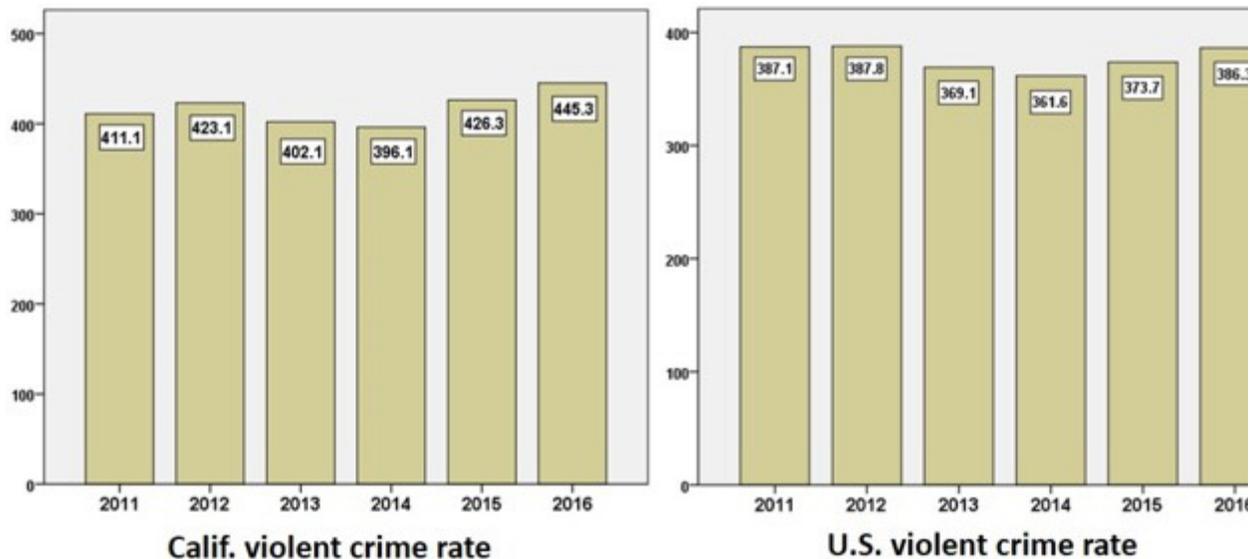


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THE BLAME GAME

Inmates are “realigned” from state to county supervision. Then a cop gets killed.



By Julius (Jay) Wachtel. Cops would worry less if their workplace was more forgiving. But it's not. Legal rules and enforcement practices often seem out of sync with the “real world.” There are never enough resources to consistently do a good job. Accurate information is frequently lacking, and there is often little chance to seek it out. Citizens and suspects are unpredictable and dangerous. That's why cops want evildoers behind bars. *Big bars.* Throw away the key: problem solved.

What officers want isn't necessarily what they get. California's cops got their first taste of the “new normal” in 2011. Two years after Federal judges [imposed a cap](#) on the state's overflowing prisons, legislators passed AB 109, the “[Public Safety Realignment Act](#),” shifting confinement and post-release supervision of “non-serious, non-violent [and] non-sex” offenders from state prisons to county jails and probation departments. Three years later [Proposition 47](#) reduced many felony drug crimes and all theft and stolen property cases with losses under \$950 to misdemeanors. And two years after that, [Proposition 57](#), the “Public Safety and Rehabilitation Act of 2016,” made it easier for inmates to earn release credits and for “nonviolent” offenders sentenced on multiple charges to win early parole.

Prosecutors and police opposed “realigning” prisoner populations and facilitating early release. They lost. After all, weren't crime rates way down from their peaks? With

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reformers howling and politicians reluctant to pay for more prisons, all three measures remain on the books.

