



What Difference Does a Bill Make? SB 260 brings new hope and a second chance

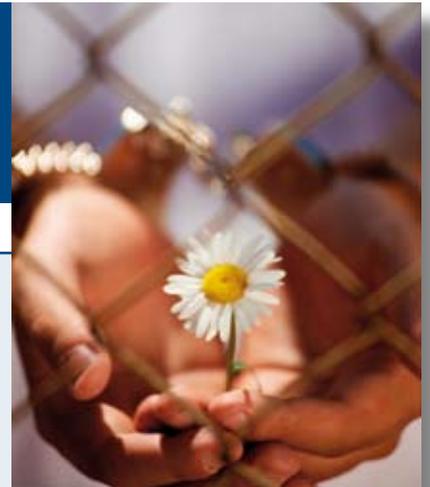
You support the lobbying that FCLCA does here at the Capitol. You know that FCLCA sometimes co-sponsors bills we believe are critical to a more just and compassionate California. You take action and respond to our Action Alerts, calling and writing to your legislators on bills that matter to you.

But what really happens when a bill passes and is signed by the governor? What impact does a new law have on real people and their lives?

We wanted to catch up on the impact that Senate Bill 260, a bill FCLCA co-sponsored in 2013, has made since it went into effect in January 2014. SB 260 established a special parole process for people who had committed crimes as juveniles but were given long adult sentences. It followed on the heels of Senate Bill 9, which FCLCA had worked on for a number of years before it passed in 2012. We spoke with Elizabeth Calvin of Human Rights Watch, a co-sponsor of both SB 260 and SB 9, about their impact.

Here's what Elizabeth told us:

FCLCA played a critical role in helping to pass SB 9 in 2012. It was the first bill in the country to retroactively address the issue of children being tried as adults and sentenced to life in prison with no parole. Its passage had an effect beyond California and inspired other states to try similar legislation. Here in California, it has had the very concrete effect of allowing people



Souriyo's Story

Two months after I turned 16 I was involved in a murder as part of a gang. I'm not going to make excuses – I knew what we were doing was wrong and all I had to do was leave. But I went along because I wanted to fit in so bad. By the time I was 15, I had moved and changed schools nine times. In this new place, I just really wanted to belong – sometimes I say that if it had been the chess club that first approached me, I would have joined them. But it wasn't – I started hanging out with gang members and made a really bad decision that changed my life.

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*who were under the age of 18 at the time of their crime and sentenced to life with no possibility of parole to go back before a judge and petition to be re-sentenced. People who went to prison at a very early age with no hope of ever being released are now able to ask for a change in their sentences. It is a process that takes time. **So far we know of 37 youth sentenced to life without parole who have been resentenced since SB 9***

**Friends Committee on
Legislation of California
(FCLCA)**

1225 8th Street, Suite 220
Sacramento, California 95814
(916) 443-3734 • www.fclca.org
fcladmin@fclca.org

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Jim Lindburg

Legislative Director

Kevan Insko, Director of

Development and Outreach

Dale Richter

Office Administrator

Newsletter Design and Layout

Debbi Tempel

Debbilein@sbcglobal.net

“The Friends Committee on Legislation of California (FCLCA), guided by Quaker values, advocates for California state laws that are just, compassionate and respectful of the inherent worth of every person.”

was passed. And there are many more cases that are pending review right now.

SB 9 also helped open up other doors in this state: The process of passing that bill helped educate policy makers and the public about the harshness of California’s sentencing scheme, and the fact that young people are still developing and have tremendous ability to grow, change and not be defined by their worst act. As a result, in 2013 SB 260 was passed and went into effect in 2014. It too is grounded in the recognition that young people should be treated differently from adults. There are thousands of people currently in California prisons who were under the age of 18 at the time of their crimes and tried as adults and sentenced to long adult prison terms. SB 260 created a Youth Offender Parole process that requires parole board commissioners to give great weight to the fact that someone was very young at the time of their crime and cannot be held to the same level of responsibility as an adult. The process does not change the fact that someone must be not dangerous before being paroled, but it ensures that people who were young at the time of their crimes are treated fairly.

Nearly 300 people have been paroled because of Senate Bill 260. Not one has been returned to prison for violation of parole or committed a new crime.

One less quantifiable effect of these new laws is the hope it has created in California prisons. People feel that for the first time they have a real chance of going home.

Now in 2015, there is even more hope. Gov. Brown has just signed Senate Bill 261. This new law builds on SB 9 and SB 260, expanding the second chance of a Youth Offender Parole process to people who committed offenses when they were under age 23, approximately 10 percent of the current prison population.

Elizabeth introduced us to two of the people who have been paroled under SB 260. We invited Mike and Souriyto to tell you how “this bill that became law” has affected their lives. Their stories follow. [FCLCA](#)

A guidebook on Senate Bill 260 and a fact sheet on Senate Bill 261 are available at www.fair-sentencing.foryouth.org.

Please note that FCLCA works on a legislative level, and is not qualified to provide advice or respond to inquiries on individual cases.

