (a)(7))
- PC 262: spousal rape (if by force, violence, duress, menace, or threat to retaliate)
- PC 264.1: rape of sexual penetration in concert
- PC 266 (F/M): enticing or procuring a female for prostitution or illicit purposes
- PC 266c (F/M): inducing a sex act by a false representation creating fear
- PC 266h(b): pimping involving a victim/prostitute who is a minor
- PC 266i(b): pandering involving a victim/prostitute who is a minor
- PC 266j: providing or transporting a child under age 16 for a lewd act
- PC 267: abducting a minor for purposes of prostitution
- PC 269: aggravated sexual assault of a child
• PC 272 (M): contributing to the delinquency of a minor if lewd or lascivious conduct is involved
• PC 273ab: assault on a child under age 8 that results in death
• PC 285: incest
• PC 286 (F/M): unlawful sodomy
• PC 288 (F/M): lewd or lascivious act on a minor or dependent person
• PC 288a (F/M): unlawful oral copulation
• PC 288.2: distributing or exhibiting harmful material to a minor for the purpose of seduction (only a felony violation of PC. 288.2 is a Proposition 47 disqualifier)
• PC 288.3: contacting or communicating with a minor with the intent to commit a specified offense
• PC 288.4 (F/M): arranging a meeting with a minor or person believed to be a minor for purposes of engaging in lewd behavior
• PC 288.5: continuous sexual abuse of a child
• PC 288.7: sex act with a child age 10 or younger
• PC 289 (F/M): unlawful sexual penetration
• PC 311.1 (F/M): sending, bringing, or possessing obscene material depicting a person under age 18, with the intent to distribute or exhibit
• PC 311.2(b): sending, bringing, or possessing obscene material depicting a person under age 18, with the intent to distribute or exhibit, for commercial consideration
• PC 311.2(c) (F/M): Sending, bringing, or possessing obscene material depicting a person under age 18, with the intent to distribute or exhibit to a person age 18 or older
• PC 311.2(b): sending, bringing, or possessing obscene material depicting a person under age 18, with the intent to distribute or exhibit to a person under age 18
• PC 311.3 (F/M): sexual exploitation of a child
• PC 311.4 (F/M): using or permitting a minor to oppose or model for obscene material
• PC 311.10 (F/M): advertising for sale or distribution obscene matter depicting a person under age 18
• PC 311.11 (F/M): possession of child pornography
• PC 314.1 (F/M) and PC 314.2 (M): indecent exposure
• PC 368(d) (F/M): elder or dependent adult fraud by a non-caretaker (applies only to PC 666 offenses)
• PC 368(e) (F/M): elder or dependent adult fraud by a caretaker (applies only to PC 666 offenses)
• PC 451.5: aggravated arson
• PC 647.6 (F/M): annoying or molesting a child under age 18 or engaging in such conduct with an adult who is believed to be a minor
• PC 653f(b): solicitation to commit murder
• PC 653f(c): solicitation to commit a specified sex crime
• PC 664-187: attempted murder, with or without premeditation
• PC 667.61: any sex crime punishable pursuant to PC 667.61
• PC 667.7: any crime punishable pursuant to PC 667.7
• PC 667.71: any crime punishable pursuant to PC 667.71
• PC 4500: assault by a life prisoner on a non-inmate
• PC 11418: possession of a weapon of mass destruction as defined in Section 11418(a)(1)
• PC 11418(b)(1): using or employing a weapon of mass destruction in a form that may cause widespread, disabling illness or injury in humans
• PC 11418(b)(2): using or employing a weapon of mass destruction in a form that may cause widespread great bodily injury or death, and actually causing the death of a human
• PC 12022.53(d): any felony to which a PC 12022.53(d) firearm use enhancement attaches
• PC 18745: exploding a destructive device with the intent to commit murder (formerly PC 12310(a))
• PC 18755(a): exploding a destructive device or explosive causing death (formerly PC 12310(a))
• PC 18755(b): exploding a destructive device or explosive causing GBI or mayhem (formerly PC 12310(b))
• MV 1672(a): military sabotage.
Appendix B. Public Defender Workflow and Weighted Average Calculations
Table B.1. Workflow and Weighted Averages

