

Tia Goldberg

Mr. Rutherford

Oxford Scholar

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Proposition 57

The Public Safety and Rehabilitation Act of 2016, Proposition 57 (Prop 57), proposes to reform California's broken Parole and Juvenile Justice Systems. It allows parole consideration for persons convicted of nonviolent felonies, awards sentence credits for good behavior, implements new parole and sentence credit provisions, and provides juvenile court judges the ability to make the decision on whether or not to try minors as adults. This controversial topic is widely debated by the media, Law Enforcement and Public Safety groups, Victims' Rights Advocates, Religious Organizations, such as The Press Democrat, Equality California, California Labor Federation, Law Enforcement, California Public Safety Leaders, Victims of Crime, Religious Leaders, and many more, throughout California. Proposition 57 is mired in legalese and bureaucratic language, and the truth behind the proposition lies hidden in the minor details and facts.

Prop 57 emphasizes utilizing aspects of Restorative Justice in order to reform our prison system. By voting 'YES' on Prop 57, you are allowing for the increase in rehabilitation of juvenile and adult inmates convicted of "nonviolent" crimes and are focusing on continuing to keep dangerous criminals behind bars. By doing so, California will reduce costs by saving tens of millions of taxpayer dollars and ultimately reduce California's prison population. Implementing Prop 57 into our prison system will allow the ability for inmates to receive evidence-based rehabilitation and an increased

opportunity to be reintegrated into society as a productive member of the community. It makes nonviolent felons eligible for parole consideration after serving the full prison term for their committed offense. In addition, the State Board of Parole Hearings (BPH), made up of mostly law enforcement officials, would conduct a parole consideration hearing in order to determine if the nonviolent convicted felon is ready to be released from prison and if paroled, will be subject to mandatory supervision by law enforcement. To be granted parole, one must not pose a threat to the public and must demonstrate that they are rehabilitated.

The California Department of Corrections and Rehabilitation Security (CDCR) are required to certify that these policies and credits rewarded are consistent with protecting society and promoting public safety. Prop 57 alters the State Constitution to increase the number of inmates eligible for parole consideration, all while keeping the most dangerous offenders incarcerated and out of our communities. Nonviolent felons would be able to earn credits from The CDCR in order to shorten their sentences. The credits may be awarded under the following conditions: good behavior or for participation in work, approved rehabilitation, training, and/or educational achievements and programs. By incentivizing the nonviolent inmates with possibility of early parole, it encourages them to utilize their prison time to improve themselves. Adversely, credits earned may also be taken away for bad behavior. State law does limit the amount of time an inmate's sentence can be reduced through credits and BPH has the power to determine whether to release these individuals before they have completed their additional time related to other crimes or sentencing enhancements. Moreover, Proposition 57

emphasizes the fact that parole eligibility applies to only prisoners who have been convicted of nonviolent felonies, as referenced to *Brown v. Superior Court, June 6, 2016*.

In addition to altering the sentencing length and bestowing credits, Prop 57 would also affect the Juvenile Justice System. Prop 57 protects minors from being tried in an adult court and can be determined by not the prosecutor, but by the judge. This allows the judge to rightfully place the convicted felon in the appropriate facility. For example, if the adolescent convicted a significant crime listed in statute, the judge has the power to put him/her in a state juvenile facility.

Although Prop 57 provides juvenile court judges the authority to make the decision, upon prosecutorial motion, a juvenile, 14 and up, may be prosecuted and sentenced as an adult for specific serious offenses if, and only if, concluded by the judge. These instances are based on the seriousness of the crime, discretion of prosecutor, prior criminal history, and the discretion of judge based on the hearing. If an adolescent is accused of committing one of these three offenses he/she would no longer be automatically tried in adult court, nor could they be tried in adult court solely based on the prosecutor- this decision would have to be concluded by the juvenile court judge.

