FCLCA.org Newsletter

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FCLCA Perspective

Prisons v. People: Compromise to meet Court deadline threatens State's safety net

In the closing days of the 2013 legislative session, legislative leaders and the governor whisked through a compromise designed to satisfy a federal court's order to reduce the prison population to 137.5 percent of prison capacity. The bipartisan compromise, Senate Bill 105 (SB 105) by Senate President pro Tem Darrell Steinberg (D-Sacramento), is predicated on a U.S. District Court three-judge panel granting the State a three-year extension to its December 31, 2013 deadline to further reduce the prison population. If accepted by the three-judge panel, the compromise would gradually relieve overcrowding by implementing reforms pushed by Steinberg and Senate Democrats that would reduce new prison commitments and recidivism while enabling lawmakers to avoid the potential political fallout from releasing people from prison and enacting sentencing reforms.

If the three-judge panel rejects the State's request for an extension, then the State presumes to reduce overcrowding by spending hundreds of millions of dollars from California's tenuous budget reserve. This new spending for prison beds comes at a time when California's fiscal condition, thanks to help from the voters in agreeing to raise their taxes by passing Proposition 30, is finally in a position to restore funding for safety net programs that have been slashed by $15 billion since the Great Recession.

Rocky road to showdown

In August 2009, the three-judge panel of the U.S. District Court held that overcrowding was the primary cause of the State's inability

to provide constitutional levels of health care and mental health care and ordered California to reduce its prison population to 137.5 percent of prison capacity. The order resulted from two decades-old class action suits brought by prisoners charging that medical and mental health care in California's prisons violated the U.S. Constitution's prohibition on cruel and unusual punishment. The State of California appealed this order to the U.S. Supreme Court, but in 2011 the Supreme Court reaffirmed the three-judge panel's order. As a result California faced a deadline of December 31, 2013 to comply with the court order by further reducing its prison population by approximately 9,600 individuals.

Despite implementing some significant reforms including realignment, in which counties now assume responsibility for managing people convicted of low-level

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"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."

FCLCA Perspective

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offenses, the resulting population reductions were insufficient to satisfy the three-judge panel's mandate. In addition to stoking public fear of releasing prisoners, the Brown administration maintains that the State is now providing adequate health care and mental health treatment and that further population reductions will negatively impact counties whose resources have been stretched thin by realignment. FCLCA acknowledges the positive impact of realignment, but has argued that counties can use their realignment dollars more effectively by placing people convicted of low-level offenses into treatment and rehabilitative programs instead of investing in costly jail expansions.

SB 105 was heard in the Senate Budget Committee on Wednesday, September 11, the day before the legislative session adjourned. It was passed by the full Senate and the full Assembly the same day and with uncharacteristic speed was signed into law by Gov. Brown the next day.

The compromise incorporates the worst elements of a plan originally proposed by the governor, which was backed by Assembly Speaker John Pérez, Republican leaders, and an entrenched law enforcement lobby. Should the three-judge panel reject the three-year extension, the bill appropriates $315 million from the State's tenuous $1.1 billion budget reserve, which exists only on paper, to pay for additional prison beds. SB 105 grants the State the authority to contract beds with community correctional centers and private prisons, and cancels indefinitely the slated closure of the California Rehabilitation Center prison in Norco. A private prison in the Mojave Desert would be leased from the Corrections Corporation of America and converted into a state agency staffed with state employees. The compromise also gives the governor the authority to transfer prisoners to private out-of-state prisons without their consent.

FCLCA and new allies mobilize against new prison beds

FCLCA, Californians United for a Responsible Budget and allies – we were joined by Health and Human Service advocates and the Courage Campaign – mobilized rapidly and lobbied hard against the governor's original plan. FCLCA argued in the Assembly Budget Committee that it was superfluous for the Legislature to appropriate money for new prison beds now with the expectation that the governor and Legislature would later agree on solutions to long-term overcrowding, given that they had consistently failed to do so in the past.

We also voiced objections on the grounds that if private prisons are staffed with state employees, the so-called temporary beds are at risk of becoming permanent and the State will be dumping hundreds of millions of dollars and then billions into the prison sinkhole. While we were unsuccessful in defeating the governor's bill, enough lawmakers and editorial boards began raising doubts about the plan to get the gov-

ernor's attention and to force a negotiated compromise.