Souriyo's Story *(continued from page 1)*

The D.A. charged me as an adult with a punishment of life without possibility of parole. Then they offered me a plea of 25 years to life. But when the judge reviewed the facts of the case, he said that he believed that my involvement had been minimal, at most the charge should be accessory to murder. After that, they offered 15 years to life, and I decided to accept it.

When I turned 18 I was sent to a maximum security prison – there were no programs for young people like me, just danger and fear. By 2005 I had been transferred to a Level III prison. And after five years of waking up to the four walls of a cell and watching my mother leave crying every time my family visited me, I made a decision to change my life. At that time, I still expected to serve about 30 years in prison. But even though I might not get out until I was almost 50, I realized that hurting other people wasn't the way to live. I wanted to find something better.

At the Level III prison there were more programs available to help me like Anger Management, Crime Impact, the Alternatives to Violence Project. They helped me to identify and put into words why I wanted to change and to see how my actions affected the community, the harm I had done to the victim and his family. How I had hurt my own family. How I had hurt myself.

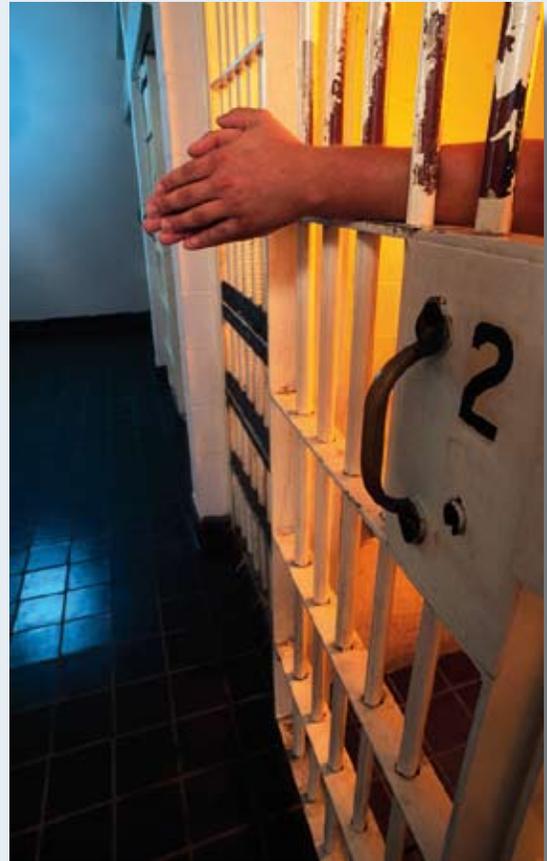
For most of the time I was in prison, I thought parole would be very unlikely for me for a long time. I saw people around me getting turned down over and over. I kept my mind on one day getting out, though – for example, I never called my cell “my house” like some guards and prisoners do – I always called it “my cage,” “my box,” “my cell” – I knew it wasn't my home.

Things changed with SB 260. By the time my first parole hearing came around, the Youth Offender Parole process was in effect. The parole board looked at me taking into consideration the hallmarks of youth, and I was able to show them the changes I had made. I got a parole date that would let me out as soon as I completed the 15th year of my sentence.

After I got that parole date, it was interesting; the attitudes of people around me – even people who weren't eligible for SB 260 – seemed to change. There was a new attitude – violence on the yard went down; people's behaviors changed because they had some hope.

Now that I'm out, I can look back and see how important the support of my family and their visits and phone calls were to me.

And I learned that other people cared too. For a long time I thought society had given up on me. With the passage of Senate Bill 260 that went out the window. I realized that I can ask for help and trust others. There are people who care about people like me – who realize that we were kids and that we can change. People like Elizabeth Calvin and the other people who worked to pass Senate Bill 260 – so we could have a second chance.



Mike's Story

I grew up in a violent home: physically and psychologically abused on virtually a daily basis. By the age of 15, I was smoking marijuana every day, taking LSD and drinking alcohol. In 1993, at the age of 16, I committed a horrible crime. I felt threatened and challenged by an older man and instead of telling an adult, I decided to take the law into my own hands. I shot him and killed him instantly. I was arrested and interrogated without my parents' knowledge and with my confession in hand the D.A. moved to try me as an adult. The charge was first degree murder with special circumstances, eligible for a sentence of life without possibility of parole. They offered me a plea bargain of 25 years to life. I distilled it into two parts: do or die. Accept the plea or die in prison. So I accepted the plea and when I turned 18 I was sent to a Level IV high security prison. I was the youngest man there. I was terrified and intimidated. But it got worse. I'd been told that after serving 85 percent of my sentence I'd be eligible for parole. But under governors Pete Wilson and Gray Davis no lifers went home. I was convinced that my "plea bargain" meant I would die an old man in prison.

Until Governor Schwarzenegger was elected I (and everyone else doing life) had ZERO hope of parole. Ever. Arnold gave us a little hope, but parole was still a miracle if it happened, and a granted parole date was often reversed by a governor. **SB 260 finally gave me hope. SB 260 made me feel that I had a little leverage, but I still had to earn it.** All of us under SB 260 knew that we had to earn it and that it wasn't a "get out of jail free" card. The passing of the law showed me that I had a real chance of parole if I did the work. All in all, it gave us hope and inspired us to go to more therapy programs like Anger Management, Impulsivity Control, the Alternatives to Violence Project and prepare ourselves better for our lives after release. I pressed harder to rehabilitate myself, and took more classes and therapeutic workshops; I read self-help books and sought out counseling. At my hearing in 2014, held under SB 260's Youth Offender Parole process, the commissioner was sympathetic and repeatedly made statements recognizing that I had been a minor and that my impulsivity was questionable at the time of the crime due to my youth.