<table>
<thead>
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<th>Cat 1 Cases**</th>
<th>Cat 2 Cases**</th>
<th>Cat 3 Cases**</th>
<th>Assumed Item</th>
<th>Process Steps</th>
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Monthly Budgeted Salary FY 2016–2017

<table>
<thead>
<tr>
<th>Cat 1 Cases**</th>
<th>Cat 2 Cases**</th>
<th>Cat 3 Cases**</th>
<th>Assumed Item</th>
<th>Process Steps</th>
<th>Attorneys</th>
<th>Paralegals</th>
<th>Clerical</th>
<th>Call Center</th>
<th>Receptionists</th>
<th>Warehouse</th>
<th>Information Technology</th>
<th>3rd Party</th>
</tr>
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<tbody>
<tr>
<td>14,934</td>
<td>37,241</td>
<td>5,218</td>
<td>DPD III</td>
<td>Process 1: Outreach</td>
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<td></td>
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<td></td>
<td>Paralegal</td>
<td>1.1 Compile database of PD Proposition 47 clients, cases</td>
<td></td>
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<td></td>
<td>45</td>
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<td></td>
<td></td>
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<td>ITC</td>
<td>1.2 Search for client addresses</td>
<td></td>
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<td>Negligible</td>
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<td></td>
<td></td>
<td>ITC</td>
<td>1.3 Mail letter to client</td>
<td></td>
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<td>ITC</td>
<td>1.4 Participate in Proposition 47 events</td>
<td>48</td>
<td>48</td>
<td>5</td>
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<td></td>
<td>Process 2: Case Intake/Connect</td>
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<td>2.1 Receive client call (Direct call or 211 referral)</td>
<td>5</td>
<td>5.75</td>
<td>5</td>
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<td>2.2 Locate case file</td>
<td>7</td>
<td>12</td>
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<td></td>
<td>Process 3: Eligibility Review</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>3.1 Not Proposition 47 eligible</td>
<td>24</td>
<td>3.5</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>3.1.1 Letter to client</td>
<td></td>
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<td>3.5</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>3.1.2 Update database</td>
<td>3.5</td>
<td>3.5</td>
<td>3.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3.2 Proposition 47-eligible</td>
<td>24</td>
<td>3.5</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3.2.1 Document preparation</td>
<td>3.5</td>
<td>3.5</td>
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<td></td>
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</table>
### Table B.1. Workflow and Weighted Averages—continued

<table>
<thead>
<tr>
<th>Proposition 47 Category* and Activities</th>
<th>Process Steps</th>
<th>Attorneys</th>
<th>Paralegals</th>
<th>Clerical</th>
<th>Call Center</th>
<th>Receptionists</th>
<th>Warehouse</th>
<th>Information Technology</th>
<th>3rd Party</th>
</tr>
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<tbody>
<tr>
<td>4</td>
<td>Process 4: Proposition 47 Legal Proceedings</td>
<td></td>
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<tr>
<td>4.1</td>
<td>Court filing</td>
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<td></td>
<td></td>
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<td>4.2</td>
<td>Court preparation and hearing</td>
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<td></td>
</tr>
<tr>
<td>5</td>
<td>Process 5: Related Legal Proceedings</td>
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<td></td>
</tr>
<tr>
<td>5.1</td>
<td>Review case file</td>
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<td>35</td>
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<td>Confer with client</td>
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<td>17.5</td>
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<tr>
<td>5.3</td>
<td>Prep legal doc</td>
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<td>3.5</td>
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<td>5.4</td>
<td>Court filing</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.5</td>
<td>Court proceeding</td>
<td></td>
<td>12.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Process 6: Data compilation</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.1</td>
<td>Database update</td>
<td></td>
<td>3.5</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.2</td>
<td>Proposition 47 metrics reports</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Negligible</td>
<td></td>
</tr>
</tbody>
</table>

| Minutes Per Case | 125.50 | 119.50 | 85.50 | --- | 12.00 | 60.00 | 48.00 | 45.00 | N/A |
| Hours Per Case (linked to Dashboard) | 2.092 | 1.992 | 1.425 | --- | 0.200 | 1.000 | 0.800 | 0.750 | N/A |

