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Prison corrections
Two reform measures head for the state's November ballot

By [Seth Sandronsky](#)
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Last spring, Gov. Arnold Schwarzenegger took a shot at reforming the state's beleaguered prison system. But his signing of AB 900 was not enough for some Californians, who are taking it upon themselves to bring the matter to voters.

Of two prison-reform measures voters likely will face next fall, the first, the Sentencing and Parole Reform initiative, is the most controversial. Among other reasons, one of its provisions would repeal the "Three Strikes" law that the Legislature and voters passed in 1994. The second reform is the Prisoner Rights initiative, part of which would amend California's penal code to expand prisoners' visits with family members and news media.

Each measure requires the signatures of 434,000 registered voters by February 25 to qualify for the November 2008 ballot. And that's where Annie Smith comes in.

Smith is executive director of Families United for Prison Reform, a group that promotes prison reform as a means to decrease crime and violence on both sides of the wall. Her California nonprofit, based in Moreno Valley, began in late September to take the steps to gather signatures to place both initiatives before the voters of California.



Kimberly Biggs became a prison-reform advocate after visiting her son who is incarcerated at New Folsom.

SN&R PHOTO BY LARRY DALTON

For more information on the initiatives to reform California's prison system: www.ciddreams.org, or call (916) 308-3441; Families United for Prison Reform at www.californiaprisonreform.org and (951) 210-9149.

You're out, three strikes

Crucially, a provision of the Sentencing and Parole Reform measure would repeal the Three Strikes law which requires longer prison sentences for individuals who have committed repeat, serious or violent felony offenses. For the operative definition of this term, we turn to a top Sacramento prosecutor. "Serious or violent felonies include crimes such as armed robbery, rape, child molest, murder, assault with a firearm, residential burglary, kidnapping, arson, and other similar offenses," said Sacramento County District Attorney Jan Scully. "Drug offenses do not qualify as serious or violent felonies."

In addition, the Sentencing and Parole Reform proposal would allow for the re-sentencing of prisoners convicted under Three Strikes. The rollback of these sentencing statutes is perhaps the most highly charged piece of the two prison-reform measures. Scully is an example of someone in law enforcement who is more than satisfied with the current statute.

"The Three Strikes law is being applied in this county and throughout the state in a fair and even-handed manner," Scully said. "It has proven to be an effective law-enforcement tool and, as such, we do not support any measure that calls for its repeal."

Dale McKinney, a Sacramento attorney, takes a different view.

"I believe that the Three Strikes law is entirely too harsh the way it is written and applied," McKinney said. "I believe all people convicted of a crime should at least have an opportunity to be heard by the Board [of Parole Hearings] within a reasonable period of time. Twenty-five years to me is not reasonable, even in murder cases."

"I say that not only as a man who was convicted of a crime that he did not commit," McKinney continued. "But I also say that as a victim in the sense that my brother was killed by a hit-and-run driver. The woman who killed my brother only got two years for felony hit-and-run. The manslaughter charge was only a misdemeanor. While it hurt to lose my brother due to a woman's failure to stop after hitting him and leaving him to die in the street, I still think that the woman should have a chance to show that she has rehabilitated herself in a reasonable amount of time."

The California Department of Corrections and Rehabilitation has an \$8.75 billion budget for the current fiscal year. According to the nonpartisan Legislative Analyst's Office, the Sentencing and Parole Reform proposal would lower such spending "potentially a few hundred million dollars initially, increasing to the low billions of dollars annually, primarily due to reduced prison operating costs."

With California facing a nearly \$10 billion budget deficit for the coming fiscal year, the math of this matter is simple, say the measure's proponents. Cutting the number of prisoners would lower the number of state prisons.

Threads of families

Prison visits are vitally important for people on both sides of the wall. Just ask Chappelle Gray-Ward, a 28-year-old drug-rehab specialist in south Sacramento, who is active in getting both prison-reform measures on the ballot. Gray-Ward's life experience sparked her to join this grassroots movement. As a young girl, she had regular, overnight visits with her mother and father while he was held in California State Prison, Corcoran, from the late 1980s on. In big ways, these visitations helped to maintain their father-daughter ties, according to Gray-Ward. "Inmate visitation is a thread that keeps families together," she said.

Many such familial threads hang in the balance statewide and locally. There were 173,000 state prisoners this October versus 161,000 five years earlier, according to the CDCR. Before being locked up, 7,389 state prisoners lived in Sacramento County this June, 4.3 percent of the total. Those figures compare with 7,045 Sacramento County prisoners, 4.5 percent of California's total, in June 2002.

Currently, Gray-Ward's spouse is imprisoned on a life sentence in California State Prison, Sacramento (New Folsom). The pair has a 9-year-old daughter, who Gray-Ward fears may not benefit from the overnight family visiting privileges she had with her mom and dad. People serving life sentences are ineligible for overnight visits with their immediate families inside the prisons, Gray-Ward said.

The Prisoner Rights measure would change that. The proposal would allow prisoners "to receive overnight family visits (except for prisoners who have been assigned to an administrative segregation/security housing unit or reception center)," according to the initiative as submitted to the state office of the attorney general. To be sure, adult, conjugal relations between spouses can and do take place during overnight visitations, but are not part of the initiative language.

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The number of prisoners and their families potentially affected by such a reform are large. There were 33,496 prisoners serving life sentences in first-quarter 2007, said the CDCR's Web site. If half of these prisoners sentenced to life terms had three family members each to visit with, 67,000 people would be involved. Gray-Ward, her daughter and incarcerated spouse could be among them.

Bill Sessa, a CDCR spokesman, declined to comment on the Prisoners Rights measure as a matter of department policy, he said. But Lance Corcoran, spokesman for the 31,000-member California Correctional Peace Officers Association, said he wants to maintain the current penal-code eligibility for prisoner visitation, which the Prisoner Rights measure would amend.

"The current restrictions of family overnight visits for prisoners is fairly well-thought out and makes sense to most people," Corcoran said. "There has to be some restrictions by prison officials as to visitation eligibility to try and balance the need for family contact with the needs of crime victims."

The spending impacts of the Prisoner Rights measure are worth noting. If passed, it would increase spending by "several tens of millions of dollars annually" in two areas: facility upgrades and staff hours, according to the LAO. Current prisoner visits would climb from 12 hours per week to 56 hours per week, increasing the supervising time of prison staff.

A call for reform

Once Annie Smith completes the signature-gathering process on February 25, she will seek backing for the measures from state lawmakers. She is well aware that both measures will no doubt meet with controversy, given the ubiquitous "tough on crime" posture policymakers tend to favor.

Kimberly Biggs, another signature-gatherer for the prison-reform proposals and the executive director of Challenging Their Destiny, Dream Builders, became a prison-reform advocate by visiting her son, Anthony Triplett, who has been incarcerated in New Folsom for two years. She found the conditions there for prisoners and their families disturbing in more ways than one.

The experience cemented her desire to see the reforms enacted for one reason above all: "The prison made it impossible for inmates to parent their kids who are in need of them," she said.

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