After I was paroled I wanted to prove that I was worth my second chance. I immediately got a job (washing dishes!) but I was happy for work and it led me to a better job as a prep-cook. I completed a job preparedness course through a nonprofit called Chrysalis. That preparedness helped when I interviewed for my current job as a Sales Planner in a media company. I now have a good job and a good salary. I'm working, paying my taxes, and contributing to a better city everyday. I couldn't be happier!

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Our Legacy Circle is made up of supporters who want to ensure our future as a voice of conscience by making a planned gift. You can remember FCLCA or FCL Education Fund in your will or trust with a bequest, a gift of life insurance or retirement account; or you can establish a gift that pays you income during your lifetime, such as our Pooled Income Fund or a Charitable Gift Annuity, with the remainder going to the FCL Education Fund.

Anyone can make a planned gift. For more information, send us an email at kevan@fclca.org, call (916) 443-3734 or visit www.fclca.org/donate-now/planned-giving.html.

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Gov. Brown Vetoes Driver's License/Selective Service Bill

For at least the sixth time in the last 12 years, the Selective Services System was back in the State Capitol promoting legislation that would automatically register young males with the Selective Service System when applying for a California Driver's License. **AB 82**, by Cristina Garcia (D-Bell Gardens), created the conclusive presumption that males between the ages of 16-25 consent to automatic registration with the Selective Service System when applying for a driver's license and would require the California Department of Motor Vehicles (DMV) to forward their personal information to the Selective Service System to be registered. Following the September 11 terrorist attacks in New York City, there was a wave of efforts in states across the country to create automatic registration schemes. A majority of states have enacted them, though some make it optional.

The Selective Service System maintains that their goal is to help ensure that young men are not denied federal benefits or the ability to apply for federal jobs later in life on account of their failure to register. FCLCA argued that there is no logical connection between obtaining a driver's license and registering with the Selective Service System and that people who object to the latter should not have to choose between driving legally and honoring their religious or personal convictions. Immigration advocates also expressed concerns that the bill would undermine efforts by undocumented residents to apply for a driver's license because the Selective Service System routinely shares personal information with other federal agencies that could wind up in the hands of Immigration and Customs Enforcement. FCLCA organized a spring meeting with the author that included the California Immigrant Policy Center and the American Civil Liberties Union to express concerns with the bill.

Initially the author would not consider amendments, but as the opposition intensified – with help from the Committee Opposed to Militarism and the Draft and the American Friends Service Committee – amendments were taken that would not allow the bill to take effect unless the Selective



Service System executed a memorandum of understanding with the DMV that it would not share the personal information of an applicant with the US Citizenship and Immigration Services. Such agreements are not legally enforceable and contradict the Selective Service System's Privacy Act Statement, which states that federal law authorizes their sharing of personal information with various government agencies, including US Citizenship and Immigration Services. We quickly pointed out, to no avail, that a young male who registers with the Selective Service System through the DMV would never see the Privacy Act Statement and the bill sailed through the Assembly Floor and the Senate Transportation and Housing Committee.

In the second house, the author took an amendment to make registration an "opt-in" and included language clarifying that registration with the Selective Service System was not required in order to obtain a driver's license. The bill still included coercive language that warned of the penalties for failure to register. The bill easily passed the Senate Floor but was vetoed by Gov. Brown. The governor's veto message stated "in view of the relatively easy ways that young men can register for the U.S. Selective Service System such as registering online, at their high school, or at a local post office, I don't think this new responsibility for the Department of Motor Vehicles is advisable." [FCLCA](#)

– Jim Lindburg (JimL@fclca.org)

FCLCA's Report on the 2015 Legislative Year

At our December 2014 meeting, FCLCA's General Committee set our 2015-2016 legislative priorities as criminal justice reform, economic justice and environmental justice. The Sacramento office has been busy on many fronts, and the first year of the biennial legislative session was a year of progress, thanks in part to an improving economy. The state's budget is balanced, the state's debt burden has declined, and with help from the voters in passing Proposition 47 last November, the state has met the court-ordered reduction in its state prison population. However, serious structural problems remain.

One in four Californians live in poverty. The state's safety net, while improving, has not recovered. Unemployment has declined but many people have given up looking for work or are working several part-time jobs. The gap between rich and poor, which declined slightly in 2014, still exceeds pre-Great Recession levels, and the middle class continues to shrink. More Californians are finding it difficult to access housing and higher education. While incarceration rates have come down in recent years, they are still well in excess of incarceration rates in the 1980's, when the War on Drugs was in full swing.