The final compromise also incorporates elements of an alternative proposal backed by Steinberg. It increases Performance Incentive Grants, which are designed to reduce the number of new commitments to state prison. Modeled after SB 678, a 2009 bill by Mark Leno (D-San Francisco) and supported by FCLCA, counties that reduce their new commitments to state prison will share in the savings along with the State. It is claimed that in its first two years since becoming operational SB 678 reduced prison commitments by 9,500 prisoners, which is roughly the same number that the State needs to reduce the prison population by to meet the court order. It also creates a new Recidivism Reduction Fund, which would fund programs that reduce recidivism and crime. To the extent that the State is able to avoid "early releases," the first $75 million of savings would go into the Recidivism Reduction Fund. Thereafter, the remaining savings would be split between the State's General Fund and the Recidivism Reduction Fund.

The compromise plan is largely aimed at avoiding releasing prisoners as a way of meeting the court mandate. Legislative leaders highlighted this feature in press conferences and press releases. Earlier this summer in a court filing, the Brown administration outlined a plan, albeit under protest, to safely reduce the prison population by expanding good time credits, expanding medical parole and creating a geriatric parole policy. The administration also

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UPDATE: The U.S District Court responds to the compromise

In response to California's request for an extension to its December 31, 2013 deadline, the U.S. District Court three-judge panel ordered the parties in the class action suits, Plata v. Brown and Coleman v. Brown, to "meet and confer" on possible solutions to prison overcrowding. It extended the deadline by one month and ordered the state not to transfer any prisoners out of state during that time. Here is the court's order in full as signed by Judges Karlton, Reinhardt and Henderson:

IT IS HEREBY ORDERED that the parties shall meet and confer, beginning immediately, regarding defendants' pending request. Pursuant to this Court's prior authorization, the Honorable Peter Siggins will facilitate the meet-and-confer process. This process shall be confidential and informal. On or before October 21, 2013, Justice Siggins will informally report to this Court the status of the discussions and provide his recommendations for future actions by this Court or the parties. He shall immediately report to the Court if, at any time, he determines that further discussions between the parties would be unproductive.

The meet-and-confer process shall explore how defendants can comply with this Court's June 20, 2013 Order, including means and dates by which such compliance can be expedited or accomplished and how this Court can ensure a durable solution to the prison crowding problem.

The discussions shall specifically include: (a) three strikers;(b) juveniles; (c) the elderly and the medically infirm; (d) Immigration and Customs Enforcement prisoners; (e) the implementation of the Low Risk List; and (f) any other means, including relocation within the state, that are included in defendants' May 2, 2013 List. Justice Siggins and the parties may also discuss any necessary or desirable extension of the December 31, 2013 deadline beyond that provided for in the final paragraph of this order, as well as any other matters they deem appropriate.

The December 31, 2013 deadline shall be extended until January 27, 2014, without prejudice to the parties' filing a joint request for a further extension or the Court so ordering. During the meet-and-confer process and until further order of the Court, defendants shall not enter into any contracts or other arrangements to lease additional capacity in out-of-state facilities or otherwise increase the number of inmates who are housed in out-of-state facilities.

The State appeals to the U.S. Supreme Court

In response to the order above, the state of California has filed a brief with the United States Supreme Court challenging the three-judge panel's authority to issue an injunction against contracting for out of state facilities and objecting that *"the court imposed its policy preferences for how to reduce prison crowding"* referring to the three-judge panel's list of specific prisoner populations that might be appropriate for release.

To Keep Kids Out of Trouble – and Prison – Teach Them to Understand Their Emotions

After teaching students to understand and talk through their conflicts, schools in Denver and Los Angeles have seen major reductions in disciplinary action.

by Katherine Gustafson

After the shooting rampage in Newtown, Conn., in December 2012, NRA executive vice president Wayne LaPierre famously suggested that we arm police officers in elementary schools to help "good guy[s] with guns" defeat "bad guy[s] with guns." While the idea of turning our schools into the backdrop for a war-zone video game is alarming enough, the call for militarization of classrooms threatens to entrench an even deeper dysfunction in our school system, one that threatens students' wellbeing from inside the school walls.