No, the sky hasn't fallen. But change always carries consequences. During the first year of realignment, as the state prison population [dropped by twenty-six thousand](#), jail populations surged by over 8,500. County lockups were quickly swamped, [forcing authorities to release arrestees](#) whom police wanted to keep in custody. Sentences were waived or cut short, and parolees whose supervision was shifted to the counties remained on the streets despite repeated violations. One, Sidney DeAvila, a sex offender, used his freedom to rape and murder his grandmother and cut her into pieces. A Democratic legislator bemoaned things. "It's justice by Nerf ball. We designed a system that doesn't work."

The above graph is from [FBI data](#). While the nation's violent crime rate remained fairly steady between 2011-2016 (it fell two-tenths of one percent, from 387.1 to 386.3), California's violent crime rate climbed 7.7 percent, from 411.1 to 445.3

In late 2016, with violent crime in California up for a third consecutive year, [a columnist for the Sacramento Bee](#), the newspaper serving the state capital, wondered "whether releasing tens of thousands of criminals who otherwise would have been behind bars is having a negative effect." His concern paralleled those of the public safety community, which was convinced that re-alignment was at fault for the increase.

Not everyone was so pessimistic. A [September 2016 report](#) by the [Center on Criminal and Juvenile Justice](#) (its mission is "to reduce society's reliance on incarceration as a solution to social problems") examined whether realignment contributed to the uptick in crime during 2014-15. Conceding that there was a lot of variation in the data, and that some counties did go the other way, investigators concluded that reducing the number of persons in jail did not cause the overall increase in crime.

In the same month, the influential [Public Policy Institute of California](#) used two-year old (2014) crime data [to conclude that realignment was a success](#). (However, it did note that preliminary 2015 statistics were somewhat troubling.) One year later the institute [conceded that](#) realignment "had modest [adverse] effects on recidivism"; particularly, that parolees whose sentences were cut short and had their supervision turned over to county probation officers were more likely to reoffend.

That's what happened with [Michael Mejia](#). After serving a three-year prison term for a 2010 robbery, the heavily tattooed Los Angeles gang member [stole a car and got two years for auto theft](#). Thanks to [AB 109](#), he was released early, in April 2016, into the supervision of a local P.O. [Mejia promptly amassed a string of violations](#) and served

brief stretches in jail. On February 20, 2017, nine days after his last release, he went off the deep end. [Mejia murdered a cousin](#), stole a car, and when confronted chose to shoot it out, killing Whittier, Calif. officer Keith Boyer and seriously wounding his partner.

Mejia's foul deed energized anti-realignment forces. [A coalition](#) of police organizations, prosecutors and victims' rights groups is presently seeking to place the "[Reducing Crime and Keeping California Safe Act of 2018](#)," an initiative that substantially rolls back the provisions of AB 109 and Propositions 47 and 57, on the November ballot.

Meanwhile, pro-realignment forces have pulled out all the stops. [The Marshall Project](#), a "nonpartisan, nonprofit news organization that seeks to create and sustain a sense of national urgency about the U.S. criminal justice system" and the *Los Angeles Times* recently released an analysis that blames officer Boyer's death on judges and probation staff who mistakenly let Mejia into the program, then gave him too many breaks. (Click [here](#) and [here](#).)

We won't parse the arguments pro and con in detail. What strikes us, though, is just how much is expected from those who must implement realignment's provisions in the "real world." The Marshall Project and *Times* insist (of course, with the benefit of hindsight) that Mejia's poor conduct while under supervision [required that his probation be revoked](#). But had they reviewed the innumerable examples of probation supervision that *don't* end with the killing of a police officer, they would have discovered that Mejia's behavior, which lacked "red flags" such as weapons or violence, was really quite ordinary.

In brief, he was your typical no-goodnik – until he wasn't.

That's not to say that Mejia *should* have been on the street. Still, if all who behaved similarly were reincarcerated, the correctional system would collapse. With confinement out of favor, prisons at capacity and local resources hard-pressed, thanks in part to realignment, prosecutors, P.O.'s and judges are under immense pressure to keep no-goodniks on the street. While that's not what cops would prefer, they're not calling the shots. At least, not until November.