And what of California's fiscal picture? According to the State Controller's Office, state revenue collections for the first quarter of the 2015-2016 fiscal year (July 1-September 30) exceeded projections by \$606 million. However, several key problems are looming including the potential loss of up to \$1 billion in federal dollars to fund Medi-Cal services as California's Managed Care Organization (MCO) tax is set to expire. (Medi-Cal provides healthcare services to over 12 million California residents.) Also, the first of the temporary tax increases approved by voters in 2012 will expire at the end of 2016. Gov. Brown called two special sessions, one to find a new source of revenue to replace the MCO tax and

to increase reimbursement rates for Medi-Cal providers, provide funding for restoring services to In-Home Supportive Services recipients and provide additional services to people with developmental disabilities. The purpose of the second special session is to enact permanent, dedicated and sustainable funding to maintain and repair the state's highways, bridges and other transportation infrastructure. Gov. Brown has proposed that new funding for transportation infrastructure not come from the state's General Fund, which can be reduced by the Legislature when tax receipts decline. Neither special session

has produced results so far as any tax increase requires Republican support, which so far has been unattainable. As of this writing, it is unclear what steps will be taken to break the stalemate.

What follows are some highlights from 2015 with an emphasis on FCLCA's legislative priorities. No doubt, 2016 will be a busy year for lawmakers, advocates and citizen activists alike.

Criminal Justice Reform

The Legislature responded to the national epidemic of police shootings of unarmed individuals by passing two important bills. FCLCA worked closely with Sen. Holly Mitchell (D-Los Angeles) and the San Francisco Bar Association to pass **SB 227**. This bill prevents grand juries from inquiring into cases where excessive force by a law enforcement officer may have resulted in the death of person in custody or being detained by police. The rules of evidence do not apply in grand jury investigations, which are held in secret, and there is no opportunity to cross examine witnesses. The public deserves to know that when excessive force becomes lethal the investigation will be taken seriously and that there is accountability. SB 227 will create greater transparency and accountability. We lobbied committee members and lawmakers prior to

FCLCA supporters sent almost 1,000 messages to lawmakers on Senate Bill 227

the floor vote, and FCLCA supporters sent almost 1,000 messages to Gov. Brown and lawmakers in response to our Action Alerts. The bill passed the Assembly Floor without a vote to spare and was signed into law by Gov. Brown.

FCLCA also lobbied in support of **AB 953**, by Shirley Weber (D-San Diego). This important legislation creates the Racial and Identity Profiling Advisory Board to investigate and analyze state and local law enforcement agencies' profiling practices and to make the Board's findings and recommendations public. Between January and May of this year, 57 percent of the unarmed individuals killed by the police were either African-American (32 percent) or Latino (25 percent). The bill also requires law enforcement agencies to collect data with regards to police stops, including the reason for the stop, the result of the stop (such as issuing a warning, issuing a citation, or an arrest), whether the officer asked for consent to search the person, whether property was seized, and the perceived race, identity, gender and approximate age of the person stopped. There is good reason to believe that the shocking number of incidents inflicted by police towards people of color usually begins with profiling, and AB 953 will move the dialogue beyond anecdote and conjecture and will enable policymakers to make decisions on the basis of hard data. Gov. Brown signed the bill into law. (See page 10.)

In another exciting development, Gov. Brown has signed **SB 261**, by Loni Hancock (D-Berkeley), into law. The bill is an extension of **SB 260** which FCLCA co-sponsored in 2013. That bill required the Board of Parole Hearings (BPH) to conduct Youth Offender Parole hearings for persons convicted of offenses committed when they were under age 18 and who were subsequently sentenced to indeterminate life sentences (for example, a sentence of 25 years or 50 years-to-life). As a result,

those eligible for a Youth Offender Parole hearing must be given a meaningful opportunity to earn parole after having served a significant portion of their sentence. Youth Offender Parole hearings require the BPH to consider the prisoner's age at the time of the offense along with the distinguishing features of youth, such as the fact that the human brain is still developing until the mid-twenties. The



still-developing areas of the brain, particularly those that affect judgment and decision-making, are highly relevant to criminal behavior and culpability. The BPH must also consider a youth offender's capacity for rehabilitation as well as his or her behavior and personal growth during incarceration. A major victory, SB 261 expands that second chance to people

who committed offenses when they were under age 23 – approximately 10 percent of the current prison population.

FCLCA also worked with the Fair Sentencing for Youth coalition to pass **SB 382**, by Ricardo Lara (D-San Diego). This bill expands the fitness criteria that judges may give weight to when determining whether a young person should be charged as an adult or a juvenile in “non-direct file” cases to include several of the distinguishing features of youth. In California, a person as young as age 14 may be tried as an adult. The choice is an extremely important one as California's adult system is far more punitive and less rehabilitative than the juvenile justice system. About 25 percent of cases of the cases where minors may be tried as adults involve fitness hearings.

FCLCA supported **SB 707**, by Hannah-Beth Jackson (D-Santa Barbara), to prohibit concealed weapons on school grounds and college campuses. Around the country, gun advocates have called for more guns in schools and colleges in response to the epidemic of school shootings. SB 707 sends the

(Continued on next page)

strong message that California does not want guns in schools and was signed into law by Gov. Brown.

