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Election 2016 FAQ: Proposition 57, Parole, Sentencing And Court Procedures

Thursday, October 6, 2016 | Sacramento, CA



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Proposition 57 makes it easier for state inmates to be released from prison if they demonstrate rehabilitation.

The basics

The first time Jerry Brown was governor, four decades ago, he signed a “tough on crime” law that put criminals behind bars for longer sentences. The law also eliminated credit for “good behavior.” Now Brown says that policy was a failure.

Proposition 57 is Brown’s effort to fix what he sees as problems created when inmates have no incentive to improve themselves. The measure also aims to reduce crowding in state prisons, which have been under federal court oversight for a decade. That oversight began after a lawsuit claimed overcrowding led to substandard health care in prisons.

How you feel about Proposition 57 boils down to whether you believe a person who has committed a crime can change behind bars; whether you think giving inmates an incentive to better themselves will encourage that change; and whether you believe a criminal sentence should be shortened if a prisoner is genuinely reformed.

What you're voting on

The measure would let the parole board release nonviolent inmates after they serve the full term for their “primary” offense. Currently, many people have additional years added to their sentences by “enhancements.” For example, someone convicted of selling a gram of cocaine could receive a five-

year prison sentence, but could also get an extra three years for each earlier conviction. Under Proposition 57, the parole board could consider them for release after the first five years.

Proposition 57 would also let state prison officials apply credits to reduce the sentences of inmates who behave well and participate in programs such as school or drug rehab. Brown calls the current system of parole credits a confusing “patchwork” of rules. Proposition 57 leaves it to the Department of Corrections and Rehabilitation to create a new system.

Brown administration officials estimate that about 1,300 new inmates would qualify for earlier parole each year under Proposition 57.

The measure would also institute a major shift in the juvenile criminal justice process by letting judges — instead of prosecutors — decide whether teens should be tried as adults. Supporters believe this will mean fewer children are tried in adult courts.

Who are the opponents?

The measure is adamantly opposed by most district attorneys and other law enforcement officials. They argue it would also apply to prisoners convicted of dozens of felonies that are actually violent but not included in the state’s official definition of a violent crime.

Opponents are also worried that it gives too much power to prison officials and the parole board, while reducing prosecutors’ leverage to reach plea deals with defendants.

Fiscal Impact -- by the League of Women Voters Education Fund

By reducing the adult prison population, the state could save money in the tens of millions of dollars each year. Moving youth offenders to juvenile courts would save an additional few million dollars. Counties would need to spend additional money in the short term to supervise a larger number of felons on parole. Moving youth out of adult court would likely cost counties a few million dollars each year.

Supporters say -- by the League of Women Voters Education Fund

- Proposition 57 would reduce overcrowding in state prisons and save money spent on nonviolent offenders.
- Proposition 57 would encourage inmates to take advantage of educational and rehabilitation opportunities.

Opponents say -- by the League of Women Voters Education Fund

- Proposition 57 would release a greater number of convicted felons onto the street.
- Proposition 57 would weaken crime laws and fail to honor the original sentence ordered by a judge.

How much is being spent on the campaigns?

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