

TESTIMONY OF RICHARD WORD, PRESIDENT OF THE CALIFORNIA POLICE CHIEFS ASSOCIATION

LITTLE HOOVER COMMISSION, AUGUST 23, 2007

Members of the Commission, my name is Richard Word. I am the Chief of Police of the City of Vacaville, and I am President of the California Police Chiefs Association.

The California Police Chiefs Association represents every municipal police chief in the state. Collectively, we over three quarters of Californians. To be precise, 76.67% of California residents are protected by a city police officer – and only by a city police officer. It is because we are the primary providers of front-line law enforcement in California that Proposition 36 has hit us particularly hard.

Although the various UCLA studies point to generalized savings in Proposition 36, particularly with respect to county jail and court costs, those same studies (when they have addressed the issue at all) have all found that costs for front-line law enforcement – which is what we provide – have actually risen as a result of Proposition 36.

The reason for this is simple: the defendants whom we arrest pursuant to Proposition 36 are immediately fed back into the community. And, under the terms of Proposition 36, it is statutorily mandated to happen for the first three arrests of a defendant for a drug crime. In effect Proposition 36, far from freeing us up to deal with other crimes, has created an inordinate, disproportional demand on our finite resources. In other words, the 75% failure rate of Proposition 36 is more than a statistic – it's manifested in additional criminal activity that further burdens local law enforcement.

One additional point – the defendants know that they will serve no time for their first three drug arrests. Whether or not a defendant has read Proposition 36, the fact is that the pool from which criminal defendants are drawn are all aware of the “get out of jail free card” that is dispensed by Proposition 36. There is a corollary to this reality which is particularly disturbing – namely, our officers are increasingly discouraged by the revolving door nature of arrests and the sense that they are accomplishing little to make their communities safer in the face of drug related crimes. This, in turn, can lead to a situation where an officer foregoes making an arrest because they believe that “nothing will be accomplished” by such an arrest.

Since Proposition 36's passage we have seen an increase in crimes associated with drug use – auto burglaries, car thefts and identity theft cases have all risen in our jurisdictions since the passage of Proposition 36. These are all crimes typically committed by drug users in order to feed their habit. Even when other crimes were in decline, these crimes were upticking during the Proposition 36 period. The UCLA study acknowledged that these crimes had increased since the enactment of Proposition 36, but asserted that the increase was not causally related to Proposition 36. We who see this on the front-lines disagree. We know who the drug users are in our communities and we recognize the crimes associated with drug use.

In summary, Proposition 36 has not delivered on any of its crime prevention claims. Our officers are actually spending more time, not less, on so-called “minor drug arrests”, our rates of drug-related crime are on the increase, and our limited resources have been stretched even closer to the breaking point.

What is to be done?

In an ideal world, Proposition 36 would be repealed and would be replaced with a treatment model that replicates the highly successful Drug Court methodology – ongoing close oversight and accountability for treatment failure. We are not sanguine about that happening any time soon, however. The forces that sold Proposition 36 to Californians in the first place have ample resources to resist any meaningful changes to Proposition 36 via ballot measure.

I do believe that incremental legislative change is possible. In fact, the Legislature did exactly that last year when they enacted legislation that would have permitted more drug testing and would have allowed “flash incarceration” for defendants who are disrespecting their treatment obligations. The California Police Chiefs Association joined with most of the law enforcement community in advocating adoption of those changes. Unfortunately, the Drug Policy Alliance and their allies immediately brought suit enjoining enforcement of these reforms before the ink was dry on the Governor's signature.

It will take a judicial determination to implement these important reforms. The California Police Chiefs Association would respectfully urge the Little Hoover Commission to submit an amicus brief to the court in support of implementation of the legislative reforms that were enacted in 2006. Those reforms represent our only hope for obtaining meaningful and effective treatment in California. If the litigation goes the wrong way, and the Drug Policy Alliance prevails in the litigation, we are in for a continuing cycle of treatment failure and of increasing burden on those of us responsible for front-line law enforcement.