Typically, a prosecutor will request a hearing in which the juvenile court judge will determine whether or not to send the felon to adult based on the severity of the crime and prior criminal history. Prosecutors can only seek transfer hearings for youths' accused of committing certain significant crimes listed in state law when they were age 14 or 15, or committing a felony when the youth was 16 or 17. Due to the fact, Prop 57 requires that youth must have a hearing in juvenile court before being transferred to adult court; a minor can only be tried in an adult court if the judge decides to allow this

transfer. Currently, very few youths are transferred to adult court, and the passing of Prop 57 would allow even fewer juveniles would be tried in adult court.

The positive fiscal effects of Prop 57 would be the reduction of state costs, decline in prison population, saving of tens of millions of dollars annually, and temporary effects due to additional savings from the release of offenders who currently are eligible for parole consideration. Over the past several decades, California's prison population has exploded by 500%, prison spending reached an all-time high of over \$10 billion per year, and fewer felons were rehabilitated leading to an increased recidivism rate. As proposed by Prop 57, due to the early release of certain individuals, the need for more parole population, probation officers, would increase allowing counties to provide more job opportunities for their citizens. In addition, Prop 57 does not guarantee the automatic release or entitlement to parole of any inmate, and if fewer youth are tried and convicted in adult court, due to the passing of Prop 57, it would reduce state prison and parole costs. Also, because juvenile court proceedings are shorter than adult court proceedings, the measure would reduce state court costs, but increase the cost for juvenile facilities, which would be offset by previously noted significant savings.

Not only will the passing of Prop 57 save money and reduce prison population, it will also help reduce crime. If offenders spend more time in prison receiving rehabilitation and participating in educational programs, it ultimately correlates to the successful reintegration of prisoners into society and reduces the likelihood of recidivism, ending the vicious cycle of crime. Supported by California Public Safety Leaders, Victims' Advocates, Law Enforcement Officials, Judges, Religious Leaders, and a vast variety of organizations, Prop 57 focuses on repairing the broken Criminal Justice System

by rehabilitating inmates and saving money- thus making California a safer and economically thriving state.

Although Proposition 57, Criminal Sentences. Parole. Juvenile Criminal Proceedings and Sentencing. Initiative Constitutional Amendment Ant Statute., seems like an ideal proposition to be in favor of and pass, there is more to it than meets the eye. Poorly drafted, weakening California's anti-crime laws and granting more rights to criminals, Prop 57 puts society at risk. One of the main arguments against this proposition is the blurred lines and loosely used term of a "nonviolent" felony. Violent felonies can include murder, robbery, and rape; serious felonies can take form of certain forms of assault, while nonviolent felonies consist of anything that is not specifically defined in statute as violent, such as rape of an unconscious victim, human sex trafficking, lesser included offenses of murder, assault with a deadly weapon, gang gun crimes, lewd acts against a 14-year-old, child molestation, hostage taking, hate crimes causing injury, and much more. Therefore, Proposition 57 is considering allowing 'low-risk inmates', who have been convicted of the above crimes, to be released early from prison; thus increasing crime when high rates of recidivism already exist and are threatening public safety. As exemplified in the highly publicized controversy of Stanford swimmer, Brock Turner, having been charged with rape of an unconscious person, would fall under the category of partaking in a nonviolent crime- thus being eligible for early parole and weakens the penalties for rape. By presenting offenders the opportunity to reduce their time in prison, Proposition 57 is allowing these offenders early release and the ability to victimize society, once again.

Thousands of criminals have already been released early due to past prison reforms, such as Proposition 47, which reduced some felonies to misdemeanors and the statewide prison realignment shifting inmates from prison to county jails, and has ultimately caused a 10% spike in the violent crime rate and a 37% increase in rape, in the past year. Recent FBI Index Crime data found the Top 10 U.S. Cities that have experienced the largest increase in violent crime for the first half of 2015. Five of these cities were found in California, leading law enforcement officials to believe that there is a link between the rise in violent crime, the passage of Proposition 47, and realignment.