For decades, many of our nation's schools have instituted zero-tolerance disciplinary policies that criminalize what used to be considered minor infractions and send scores of young people – especially young men of color – into an involvement with the criminal justice system that in many cases will continue throughout their lives.

Suspensions fell 40 percent in Denver Public Schools after the district started using restorative justice practices.

The "good guys with guns" in these schools are on-duty police officers, otherwise known as School Resource Officers. Their presence ups the disciplinary ante, increasing the likelihood of suspensions, citations, and sometimes even arrest. Instead of studying, our students are increasingly spending time in suspension or in prison cells.

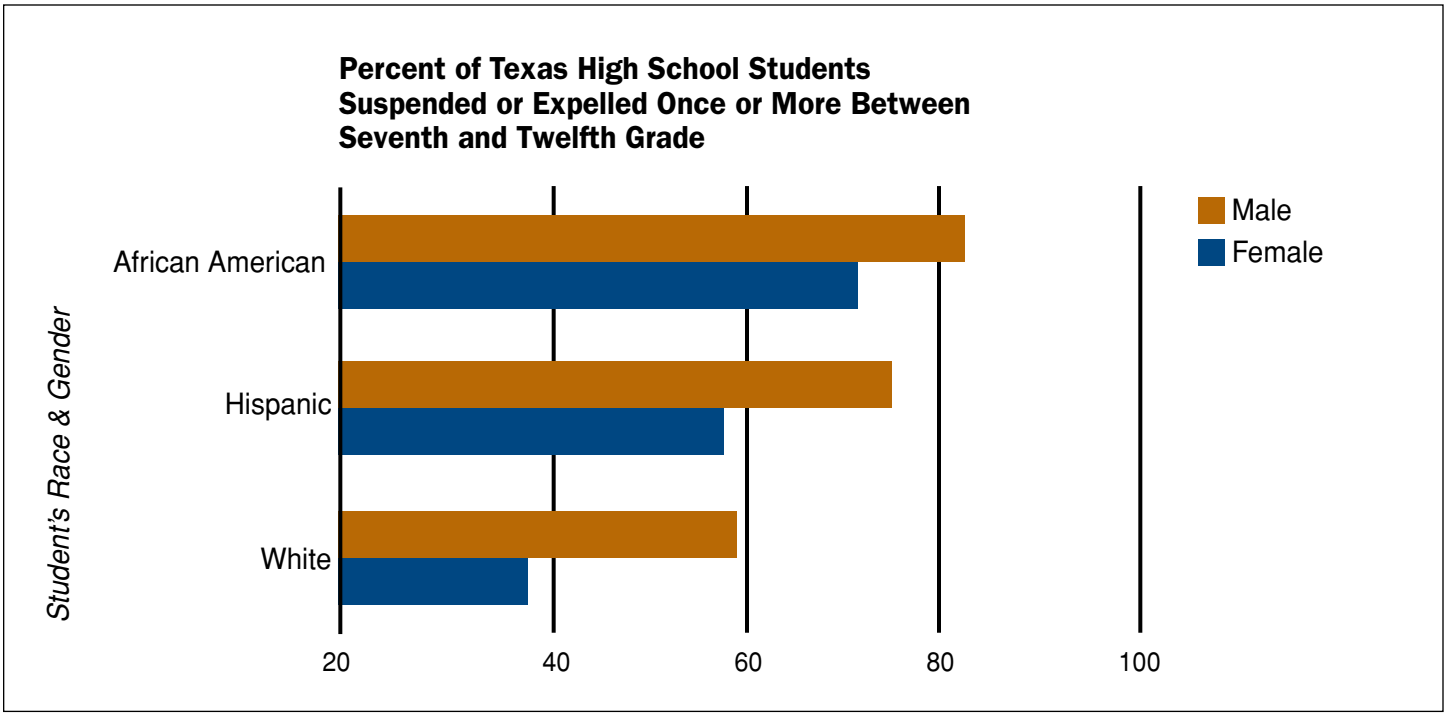
A concerned group of educators, citizens, and philanthropists is raising the alarm about this epidemic of criminalization, which these advocates of change call the "school-to-prison pipeline." They are calling for for an alternative to these punitive practices, namely the institution of mediation methods that help students learn to deal with their emotions, talk about their problems, and confront the consequences of misbehavior in a supportive environment.