**Legend**

*Category 1 Proposition 47 Case: Proposition 47 ineligible. Client contact and research. Work stops after eligibility is determined.*

*Category 2 Proposition 47 Case: Proposition 47 eligible. Client contact and research. Petition filed (granted or denied).*

*Category 3 Proposition 47 Case: Proposition 47 eligible or ineligible; and other non-Proposition 47 legal services that originate with Proposition 47 intake.*

**Case totals as of September 5, 2016.

Filing only done on Proposition 47–eligible cases.

---

Low end of determined range.

High end of determined range.

Average time to complete expungement.
### Table B.2. Workflow Ranges

<table>
<thead>
<tr>
<th>Proposition 47 Category* and Activities</th>
<th>Process Steps</th>
<th>Attorneys</th>
<th>Paralegals</th>
<th>Clerical</th>
<th>Call Center</th>
<th>Receptionists</th>
<th>Warehouse</th>
<th>Information Technology</th>
<th>3rd Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cat 1 Cases**</td>
<td>Proposed Item</td>
<td>DPD III</td>
<td>ITC</td>
<td>ITC</td>
<td>ITC</td>
<td>Warehouse II</td>
<td>IT Technical Support Analyst</td>
<td>IT Supervisor</td>
<td>N/A</td>
</tr>
<tr>
<td>Cat 2 Cases**</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Cat 3 Cases**</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>14,934</td>
<td>Monthly Budgeted Salary FY 2016–2017</td>
<td>$12,423.04</td>
<td>$5,742.44</td>
<td>$3,470.27</td>
<td>$3,470.27</td>
<td>$3,470.27</td>
<td>$4,271.32</td>
<td>$5,900.44</td>
<td>$9,088.96</td>
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<td>37,241</td>
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<tr>
<td>5,218</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

#### Process 1: Outreach
1.1 Compile database of PD Proposition 47 clients and cases
1.2 Search for client addresses
1.3 Mail letter to client
1.4 Participate in Proposition 47 events

#### Process 2: Case Intake/Connect
2.1 Receive client call (Direct call or 211 referral)
2.2 Locate case file

#### Process 3: Eligibility Review
3.1 Non–Proposition 47 eligible
3.1.1 Letter to client
3.2 Proposition 47 eligible
3.2.1 Document preparation

---

*Table B.2. Workflow Ranges*

**Table Note:**
- The table above provides a breakdown of workflow ranges for different categories and activities, including Attorneys, Paralegals, Clerical, Call Center, Receptionists, Warehouse, Information Technology, and 3rd Party. The table includes the number of cases for each category, the budgeted salary for the fiscal year 2016–2017, and the time ranges for various process steps. For instance, under Process 1: Outreach, the time range for compiling the database is 30–60 minutes, and for searching for client addresses, it is 5–60 minutes.
<table>
<thead>
<tr>
<th>Proposition 47 Category* and Activities</th>
<th>4</th>
<th>4.1</th>
<th>Process 4: Proposition 47 Legal Proceedings</th>
<th>Attorneys</th>
<th>Paralegals</th>
<th>Clerical</th>
<th>Call Center</th>
<th>Receptionists</th>
<th>Warehouse</th>
<th>Information Technology</th>
<th>3rd Party</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4</td>
<td>4.1</td>
<td>Court filing</td>
<td>25 minutes</td>
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</tr>
<tr>
<td></td>
<td>4</td>
<td>4.2</td>
<td>Court preparation and hearing</td>
<td>5–15 minutes</td>
<td></td>
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<tr>
<td></td>
<td>5</td>
<td>5.1</td>
<td>Process 5: Related Legal Proceedings</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>5.2</td>
<td>Review case file</td>
<td>30–40 minutes</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>5</td>
<td>5.3</td>
<td>Confer with client</td>
<td>5–30 minutes</td>
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<tr>
<td></td>
<td>5</td>
<td>5.4</td>
<td>Preparation of legal documents</td>
<td>5 minutes</td>
<td>2–5 minutes</td>
<td></td>
<td></td>
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<td></td>
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<td>5</td>
<td>5.5</td>
<td>Court filing</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>5.5</td>
<td>Court proceeding</td>
<td>5–20 minutes</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td></td>
<td>6</td>
<td>6.1</td>
<td>Process 6: Proposition 47 data compilation</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>6.2</td>
<td>Database update</td>
<td>2–5 minutes</td>
<td>3–5 minutes</td>
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<tr>
<td></td>
<td>6</td>
<td>6.2</td>
<td>Metrics reports</td>
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</tr>
</tbody>
</table>