Although, California has already reduced its prison population by some 50,000 inmates since 2009, nearing its target goal, one must acknowledge Gov. Jerry Brown's intentions of ridding the state of its inconvenient prison population by turning prisoners loose on the public. This advocates for the reduction of prison overcrowding- thus, resulting in financial gain to the State. Proposition 57 claims it will save tens of millions of dollars; however, in addition to the human costs of increased crime and criminals, counties and cities will be forced to hire more police, sheriff deputies, victim counselors, build more jails and expand courts and all related staff. Not only would they have to hire more officials, but the tens of millions saved would inevitably be offset by additional costs for BPH to conduct more parole considerations, and parole costs to supervise those released early. California, its cities and counties, would have to absorb significant probation, parole, and state juvenile facility housing costs, partially offset by some savings- but not all. The passing Proposition 57 would also lead to an overall decline the workforce and workload of those involved in court proceedings for the youth, including but not limited to, district attorneys, public defenders, and county probation.

Weakening the California anti-crime laws, Prop 57 would also overturn provisions of the *Crime Victims Bill of Rights*, '*3-Strikes and You're Out Law*', *Marsy's Law*, *Californians Against Sexual Exploitation Act*- all of which have been strong measures enacted by voters and which have contributed to the protection of victims and shift towards safer communities. Nevertheless, the proposition would force victims to relive their experience more often due to the increase of parole hearings. Opposed by California Law Enforcement- District Attorneys, Sheriffs, Police, Courtroom Prosecutors, Crime Victims, local community leaders, and many more, Proposition 57 permits the worst career criminals to be treated the same as first-time offenders. The passing of Proposition 57, would codify these new privileges and rights for convicted felons in the California Constitution where they cannot be altered or changed by the Legislature if necessary.

In conclusion, after extensive research and findings, I have decided that I am for passing and implementation of Proposition 57. Due to my extensive familial ties to federal, state and local law enforcement, I can readily identify the shortcomings of this proposition; however, my vast knowledge and advocacy for the Restorative Justice System has enabled me to see the benefits and help win my support for Prop 57. I strongly believe that everyone essentially has good in them and should not be defined by their worst incident in life; therefore, I found Proposition 57 to be reasonable and much needed. I agree the Criminal Justice and Prison Systems are in need of much reform, and support the education and rehabilitation for nonviolent felons to reduce their sentencing after enduring their full prison term, but was distraught by the definition of "nonviolent

felony.” Though, I did not let that blind me to the remaining pros, which inevitably outweighed the cons.

Because I have first-hand experience in working with Restorative Justice, I am a strong believer in its success and much needed implementation in the prison system. By encompassing aspects of Restorative Justice in our prison system, felons are able to gain the treatment and rehabilitation needed to change themselves and ultimately be reintegrated into society as productive members of the community. Felons who’ve received help in prison will be less likely to recommit crimes and will be more likely to get a job, give back to the community, and reintegrate back into his/her family unit and support system. Those who do not receive rehabilitation or attention to heal while in prison are inevitably going to be relinquished back into society and are most likely going to reoffend. Ultimately, in return for productive citizens, who have been granted early parole due to their earned credits, the surrounding civilians gain a positive figure and are able to save taxpayers millions of dollars.

Additionally, preventing prosecutors from trying children as adults appealed to me, not from a financial savings, but more importantly because of the vulnerability and pathos presented. The passing of Proposition 57 would require juveniles to have a hearing first with a juvenile court judge who will then determine their appropriate consequence/sentence. Being 17, I related this to myself, and how terrified I would be going into a courtroom, let alone an adult court. The idea of holding onto youth and giving adolescents a fair chance rather than skipping right to transferring them to an adult court seemed just. As Mock Trial participant for the last two years, I can relate to the nervousness and anxiety one may face in a courtroom; therefore, I am able to sympathize

with the juvenile offender and recognize the need for this aspect to be implemented into our criminal justice system.

Throughout this process, I have had the opportunity to see and analyze both sides of the proposition. Based on previous knowledge, life experience, and newly found research, I believe a 'YES' vote on Proposition 57, regarding the reform of California's broken Parole and Juvenile Trial System, brings our community closer, makes them safer, and is the first step towards bettering our Criminal Justice and Prison Systems.

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