We were disappointed to learn that **SB 124**, by Mark Leno (D-San Francisco), did not advance this year. The bill would have placed significant restrictions on the use of solitary confinement for juveniles incarcerated in state and local facilities. The Assembly Appropriations pegged the annual cost of the bill at \$2.2 million for the Department of Juvenile Justice in addition to significant costs resulting in an unfunded mandate to local detention facilities.

With regards to solitary confinement in California's adult prisons, FCLCA teamed with the American Friends Service Committee to jointly sponsor **SB 759**, by Joel Anderson (R-Alpine) and Loni Hancock (D-Berkeley). SB 759 would have required the California Department of Corrections and Rehabilitation to begin collecting data on who is in solitary confinement, for what reason, and for how long, the number of suicide attempts and other specified criteria. The bill also restores eligibility for prisoners housed in Security Housing Units (SHU's) to earn good-time credits for good behavior and participation in programs. (Eligibility for earning credits for prisoners was taken away at the request of CDCR in an obscure budget trailer bill in 2010.) To our chagrin, the Senate Appropriations Committee estimated an ongoing cost of \$250,000 per year to collect the data and amended the data collection provision out of the bill. Following a heartfelt presentation from Senator Anderson, the goodtime credit bill passed the full Senate by a vote of 29-7, with five Republican votes. Such is the power of bipartisanship. The bill is now awaiting action in the Assembly Public Safety Committee. We are re-evaluating the bill following the recent landmark court settlement in *Ashker v. Governor Brown*. (See page 11.)

Economic Justice

There is both good and bad news in the struggle to alleviate poverty and strengthen California's middle class. California children from low-income

households will no longer be denied healthcare due to immigration status thanks to passage of **SB 4**, also by Ricardo Lara, and thanks to the Brown administration's providing funding in the May budget revision. As a result, approximately 170,000 children will become newly eligible for Medi-Cal. The May revise also included funding for 16,000 additional subsidized childcare slots. This is the second year in a row that the Brown administration

has restored childcare slots, but the incremental restorations are still far below pre-Great Recession levels. The governor's budget also restored a seven percent cut to the hours that qualified residents may receive services through the In-Home Supportive Services program, which enables low-income, elderly and disabled persons to remain in their home.

There is both good news and bad news in the struggle to alleviate poverty and strengthen California's middle class.

FCLCA supported **AB 43**, by Mark Stone (D-Santa Cruz) and **SB 38**, by Carol Liu (D-La Canada Flintridge), to create a state earned income tax credit (EITC) for low-income Californians. Then, in his May budget revise, Gov. Brown included language to enact a state EITC, which was approved by the Legislature. Unlike the federal EITC, California's EITC will benefit only the poorest working Californians, but the credits are significant and will average \$460 per recipient household. The 2015-2016 budget also contains \$22 million for implementation and outreach. An effective outreach program could also result in drawing federal dollars into our state as many more Californians also take advantage of the federal EITC, which has suffered from low participation rates.

FCLCA supported **SB 405**, by Robert Hertzberg (D-Van Nuys), to create a traffic fine amnesty program. When local fees are added to traffic citations, minor traffic citations result in outrageous sums that many low-income people cannot afford. Failure to pay on time results in additional penalties, and 4.2 million Californians have lost their driver's license for failure to pay fines. Many employers will not hire a person without a valid driver's license, and many people are forced to choose between driving without a license and having a job. Most

of these fines are never paid. The governor's May Budget revision included language to create an amnesty program. As a result, the program will forgive up to 80 percent of the amount due depending on a person's income. It allows program participants to have their driver's license reinstated and requires the Judicial Council to create affordable payment plans based on an individual's ability to pay.

Legislation to further increase California's minimum wage is presently stalled in the Assembly Appropriations Committee. **SB 3**, by Mark Leno and Connie Leyva (D-Chino) and supported by FCLCA, would raise California's minimum wage to \$11 per hour in 2016 and \$13 in 2017, after which it would be annually indexed for inflation. (Under current law, California's minimum wage will increase to \$10 per hour in January). The bill is strongly opposed by the California Chamber of Commerce. The Brown administration also took an oppose position when the bill reached the Assembly Appropriations Committee, due in large part to the increased labor costs to numerous state agencies that employ or contract with minimum wage workers, such as the Department of Health Care Services, Department of Social Services and Department of Developmental Services. The Department of Finance conducts fiscal analysis for the Brown administration and estimates that the bill could result in increased costs to the state totaling \$3.4 billion by fiscal year 2017-2018 and also opines that the wage increases could slow economic growth. The analysis does not take into account increases in economic activity and increases in state tax collections that result from more people having more money to spend. Sen. Leno, who chairs the Senate Budget and Fiscal Review Committee, plans to bring the bill back in January.

Gov. Brown has vetoed legislation to expand California's unpaid family leave program. **SB 406**, also by Hannah-Beth Jackson, would have allowed individuals to utilize the program to care for siblings, domestic partners, grandchildren, grandparents and in-law parents with serious medical conditions. The California Chamber of Commerce had identified the bill as a "job killer."

FCLCA made a significant effort this year in support of **SB 23**, also by Holly Mitchell, which would

repeal the Maximum Family Grant rule. This poorly conceived rule says that a child born into a household that is already receiving CalWORKS aid (California's version of the Temporary Assistance to Needy Families program) cannot receive additional aid. See page 12 for more on our work on this bill.