**Legend**

*Category 1 Proposition 47 Case: Proposition 47 ineligible. Client contact and research. Work stops after eligibility is determined. *Category 1 Proposition 47 Case Time Calculation: Low end of determined range.

*Category 2 Proposition 47 Case: Proposition 47 eligible. Client contact and research. Petition filed (granted or denied). *Category 2 Proposition 47 Case Time Calculation: High end of determined range.

*Category 3 Proposition 47 Case: Proposition 47 eligible or ineligible, and other non-Proposition 47 legal services discovered that originate with Proposition 47 intake. *Category 3 Proposition 47 Case Time Calculation: Average time to complete an expungement.

**Case totals as of September 5, 2016.

***30% of cases are Category 1: 70% of cases are Category 2. 10% of Category 1 PLUS Category 2 are Category 3.

Filing only done on Proposition 47–eligible cases.
Table B.3. Assumption List

<table>
<thead>
<tr>
<th>Assumption Number</th>
<th>Assumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Thirteen call center ITCs are not caseload dependent. Therefore, an FTE was developed by multiplying ITC monthly salary by 13.</td>
</tr>
<tr>
<td>2</td>
<td><strong>Weighted Average</strong> taken for Step 2.2 (Locate Case File). Range is five to 15 minutes. Five minutes if fully scanned (30%); 15 minutes if search or forklift required (70%). Weighted average is 12.</td>
</tr>
<tr>
<td>3</td>
<td><strong>Weighted Average</strong> taken for Step 2.1 (Receive Client Call). Range is four to 6.5 minutes. Approximately 30% take four minutes. Approximately 70% take 6.5 minutes. Weighted average is 5.75.</td>
</tr>
<tr>
<td>4</td>
<td>Weighted averages only used if necessary. For example, database updating in Process 6 does not require a weighted average.</td>
</tr>
<tr>
<td>5</td>
<td>Step 5.4: Client completes court filing pro per.</td>
</tr>
<tr>
<td>6</td>
<td>30% of cases are historically Category 1: 70% of cases are historically Category 2. 10% of Category 1 PLUS Category 2 are Category 3. Weighted averages are the sum of multiplying low end of range by 0.3 and high end of range by 0.7.</td>
</tr>
<tr>
<td>7</td>
<td>Category 1 case: Proposition 47 ineligible. Client contact and research. Work stops after eligibility is determined.</td>
</tr>
<tr>
<td>8</td>
<td>Category 2 case: Proposition 47 eligible. Client contact and research. Petition filed (granted or denied).</td>
</tr>
<tr>
<td>9</td>
<td>Category 3 case: Proposition 47 eligible or ineligible, and other non–Proposition 47 legal services discovered that originate with Proposition 47 intake.</td>
</tr>
<tr>
<td>10</td>
<td>Category 1 Proposition 47 Case Time Calculation: Low end of determined range.</td>
</tr>
<tr>
<td>11</td>
<td>Category 2 Proposition 47 Case Time Calculation: High end of determined range.</td>
</tr>
<tr>
<td>12</td>
<td>Category 3 Proposition 47 Case Time Calculation: Average time to complete an expungement.</td>
</tr>
<tr>
<td>13</td>
<td>Monthly will be updated on the first Monday of the following month.</td>
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</table>
## Table C.1. Part I Crime LASD Totals, by Offense Category

