

INTERFAITH COALITION FOR JUSTICE IN OUR JAILS (ICJJ)

NEWSLETTER

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a committee of [Faith in Action East Bay](#)

Visit our website at

www.icjjalamedacounty.org

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Member Congregations

- Congregation Netivot Shalom, Berkeley ~
- First Church Berkeley, UCC ~
- First Unitarian Church, Oakland ~ Interfaith Council of Alameda County ~ Kehilla Community Synagogue, Piedmont ~
- Lakeshore Avenue Baptist Church, Oakland ~
- Lighthouse Mosque, Oakland ~ Montclair Presbyterian Church, Oakland ~ Plymouth United Church of Christ, Oakland ~
- St. Columba Catholic Church, Oakland ~
- Skyline Community Church, United Church of Christ, Oakland ~ Starr King Unitarian Universalist Church, Hayward

Who We Are:

Mission Statement

The ICJJ seeks to reduce incarceration as a response to social problems in Alameda County, California, and to decrease harmful conditions in the jail. We advocate to decrease the number of those imprisoned and close the revolving door to jail -- especially for those with mental health or housing needs. The jail must be safe, humane, and supportive of successful reentry into our communities.

Election News and Recommendations

PROPOSITION 36 - GOING BACK TO THE BAD OLD DAYS What is it?

State Proposition 36 is a misguided response to very real problems of crime in California. The Interfaith Coalition for Justice in our Jails strongly urges readers to Vote NO on the costly, ineffective and cruel suggestion that we return to incarceration as our primary response to low-level crimes of theft and drug possession and drug abuse.

In 2014, Prop 47 was approved by a decisive 60% of California voters, garnering over 1.3 million more votes than required for its passage. Prop 47 increased the threshold for a theft to be considered a felony from \$350 to \$950. California's \$950 threshold is still one of the lowest in the country. In Texas, for instance, one would have to steal property worth \$2,500 for the theft to be considered a felony.

Since Prop 47 was passed, the number of property crimes per capita has declined statewide. However, in



large cities incidences of shoplifting have increased significantly, especially since the pandemic. We have also seen a disturbing increase in people living on the streets, plus more visible drug use. These conditions have led to the proposed Prop 36 which, according to the [Vera Institute](#) "proposes extending harsh 'three strikes'-style sentencing to low-level nonviolent drug and theft offenses. It would cost California taxpayers billions each year and strip funding from critical crime prevention programs that keep communities safe and healthy, like mental health and drug treatment, housing services, and K-12 school programs." See the box on page 2 for this reference and more on Prop 36.

Funding from large retail businesses (Walmart with \$2.5 million and Target and Home Depot with \$1 million each) have magnified the cries of individuals and small businesses who want a quick solution to real and perceived spikes in crime. Many District Attorneys and Sheriffs have added to the call to take us back to the time when our main tool for fighting crime was incarceration. But increasing incarceration has not made us safe in the past and will not do so today.

What will passage mean?

If Prop 36 passes,

- The number of Californians held in jail or prison would, according to Californians for Safety and Justice, increase by **over 30%** – an estimated **65,000** people – the majority of whom would be incarcerated for drug possession. The failed, costly revolving door of imprisonment from the 1980s through 2000s kept hundreds of thousands of people warehoused in cells and estranged from their families. Each time they were released they were more likely to be homeless and broke, increasing drug relapse and repeated theft. For decades the US has led the world in criminalizing addiction and has ended up with the worst drug use epidemic in the developed world.
- If Prop 36 became law, the increased criminal-legal system costs, including law enforcement, prosecution and defense, courts, incarceration, and probation, could be **\$4.5 billion annually**. Growth in the jail/prison population would mean that in the next decade as much as **\$850 million** in “Prop 47 funding” would be diverted away from successful programs related to mental health services, victim services, reentry support, and crime prevention. Right now publicly funded

Specific Elements of Prop 36

Prop 36 would reverse several elements of Prop 47. It would:

- Lower the threshold for theft to be considered a felony back down to \$350.
- Add new penalties for drug use and a broad range of theft offenses.
- Add new sentencing enhancements that could apply to any type of crime after three convictions.
- It would also create a new category of crime – a “treatment-mandated felony.” People who don’t contest charges against them could complete drug treatment instead of going to prison, but if they don’t finish treatment, they still face up to three years in prison. Ironically, Prop 36 does nothing to fund or expand drug treatment programs or to address housing instability or homelessness.

drug treatment, for instance, badly needs more money because of underpaid, burned-out staff with high turnover. Prop 36 offers not **one dollar** of funding for such programs. The ACLU estimates that if Prop 36 passes 72,000 fewer people will be helped through effective crime prevention programs.

- Locally, under the terms of Prop 47 in the last six years Alameda County received state grants of \$18 million from savings due to prison population reductions. Passing Prop 36 would mean a multi-million dollar reduction in these grants that support community-based mental health treatment and substance abuse treatment, diversion, and housing support services for justice-involved adults. An analysis of program outcomes shows that the recidivism rate among individuals completing these programs was cut by 65% or more.