FCLCA Goes Green!

Gov. Brown signed several important bills to address climate change, including **SB 350**, by Senate President pro Tem, Kevin de León (D-Los Angeles). This bill requires the Air Resources Board to identify and adopt strategies that will achieve two goals: 50 percent of utility power coming from renewable energy sources and a 50 percent increase in the energy efficiency of buildings by the year 2030. The original version of the bill also required a 50 percent decrease in petroleum use by 2030. This provision was amended out of the bill in the Assembly following a massive fear campaign conducted in the mass media by the Western States Petroleum Association, under the auspices of the California Drivers Alliance, which claimed that SB 350 gave the California Air Resources Board too much authority and would lead to huge increases in the cost of gasoline to consumers. FCLCA also lobbied for **SB 32**, by Fran Pavley (D-Agoura Hills), which sets an ambitious but achievable goal of reducing CO₂ emissions to 80 percent below 1990 levels by 2050 and which attracted similar opposition. The bill lacked sufficient votes for passage on the Assembly Floor,

but Senator Pavley plans to bring the bill back next year. The governor also signed **SB 185**, by Kevin de León, to require the California State Teachers Retirement System and the California Public Employee Retirement System to divest from coal producing companies if doing so is not inconsistent with their fiduciary responsibilities.

FCLCA joined the ACLU, Children Now, Community Water Center, Clean Water Action and other advocacy groups in support of **SB 334**, by Connie Leyva, to require schools to provide students with clean drinking water. The bill had included a requirement that the California Department of Public Health test drinking water sources at sample

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Do Recent Actions Signal a Shift in the Brown Administration on Criminal Justice?

In the area of criminal justice, Gov. Brown vetoed nine bills with the following message:

Each of these bills creates a new crime usually by finding a novel way to characterize and criminalize conduct that is already proscribed. This multiplication and particularization of criminal behavior creates increasing complexity without commensurate benefit.

Over the last several decades, California's criminal code has grown to more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior. During the same period, our jail and prison populations have exploded.

Before we keep going down this road, I think we should pause and reflect on how our system of criminal justice could be made more human, more just and more cost-effective.

It is difficult to imagine a stronger indictment by a sitting governor of the “tough on crime” wave of the 80’s and 90’s that fueled the state’s massive prison building program. Until recently lawmakers reflexively criminalized more behavior and enacted tougher sentences. The “no matter what the cost” mentality of tough on crime advocates in the Capitol fell hardest on people in marginalized communities and failed to consider the impact on the prison population or the state’s budget. Corrections spending expanded rapidly and surpassed state spending for the California State University and University of California. During the prison building boom and the move to determinate sentencing, rehabilitation was deemphasized in favor of punishment.

The trend reversed only as a result of intervention by federal courts, which held that prison overcrowding was the primary cause of the state’s

inability to provide constitutional levels of health-care. In 2011, the U.S. Supreme Court upheld a federal three-judge panel’s order that required the state to reduce its prison population to 137.5 percent of design capacity. Realignment, where counties are now responsible for managing persons convicted of low-level felonies, helped to reduce the prison population significantly, as did passage of Propositions 36, which softened the state’s notoriously harsh “three strikes law,” and Proposition 47, which properly reclassified simple drug possession and other low-level felonies as misdemeanors.

I think we should pause and reflect on how our system of criminal justice could be made more human, more just and more cost-effective.

Gov. Jerry Brown

Realignment required a considerable political lift by law enforcement in order to get it passed in 2011 and implemented. In the years following, the Brown administration has been reluctant to sign or support legislation opposed by local law enforcement while signing bills to provide counties with funding for new jails. To illustrate, last year, FCLCA co-sponsored **AB 1876** by Bill Quirk (D-Hayward) to reduce the exorbitant

costs of in-state telephone calls made by incarcerated persons from local detention facilities. Because the commissions on phone calls that telephone companies pay to law enforcement agencies go directly into accounts that sheriff’s control, the bill faced intense opposition from the California State Sheriffs Association. We received strong indications from the governor’s office that the bill would face a veto. Given the likelihood of a veto, the bill died in the Senate Appropriations Committee. The governor’s signing of **AB 953**, by Mary Weber (D-San Diego) took many advocates by surprise because of the considerable mandate it imposes on local law enforcement. (See page 7 of “FCLCA’s Report on the 2015 Legislative Year.”)

While it would be premature to draw any firm conclusions, it’s also hard not to feel enthusiastic about the possibilities as a result of these developments. [FCLCA](#)

– Jim Lindburg (JimL@fclca.org)

Key Reforms to California's Use of Solitary Confinement

August 31, 2015

When Ashker v. Governor of California was filed as a class action in 2012, California held thousands of prisoners in solitary confinement, in Security Housing Units (SHU). Hundreds of these prisoners had been isolated for decades. They spent nearly 24-hours-per-day in cramped cells, often without windows, and were denied phone calls, all physical contact with visitors, and recreational, educational, and vocational programming. Additionally, many of the prisoners languishing in SHUs were there not due to any rule infraction, but because of their alleged affiliation with a gang, often based on the evidence as innocuous as having supposedly gang-related artwork or tattoos.