<table>
<thead>
<tr>
<th>Offense</th>
<th>Pre–Proposition 47</th>
<th>Post–Proposition 47</th>
<th>Percentage Change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>November 1, 2013–</td>
<td>November 1, 2014–</td>
<td>One Year Post</td>
</tr>
<tr>
<td></td>
<td>October 31, 2014</td>
<td>October 31, 2015</td>
<td></td>
</tr>
<tr>
<td>Total Part I</td>
<td>64,426</td>
<td>71,646</td>
<td>11.2%</td>
</tr>
<tr>
<td>crimes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homicide</td>
<td>151</td>
<td>188</td>
<td>24.5%</td>
</tr>
<tr>
<td>Rape&lt;sup&gt;a&lt;/sup&gt;</td>
<td>485</td>
<td>715</td>
<td>47.4%</td>
</tr>
<tr>
<td>Robbery</td>
<td>3,934</td>
<td>4,179</td>
<td>6.2%</td>
</tr>
<tr>
<td>Aggravated</td>
<td>8,183</td>
<td>8,289</td>
<td>1.3%</td>
</tr>
<tr>
<td>assault</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td>12,822</td>
<td>12,790</td>
<td>~0.2%</td>
</tr>
<tr>
<td>Larceny</td>
<td>28,644</td>
<td>33,065</td>
<td>15.4%</td>
</tr>
<tr>
<td>Grand theft</td>
<td>9,775</td>
<td>11,919</td>
<td>21.9%</td>
</tr>
<tr>
<td>auto</td>
<td>432</td>
<td>501</td>
<td>16.0%</td>
</tr>
<tr>
<td>Arson</td>
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<td></td>
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</tr>
<tr>
<td>Los Angeles</td>
<td>10,109,436</td>
<td>10,170,292</td>
<td>0.6%</td>
</tr>
<tr>
<td>population</td>
<td></td>
<td>N/A</td>
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</tr>
<tr>
<td>Part I crime rate</td>
<td>637.29</td>
<td>704.46</td>
<td>10.5%</td>
</tr>
<tr>
<td>per 100,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>residents</td>
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</tr>
</tbody>
</table>


<sup>a</sup>The Uniform Crime Reports definition of rape was revised effective November 1, 2015, to include male victims, sodomy, oral copulation, and digital penetration.
Figure C.1. Arrests for HS 11350 (Possession of a Controlled Substance)

NOTES: Leftmost vertical red line represents timing of Assembly Bill 109, and rightmost vertical red line represents timing of Proposition 47. Seasonal adjustment calculated by the authors, with details on methodology provided below.

For the purposes of HS 11350, a controlled substance includes cocaine, heroin, prescription painkillers (not prescribed), opiates, peyote, LSD, and other hallucinogens.
Figure C.2. Arrests for HS 11357A (Possession of Concentrated Cannabis)

NOTES: Leftmost vertical red line represents timing of Assembly Bill 109, and rightmost vertical red line represents timing of Proposition 47. Seasonal adjustment calculated by the authors, with details on methodology provided below.