Sources and Resources

A thorough review of Proposition 36 by the **Vera Institute** is at

<https://www.vera.org/explainers/prop-36-californias-ballot-proposition-to-recall-prop-47-explained>

A discussion of “Why Forced Treatment Fails” by **Mala Svalavitz** is in the New York Times,

<https://www.nytimes.com/2022/04/30/opinion/forced-addiction-treatment.html>

Much of the information for this article comes from the following sources:

- **The California Budget & Policy Center** shows declines in property crime and violent crime in the article [Crime in California Remains Well Below Historical Peaks](#). In [Understanding Proposition 36](#) they list major donors supporting the measure, and also quote Californians for Safety and Justice estimates for the potential financial impact of Prop 36.
- See **RDA Consulting** on Alameda County programs: [Alameda County Proposition 47 Cohort III Grant Evaluation](#) and [Alameda County Proposition 47 Cohort II Final Evaluation Report](#).
- **Yes on Prop 36 website:** <https://voteyesprop36.com/>
- **California State Voter Guide:** <https://voterguide.sos.ca.gov/propositions/36/index.htm>

What Prop 36 will not do:

- It will not address the organized “smash and grab” retail crime that has made headlines because those are not among the misdemeanors addressed in Prop 47 or Prop 36.
- It will not address serious forms of crime that involve violence or the threat of violence, like carjacking, because violent crime is treated in other sections of our legal code.
- It will not address homelessness or drug use at all. In fact, because by law savings from the reduction in prison costs under Prop 47 have been shared with counties, Prop 36 will divert money away from rehabilitation programs and housing services back to jails and prisons. We are likely to see more rather than fewer people using dangerous drugs and without homes.
- It will not make us safer. If increasing incarceration made us safer, the United States would be the safest developed country in the world. Lengthy periods of incarceration only increase people’s risk for homelessness, property crime and drug use following release.

What are our alternatives?

- **VOTE NO on Prop 36.** - A “NO” vote will continue support for reentry programs which have been shown to cut recidivism by two-thirds.
- **Hold our public officials accountable** - Improving services and opportunities in our community - health care, education, employment and housing opportunities - is what will make us safer. Increasing incarceration is, at best, a way to move people out of sight for a few months or a few years. We must insist that our state and local officials prioritize services and programs for those who need them most: justice-involved people

2024 California Criminal Law Addressing Property Crime

Prop 36 does not exist in an unchanging legal environment. In fact, since the proposition was submitted for the ballot, the California Legislature enacted and Governor Newsom signed into law at least 11 pieces of legislation targeting issues related to crime. They can be roughly grouped into two categories. About half is legislation primarily intended to reduce retail crime, and the other half makes it easier to charge, sentence, and increase prison terms for property crimes, whether commercial or individual.

In several cases the new laws provide the opportunity for sentence enhancements in spite of the fact that studies consistently show that an increased risk of getting caught and prosecuted for a crime is a deterrent, but longer sentences are not. These bills - called “weak” by proponents of Prop 36 - did not have the intended effect of convincing them to withdraw their measure. Instead, if Prop 36 passes, we’ll have what appears to be an increasingly tangled and punitive web of legislation.

The legislation enacted into law from the 2024 session includes Assembly Bills 1972 (Alanis), 1779 (Irwin), 1960 (Rivas), 1802 (Jones-Sawyer), 2943 (Zbur), and 3209 (Berman) and Senate Bills 905 (Wiener), 982 (Wahab), 1144 (Skinner), 1242 (Min), and 1416 (Newman).

suffering from housing instability, mental illness, and substance use disorders.

- Join ICJJ and **VOTE NO** on reverting to incarceration as the first line response to our lack of housing, skills training, and programs for mental illness and substance abuse.

ICJJ Recommendations on Prop 6 and Oakland Measure NN

ICJJ’s mission compels us to highlight and endorse also **Prop 6 and City of Oakland Measure NN** on the Nov 5th ballot. We recommend a **YES vote** on both.

Prop 6 amends the California Constitution to prohibit slavery as a means of punishment in jails and prisons. It replaces involuntary servitude with voluntary work programs and has bipartisan support.

Prop 6 will prioritize rehabilitation, lower recidivism, and improve public safety, resulting in taxpayer savings. [Vote Yes to end slavery.](#)

Oakland Measure NN funds Citywide violence reduction services, including community policing, civilian mobile crisis responders, 911 dispatch, and increased police and fire staffing minimums, by extending a parcel tax and a parking tax surcharge for another nine years with slight increases in each.

Measure NN is of utmost importance to the Ceasefire program to reduce gun violence. Money that goes to OPD will fund the Police Department’s role in the program, and money allocated for Violence Prevention Services will be important to fund [Ceasefire](#) going forward.