In 2012, CCR joined the lawsuit originally filed by prisoners in the SHU at Pelican Bay State Prison to challenge this practice. In September 2015, the case was settled, and far-reaching reforms were ordered. These reforms are expected to dramatically reduce the number of prisoners currently detained in the SHU and limit the way SHU confinement is used going forward.

*This landmark settlement will **effectively end indeterminate, long-term solitary confinement in California state prisons**, fundamentally altering all aspects of this cruel and unconstitutional regime. Ultimately, it is the result not merely of litigation, but of a widespread community effort led by prisoners and their families.*

Key reforms include:

- Prisoners will no longer be sent to solitary based solely on gang affiliation, but rather based on specific serious rules violations. The Ashker settlement ends California's status-based practice of solitary confinement, transforming it into a behavior-based system
- Under the system challenged in the lawsuit, Prisoners validated as gang affiliates used to face indefinite SHU confinement, with a review for possible release to general population only once every six years, at which even a single piece of evidence of alleged continued gang affiliation led to another six years of solitary confinement. That evidence was often as problematic as the original evidence used to send them to SHU – for example, a book, a poem, or a tattoo that was deemed to be gang-related.
- Under the settlement, California will generally no longer impose indeterminate SHU sentences. Instead, after serving a determinate sentence for a SHU offense, prisoners whose offense is related to gang activity will enter a two-year, four-step, step-down program to return to the general prisoner population. Prisoners will receive increased privileges at each step of the step-down program.
- California will review all current gang-validated SHU prisoners within one year of the settlement to determine whether they should be released from solitary under the settlement terms. The vast majority of such prisoners are expected to be released.
- Virtually no prisoner will ever be held in the SHU for more than 10 continuous years.
- California will create a modified general-population unit for a very small number of prisoners who repeatedly violate prison rules or have been in solitary over 10 years but have recently committed a serious offense. As a high-security but non-isolation environment, this new unit allows prison administrators to begin to balance the humanity of the prisoners with the security of the prison, creating a realistic alternative to long-term solitary for the minority of "hard cases." Prisoners held in this unit will be allowed to move around the unit without restraints, will be afforded as much out-of-cell time as other general population prisoners, and can receive contact visits.
- Prisoners themselves will have a role in monitoring compliance with the settlement agreement. Prisoner representatives will meet regularly with California prison officials to review the progress of the settlement, discuss programming and step-down program improvements, and monitor prison conditions.

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<https://ccrjustice.org/key-reforms-california-s-use-solitary-confinement>

A Day to Remember

Wednesday, August 26, 2015 was truly a day to remember as FCLCA joined with our Interfaith Coalition partners (the National Council of Jewish Women, California; California Church Impact; the California Catholic Conference and the Lutheran Office of Public Policy - California) at the Capitol in support of repealing the draconian Maximum Family Grant rule of CalWORKs.



Maximum Family Grant (or MFG) is the policy that prohibits newborns from receiving any assistance – even a modest \$122 a month for diapers, formula and other necessities – if anyone in their family is already receiving CalWORKs cash aid.

Unbelievably, California has a rule on the books that drives families deeper into poverty, when already 27% of our children live in poverty – the highest rate in the nation!

Our goal was to ask the Legislature and the governor to overturn this rule by passing Senate Bill 23, introduced by Sen. Holly Mitchell. Earlier attempts this year to rescind the MFG through the budget process had failed.

We integrated our interfaith action with a larger rally organized by a coalition entitled “A Stronger California” in support of a package of bills to increase women’s economic security, a package that included SB 23.

We heard inspiring speeches by women from all over California, including Sen. Mitchell and our own interfaith coalition representative, Pastor Joy Johnson. After the rally, a delegation of 25 coalition members from the various faith traditions met with the governor’s deputy legislative affairs secretary to convey our unified support for repealing the MFG. FCLCA was represented by your FCLCA staff members and board members Stephen Myers and Kary Shender.

FCLCA had previously drafted an online petition on behalf of the coalition, and we presented the governor’s representative with more than 1,500 signatures asking for repeal of the MFG. We spoke of our deep concern for children and families living in poverty, each from our own faith perspective.

Gov. Brown, his legislative secretary said, does not typically take a public position on whether he will sign a bill or not. She discussed some of the budget and policy

issues surrounding this issue and said that she would convey our concerns to the governor. We promised to continue the dialogue.

Perhaps the most dramatic moment came near the end of the meeting when a young woman from San Francisco entered the room with her three young children. She told all of us how she fled from a domestic violence situation and was helped by cash assistance but was unable to get support for her child born after she was already receiving aid. She asked for the governor to consider the needs of women like herself who are struggling to make a better life for their family.

Senate Bill 23 has now become a two-year bill, which means that it can be considered again in January 2016, the start of the second year of this two-year session. We have also received indications that the MFG repeal is likely to be addressed in next year's budget process.

Through your support of FCLCA, you were part of the advocacy that helped move this issue forward – thank you! **FCLCA**



It's the season for end of year fundraising!