Strong evidence is piling up that their approach improves behavior while reducing the need for punishment.

"Not all troublemakers"

The iron-fisted disciplinary practices employed in many public schools can be traced back to another school shooting: the 1999 rampage in Columbine, Colo. In the aftermath, school districts influenced by the "broken windows" policing philosophy popular in the mid-1990s – which clamped down on minor crimes in hopes of preventing major ones – instituted get-tough approaches to student misbehavior.

The result has been a major increase in disciplinary action that disproportionately affects students of color. A landmark study published in July 2011 by the Justice Center of the Council of State Governments and the Public Policy Research Institute at Texas A&M University found that in Texas almost six out of 10 public school students were suspended or expelled at least one time between seventh and 12th grade. The study also found that 89 percent of African-American boys and 74 percent of Hispanic boys had received at least one discretionary violation – that is, a violation of the school's code of conduct compared to 59 percent of white boys. The same pattern, though with lower numbers of violations, held for female students.



Source: Council of State Governments Justice Center and The Public Policy Research Institute, Texas A&M University

"The Texas report revealed that the number of suspensions has exceeded any kind of common sense," said Kavitha Mediratta, program executive for children and youth at Atlantic Philanthropies, a grant-making organization that works to improve opportunities for disadvantaged people. "We're not just talking about disciplining troublemakers. With numbers like that, they can't all be troublemakers. You can't say that a majority of African American kids in the state of Texas are just bad kids."

She worries that calls for increased presence of law enforcement in schools in the wake of the Newtown tragedy will only compound this problem.

"There's been concern that we're just going to be increasing arrests for silly things," she said. "Like the police officer tells the kid to take off her hat, and the kid mouths off, and suddenly the kid has a summons for obstructing government action."

Promising alternatives

Proponents of alternative approaches to keeping order in schools support various interventions, most of them based on an approach called social and emotional learning, or SEL, which develops students' skills in recognizing and discussing emotions, relating to and empathizing with others, and defusing and resolving conflict.

"You can't say that a majority of African American kids in the state of Texas are just bad kids."

In many schools with high rates of suspension, the SEL-aligned approach of choice is "restorative justice," a concept common to many indigenous traditions that focuses on integrating wrongdoers into the community and reciprocally addressing conflict, instead of meting out punishment.

"SEL teaches kids in a preventative, upfront way how to manage conflict and build positive relationships with their peers, and to be more self-aware and more empathetic," Mediratta said.

That's not to say it's easy. Ke'ara Smith, a 14-year-old eighth grader at Edna Brewer Middle School in Oakland, Calif., who was trained as a peer conflict mediator as part of Oakland Unified School District's Restorative Justice Program, has found that students find it difficult to talk about their emotions during the restorative justice process.

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"It's sometimes a little stressful because there are people who act like they don't care," she said. "But they do care. They just don't know how to express their feelings toward the mediation."

She says that many students resist the intervention at first, but soon realize that talking about their problems in a safe environment is helpful.

"It's like if you're having a problem and you can just talk to somebody who has the same problems you've been through and is the same age as you and is in the same grade," Smith said, "it's easier to talk to that person than someone who's never been through this experience before."

Creating safe spaces

Such approaches, whether led by trained peers or adult conflict mediation specialists, are not designed to let students off the hook, but instead to have them confront their behavior and learn to change it in an environment that allows for mistakes.

"While of course you need to respond to misbehavior," Mediratta said, "the question is how do you respond to it in ways that re-engage kids."

A common practice in this context is "restorative circles," in which students and teachers come into a circle to "witness" a student's disruptive actions. They ask the student to explain his or her misbehavior in class and how they can support him or her to prevent it from happening again. They ask how can they can restore the equilibrium that was thrown off by the disruption, resulting in apologies or other actions to restore trust.