Figure C.3. Arrests for HS 11377 (Possession of Methamphetamine)

NOTES: Leftmost vertical red line represents timing of Assembly Bill 109, and rightmost vertical red line represents timing of Proposition 47. Seasonal adjustment calculated by the authors, with details on methodology provided below.
Seasonal adjustment was done for monthly data provided by the Sheriff’s Department by first imposing a variance-stabilizing transformation by taking the natural log of the raw data. Regression analysis was then used to find the fitted trend line for the logged data. The residual was then calculated by differencing the logged original series and the logged predicted values from the estimated regression coefficients. Seasonal factors were calculated by averaging the residuals for each given month. The seasonal factor was then subtracted from the logged original series to obtain the logged seasonally adjusted series. Finally, the natural exponential function was applied to both the logged original and seasonally adjusted series to return to the original scale.
Appendix D. Detail for Weighted Workload Study Implementation

As outlined in the previous chapters, most county departments have experienced operational and workload changes as a result of Proposition 47. However, without any corresponding changes to staffing, the realized cost savings or increases for departments following Proposition 47 are minimal. Many agencies are under significant pressure to reduce costs, despite increasing demands for quality services, rising workloads due to other factors occurring concurrently with Proposition 47, and competing resource priorities. The experience of Proposition 47 has highlighted a crucial need to develop and implement improved methods to estimate staffing and resource requirements both to increase efficiencies in current procedures and to forecast or target future staffing and resource needs. This chapter provides a more detailed discussion of how to conduct a weighted workload study that can be employed to quantify workload and resource needs, and assess changes in workload and resource needs following policy changes moving forward.

Step One: Identifying the Scope of the Study

At the outset of the study, stakeholders need to determine the scope of the study that is feasible given time and budgetary constraints, and given confidentiality or ethical considerations. As weighted workload studies are time and resource intensive, sampling and categorization methods can be useful for reducing burden on county departments.

It may not be possible to include all agency entities in the study, in which case the sample may need to be limited to a subset of sites that provide a representative sample of the county. In addition, time and budget constraints may necessitate that the study be restricted to certain populations (e.g., adults) or certain agency levels. These decisions should be made prior to study implementation, bearing in mind the purpose of the study and tradeoffs between defining the scope of the study more broadly or more narrowly.

Cases will also need to be categorized by type to account for heterogeneity in the time and effort expended on more or less complicated cases. A review of historical case-type data can help recognize the predominant categories of cases processed to guide which case types can be logically grouped into major categories. Examples of categorization choices for the courts can be found in Gramckow (2012), and for probation in DeMichele et al. (2011). In addition to information on caseload, metrics on non-case workload will need to be collected to fully account for agency workload. As non-case workload can vary substantially across agencies and over time, and it may be directly related to legislative changes (e.g., Proposition 47 outreach efforts by the PD), some flexibility and qualitative evidence may be required in non-case workload data collection and assessment.
Step Two: Defining the Case Count

While conceptually it may seem straightforward to define and count a “case,” Proposition 47 has evidenced that this is often difficult in practice. For instance, decisions will need to be made about how to handle cases with multiple charges or multiple offenders, and this distinction is crucial for completing the time studies. Case definitions should ideally be based on work required to process the case, and should be congruous with how the county department records and collects case statistics. With a weighted workload assessment that involves more than one county agency, the need to count cases using a uniform definition may result in additional challenges.

Step Three: Identifying Processing Steps for Cases

Developing a flow/process chart for each county department will help identify each of the process steps where work occurs. This chart should be developed separately for each of the major case categories, and should be based on the actual decision steps performed and not solely on statutory requirements. It should also be recognized that, even when different professions participate in the same processing step, they may have different time requirements.

The key pieces of information needed to develop the processing chart are: (1) the initial event that instigates the case entering the process as a specific type, (2) each point in the ensuing process at which the case type interacts with the system and uses system resources, and (3) major tasks and agency staff involved with each process step.

Step Four: Compiling Case Data

Upon identifying the major procedural steps, data need to be compiled to calculate the volume of cases (by type) that are processed from one step to the next. Since not all cases will follow an equivalent trajectory through the justice system process (e.g., one arrest for drug possession may result in citation and release while another may result in booking), aggregate case volume data by type is insufficient to adequately understand workload changes. As detailed and comparable case disposition data may not be readily available across all agencies, additional work may be required to calculate these statistics through review of administrative databases or case files. Alternatively, improved data management systems could be adopted to establish automated methods for tracking volume statistics by major process steps.