We need your gifts to continue the work you see in these pages. By the end of 2015 we need to raise a minimum of \$50,000.

You can contribute online at www.fclca.org . *(Fast and easy!)*

Or use our handy return envelope. *(We love to open them!)*

Two special ways to give:

Gifts of appreciated stock to FCL Education Fund can be a tax-advantaged way to contribute. Usually, the transfer to a charity involves no capital gains tax and the charitable gift deduction is based on the higher current value of the stock, not the price at which you bought it. For details call us at (916) 443-3734 or email kevan@fclca.org.

Have you considered becoming a monthly sustainer to either FCLCA or the FCL Education Fund? We have monthly sustainers at all levels from \$10 to \$200 a month. Sign up online or by return envelope.

THANK YOU!

What difference can a bequest make?

Over the years, FCLCA and the FCL Education Fund have received gifts, both large and small, through wills and trusts from donors who wanted their values to live on through our work. These legacy gifts have made a critical difference, helping FCLCA to weather the storms of six decades as a voice of conscience.



In the first decade of the 21st century, several donors' bequests literally transformed FCLCA's ability to engage grassroots activists. In 2009, FCLCA was asking supporters to weigh in on important bills identified by our lobbyist through a system that relied on sending personal emails to a list of about 150 people. A core group of our supporters faithfully responded by writing letters and faxing or sending them in, but there was no way for people to send messages automatically to decision makers, and so it was difficult to involve a wider circle of activists.

That all changed after FCLCA invested some of the funds bequeathed by our legacy donors into hiring additional staff and updating our technology and outreach. An investment of \$3,500 a year in our online Action Alert system has reaped great results over the past few years. We now reach 8,000 people directly with our Action Alerts and many more when they forward the alerts to their contacts.

As of 2015, activists across California have sent 33,100 messages to their legislators and the governor through FCLCA's online alerts and petitions. Thousands of people can now easily and effectively weigh in on specific bills at the most strategic time. This grassroots activism has strengthened our impact at the Capitol and furthered our mission of bringing a voice of conscience to California politics.

The generous benefactors of FCLCA who made planned gifts wanted their legacy to build a more just and compassionate California. Thanks to them we've been able to shape that legacy into positive impact.

What impact could your legacy make?

If you'd like to talk about it, call us at (916) 443-3734 or email kevan@fclca.org. [FCLCA](http://fclca.org)

JOIN US IN THE LEGACY CIRCLE



ELIZABETH RALSTON

Having served on the Board, I know that FCLCA has continued in existence in part because of generous legacy gifts from its supporters, and I encourage others to take advantage of the many ways to contribute financially to FCLCA.

LAUREL GORD

I'm making a gift through my will because I know that when the chips are down, FCLCA will be there, speaking up for the values I hold most dear.



GEORGE MILLIKAN



I decided to make a legacy gift to FCLCA because I can think of no better use of the money that I accumulated for retirement than to give a good chunk of what is left over after I am gone to an organization that will continue to work on the goals that animated me in life. [FCLCA](#)

With Appreciation

Thank you to all the Friends Meetings who have supported us in 2015 through contributions, fundraisers and help with our Spring Dinner.

And, of course, a big thank you to Palo Alto Friends Meeting for their **49th Harvest Festival** benefit in support of FCLCA!

Thank you to all our supporters who provide the funds to make our work possible.

Thank you to all the activists who weighed in with their legislators and the governor on bills this year.

All of you made a difference!

**FRIENDS COMMITTEE ON
LEGISLATION OF CALIFORNIA**

1225 8th Street, Ste. 220
Sacramento, CA 95814-4809
Website: <http://www.fclca.org>

 Printed on recycled paper with soy-based inks

FCLCA *Perspective* (continued from page 9)

test sites, but that provision was amended out of the bill in the Assembly. FCLCA supporters sent 536 messages to Gov. Brown and legislators. While we were disappointed by the governor's veto (the governor's veto message cited the bill's substantial state mandate), the governor indicates that he is directing the State Water Resources Control Board to work with school districts and local water agencies to incorporate water quality testing in schools. Governor Brown signed **AB 888**, by Richard Bloom (D-Santa Monica) to ban microbeads in personal care products and **AB 693**, by Susan Talamantes Eggman (D-Stockton), to provide \$100 million in annual funding from cap and trade revenues for solar installations on multi-unit, low-income residences. FCLCA supported both bills.

During the 2015 legislative year, FCLCA activists sent in 832 messages to legislators on environmental bills through our Action Alert system. **FCLCA**

– *Jim Lindburg (JimL@fclca.org)*

PHOTO CREDITS:

Pages 12-15 – FCLCA
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The Friends Committee on Legislation of California (FCLCA) includes Friends and like-minded persons, a majority of whom are appointed by Monthly Meetings of the Religious Society of Friends in California.

Expressions of views in this newsletter are guided by Statements of Policy prepared and approved by the FCLCA Committees. Seeking to follow the leadings of the Spirit, the FCLCA speaks for itself and for like-minded Friends. No organization can speak officially for the Religious Society of Friends.

While we strive above all for correctness and probity, we are quick to recognize that to err is human. We therefore solicit and welcome comments and corrections from our readers.