Stella Connell Levy, president and executive director of the Restorative Schools Vision Project – a human rights organization that uses restorative justice to keep kids in school when they make mistakes – emphasizes that the circle and other such activities come to function as "safe spaces." Such spaces are reserved for students to work through their issues without fear of retribution. In these spaces, students can discuss their problems before they end up expressing them in more damaging ways.

"It creates sort of a ritual and a special space that the children come to understand very quickly, that can be the major source of prevention of harmful behavior," Levy said. "The circle is a space that is safe, nonjudgmental."

Most importantly, these interventions do not come across to the students as punitive, but instead are focused on problem solving.

"The kids are not the problem; the problem is an education code that looks like the penal code."

"It's not a courtroom," Levy said. "It's not trying to find out who the guilty person is, but how enlisting all parties there can help figure out a solution."

Sparkling moments

The shift to restorative practices is occurring in school districts around the country – most notably in Chicago, Denver, Sacramento, San Francisco, Oakland, and Los Angeles – with notable results. Suspensions fell 40 percent in Denver Public Schools after the district started using

restorative justice practices. In L.A., there was a 20 percent drop in suspensions over a two-year period.

"The kids are not the problem; the problem is an education code that looks like the penal code," Levy said. "SEL, through restorative practices, gives teachers and administrators an option besides punishment."

"SEL teaches kids in a preventative, upfront way how to manage conflict and build positive relationships with their peers, and to be more self-aware and more empathetic."

She remembers an incident in which a third-grader stomped on the foot of another boy. The teacher responded not by sending the offender to the principal's office but instead by pulling him aside and asking him whether he was jealous of the boy's shoes or mad at the boy.

The foot-stomping student answered no to both questions, Levy said, but then "He just looked up and said, 'I've just been really upset lately.' The teacher asked, 'How do you think Isaac felt?' And he said, 'Not good. May I apologize?' He went over to the boy's desk and said, 'I'm so sorry for what I did.' And then Isaac burst into a huge grin. That was all. It was a simple thing. But to me it was a sparkling moment."

Such sparkling moments, if students experience them consistently enough from early on, can become the basis for building a supportive school climate and supporting students' mastery of self-management as a way to reduce their engagement with law enforcement.

"To me, the beginning of the pipeline starts in the first day of school in kindergarten, when the child gets the message 'I am bad'" from being punished, Levy said. But when the response acknowledges the goodness of the student and treats the behavior as a separate problem, the child gets a different message. Then, "you are able immediately to enlist the person – the wrongdoer – into being part of the solution," Levy says. "He becomes the engineer of the solution."

And student-centered solutions – not more police officers – are what our schools most dearly need.

Katherine Gustafson wrote this article for YES! Magazine*, a national, nonprofit media organization that fuses powerful ideas with practical actions for a just and sustainable world. Katherine is a freelance writer and editor with a background in international nonprofit organizations. Her first book,* Change Comes to Dinner*, about sustainable food, was published in 2012 by St. Martin's Press.* FCLCA

Resources
Alameda County's Center for Healthy Schools and Communities offers a free publication online, *Restorative Justice: A Working Guide for our Schools*, available at http://healthyschoolsandcommunities.org/Docs/Restorative-Justice-Paper.pdf

The beginning of the pipeline starts in the first day of school in kindergarten, when the child gets the message "I am bad" from being punished. But when the response acknowledges the goodness of the student and treats the behavior as a separate problem, the child gets a different message.

FCLCA *In Action*

Behind the Scenes at the Capitol

Jim Lindburg

Ever wonder what it's like to be a lobbyist at the state Capitol? Ever wonder why it's so important to have a lobbyist right there in the middle of the legislative process to represent your values? We wanted to share with you a report written by your FCLCA lobbyist, Jim Lindburg, on Friday, August 16, after he returned to the office from an action-packed week at the Capitol – a few short days in which he and FCLCA's allies were able to rally quickly to defeat a "gut and amend" bill that threatened the spirit of realignment. What's a "gut and amend" bill? Read on!

I was sitting in a policy committee hearing Tuesday morning getting ready to testify against a bill that provided inadequate regulation on the use of drones in California. Suddenly I received a text message from Emily Harris at Californians United for a Responsible Budget (CURB) that a piece of legislation concerning the regulation of pharmacies that had died in committee had been remade into a bill to enable San Mateo County to obtain jail construction funds. Moments later, this was confirmed by a legislative staffer who gave me a heads up that the bill, Senate Bill 445, would be heard in two days in a special policy committee hearing upon adjournment of the morning floor session.