Additional metrics to consider as a factor in staff time are a set of “complexity indicators” that may not be fully captured by the case flow/process chart. These may include client-level factors (e.g., language barriers, mental health or substance abuse issues) or case-level factors (e.g., multiple charges, multiple offenders, high-profile matters), and the collection of this information can more appropriately reflect agency workload. See Pace et al. (2011) for an extensive list of factors complicating workload for federal defenders.
To measure current workload statistics, data from at least one year prior to study implementation is preferred to obtain a representative depiction of cases handled (Jacoby, 1987). For forecast estimation of prospective workload or cost impacts, historical case volume data from three or more years is necessary to help understand trends over time.

**Step Five: Time Studies**

The foundation of the weighted workload assessment approach is a time study, which involves the measurement and analysis of the length of time required for an average worker to complete a given task at a normal pace (Lopetegui et al., 2014). A representative time frame for the study should be decided upon, with consideration of whether to avoid atypical time periods (e.g., holidays, special events with a high population concentration). The method of data collection for the time study will depend largely on the questions of interest and the context in which the study will take place. Below, we outline the relevant potential data collection methods.

**Self-Reported Time Logs**

Self-reported time log methods require county department staff to keep a daily record of the time spent on various tasks for each process step by case type. To implement this method, a time log that identifies relevant processing steps, case types, and complexity indicators will need to be developed and tested. Methods should be put in place to ensure that data collected from the study are anonymized, and participating staff will need to be trained in the appropriate completion of the time logs. Self-reported time log data will be most reliable in settings where staff does not have to constantly switch attention, tasks are relatively well-established, and legal privacy issues are of significant concern (Ampt et al., 2007).

Prior self-reported time log studies conducted in the United States have generally required staff to record the time study information throughout the day on paper, then transfer the information to a web-based data entry form using an online interface. However, a number of tools have been developed to assist with web-based time log data collection, and personal data assistants or smartphones may help improve near-real-time data entry (Pace et al., 2011). Data can be downloaded, compiled, and reviewed for immediate analysis and data quality assurance. This type of approach has been utilized extensively in the judicial setting (Carmichael et al., 2014; Gramckow, 2012; RubinBrown and American Bar Association, 2014; Tallarico, Friess, and Douglas, 2015), but has also been adapted for probation services (Castellano and Ferguson, 1998) and police departments (Knox and McDonald, 2001; Webster, 1970).

**Systematic Social Observation**

Observational methods have been far more commonly used to study time spent on police activities. With continuous observation studies, independent researchers observe staff in the field to record and time all activities performed in sequential order. Each process step is observed and
timed from initiation until completion, or until the task is interrupted. As with self-reported time logs, a data collection instrument will need to be developed and pretested to ensure the systematic recording of observations. This type of study can be very narrow in scope (i.e., single-duration measurement records information only on a specific set of activities of interest) or very broad, covering a comprehensive range of tasks. Mastrofski et al. (1998) provide a guide to conducting systematic social observation with police agencies, and additional examples of observational studies within the criminal justice system are provided in Katz (2001), Smith et al. (2001, 2005), and Mclean and Hillier (2011).

**Step Six: Calculating Workload and Costs**

Upon completion of the time study, staff effort can be estimated for each case type by summing the time spent by each agency (and within each agency, each profession) in each major processing step. The total time spent is then divided by the total number of cases recorded at each processing step to calculate the average time spent for each processing step in each case category. These statistics can be combined with the information on non-case workload to yield metrics for the relative influences of various factors on workload, average workload by case type, the annual workload expectation for each case type, etc.

Marginal costs can be calculated by incorporating information on direct (e.g., agency staff time and materials) and indirect (e.g., support and agency overhead) costs for each agency and profession for each process step. Henrichson and Galgano (2013) provide examples and further discussion of using this bottom-up method to calculate marginal costs in the justice system.
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