

Fresno County Feels Prop. 47 Impact, Weakening Drug Court Programs

By Diana Aguilera

Listen

Listening...

5:14

When voters passed Proposition 47 in November it reduced certain drug and property crimes from felonies to misdemeanors. Right away county jails across the state started noticing a change.

Fresno County's jail population dropped from 2,753 inmates to 2,480 after Proposition 47 passed.

Credit Joe Moore / Valley Public Radio

Fresno County Sheriff Margaret Mims says it's eased overcrowding.

"It's reduced our jail population by about 300 hundred inmates because now misdemeanors are being cited rather than booked into the county jail," she says.

With fewer inmates being sent to county jails for certain crimes, other inmates are staying longer. But some say the measure has also created a problem: fewer people are participating in drug court programs because now they're not required to.

Local law enforcement authorities say it's dismantling the drug court system as we know it. Mims calls this the biggest unintended consequence of the new state law.



"Pre-Proposition 47 with some drug offenses being felonies the district attorney's office could go the offender and say look if you agree to go into and stay into this program I will charge you with a misdemeanor and that's how we got people into programs," she says.

Mims is referring to drug court treatment programs.

"Now there's no incentive for that same offender to go into the program," she says.

The ballot measure changed everything from shoplifting to possession of small amounts of drugs — including cocaine, heroin and methamphetamine — from felonies to misdemeanors. It's also affected people who were already charged and convicted. As of this month, there's been nearly 3,200 people in Fresno County who have petitioned to have their sentences reduced.

Tensions between those who support Proposition 47 and those who don't have grown tremendously. Supporters say they're fighting against mass incarceration and want to give people second chances without labeling them as felons. Those who are against it say the new law is bad for public safety and for the future of drug treatment programs.

Fresno County's Chief Probation Officer Rick Chavez says they are already seeing the impact that it's having on drug court programs.

"A lot of the offenders who were participating in drug courts as felons have had their cases reduced to misdemeanors and have decided that they no longer want to participate and now they have credit for time served," Chavez says.

He fears these type of programs may be a thing of the past.

"It's sort of dismantled our drug court locally certainly we're at the point now we really don't a working post-conviction drug court for these offenders," Chavez says.

Supporters of Proposition 47 question the success rate of these programs and say reducing prison spending is their priority. The savings will go to k-12 schools, assistance for victims of crime, mental health and drug treatment.

Joey Williams, with Faith in Action Kern County, says it's also about encouraging people to succeed in life.

"From the faith standpoint our moral imperative is that we're all about second chances and we believe this is a way of getting some dignity back cause folks can now apply for jobs that they were locked out of before."

When it comes to drug treatment programs, Williams recognizes that it's going to be much harder for individuals to participate since now there's no obligation to do so.

"No law or proposition is perfect, I don't think the intention of Prop 47 was to weaken drug treatment programs."

Williams says their main goal was to help people.

"But one thing we can't have going on anymore is that individuals who get one of these felonies being a felon for the rest of their lives. I think that was the real issue and this is just kind of one of those collateral things that happen in the aftermath," he says.



Jeff Pitcock completed the post-conviction drug court program in 2014.

Credit Diana Aguilera / Valley Public Radio

"All the ones that were in my particular group bailed which is kind of a bummer because the difference between getting almost to the end and the end is huge." -Jeff Pitcock

In Fresno County, counselor Kelly Thompson has worked with people battling alcohol and drug abuse for nearly 20 years. He says most post-conviction drug court programs last about 18 months and consist of working with counselors along with checking up with a judge. Thompson thought there would be changes with Proposition 47 but the way it played out came as a surprise. He says it set out a chain reaction of drop outs.

"I think a lot of the drug court scenarios they didn't know it would be that quick," Thompson says. "I'm sure a lot of the case managers were pretty numbed by the domino effect."

When the measure passed in November there were some people who were in these programs. They were given the choice to continue or to abandon it. Jeff Pitcock was one of them. He says he was one of the few that decided to pull through and graduate.

"All the ones that were in my particular group bailed which is kind of a bummer because the difference between getting almost to the end and the end is huge," he says.

Pitcock says he started using meth since age 19. He's now 53 and for the first time he's been clean from drugs. I asked him if things would've been different if this new law was in effect when he initially decided to participate in drug court.

Diana: If you had just been arrested and what used to be a felony was now a misdemeanor would have

you personally completed the drug court program?

"If it was a misdemeanor I wouldn't have even broke a sweat on it because it's not a problem. The problem is felonies and when you have to put it on job applications," Pitcock says. "If you got a bunch of felonies nobody is going to talk to you."

Pitcock says now that he's clean and no longer has a felony on his record, he's optimistic about finding a job. Post Proposition 47 offenders hope they'll have the same opportunity for a second chance.