Normally a request to obtain jail construction funds would not require legislative action, but this was not a normal circumstance. San Mateo County had begun preliminary work on its new jail before obtaining approval from the Board of State and Community Corrections (BSCC). Since it had started the process before obtaining approval, the BSCC denied San Mateo County's request to fund the new jail construction from state bond proceeds. Aside from all of the reasons new jails beds are not needed, the bill would set a dangerous precedent if local counties could run to the Legislature when they don't follow the rules and begin construction without approval from the BSCC.

The legislative procedure being used by the San Mateo County jail proponents, known in the Capitol as a "gut and amend," is controversial because it bypasses many of the hoops and hurdles that bills normally have to go through in the legislative process.

In this case, since the bill in its previous form had already passed the Senate, it would not have to be heard by a Senate policy committee even though its new content bears no resemblance to regulations concerning pharmacies. Instead, were the bill to pass the full Assembly in its new form, it would go back to the full Senate for a straight up or down concurrence vote. Nor would the bill in its new form have been in print for thirty days before being heard by a policy committee. This requirement gives everyone an ample opportunity to study the bill and to lobby committee members before the bill is heard and voted on by the committee. For those of us who work in the Capitol, it's tantamount to being blindsided. We have to drop everything we are working on at the moment in order to put out a spot fire.

Fortunately, thanks to the watchful eye of allies in and outside of the Capitol, we were able to quickly draft an opposition letter and to quickly mobilize visits to key legislative staffers. Our friends at CURB mobilized 15 letters of opposition to the bill, including our own. On Wednesday afternoon, I was joined by FCLCA Board Member Karen Shain and by Laura Magnani of the American Friends Service Committee, and we made visits to several members of the Assembly Public Safety Committee and voiced our opposition to the bill.

On Thursday morning, the Assembly floor session ended rapidly, and I rushed over to the Capitol to voice our opposition to the bill at the Assembly Public Safety Committee hearing. Fortunately, CURB brought up a small contingent of people from various organizations to oppose the bill.

The author was joined by the San Mateo County Sheriff who spoke in support of the

bill, as well as a representative from the Building and Trades Council, no doubt interested in seeing that the new jail construction and the jobs it creates stay on track. We were joined in opposition by Monterey County, which is next in line for receiving jail construction funds and objected to San Mateo cutting in line. The hearing was closely watched by representatives from Yolo County who is presumably next in line for funds after Monterey.

However, it was the testimony of Dorsey Nunn, the executive director of Legal Services for Prisoners With Children that carried the day. Dorsey is a resident of San Mateo County and has vigorously opposed expanding jail beds for over seven years. Dorsey explained to the committee that every step of the way, the only people who support constructing the new jail beds were those would make money off the project, and that there was vigorous community opposition to the new jail beds that would be used to incarcerate people from East Palo Alto. Oh, the irony!

When it came time for the vote on the bill, Chairman Tom Ammiano asked for a motion on the bill. (For a vote to be taken there has to be a motion and a second on the bill.) Not one member of the Assembly Public Safety Committee moved the bill, and no vote was taken, and the bill is dead for now. (It may very well come back.)

I have no illusions about yesterday's tiny victory. The rejection of the bill had everything to do with San Mateo County's failure to follow procedures and attempt to bypass BSCC regulations by coming to the Legislature. If the Legislature approved the bill, it would establish a terrible legislative precedent. Already the county sheriff has been quoted in the press as saying that San Mateo County will apply for the funds in the next round of state funding and that construction of the new jail will proceed.

But I'm glad that on this day we were able to rise to the occasion and to at least not make it easier for counties to begin constructing new jails even before their funding has been approved with the expectation that they will be funded anyway. If that were the case, we would see even more counties scrambling to build costly jails instead of investing in those things that work – treatment and services for persons convicted of low-level offenses. On this day, for once the voice of San Mateo County residents was heard and we were able to say no to "gut and amend." FCLCA

Gut and amend: Necessary evil or democracy undermined?

Legislators from both parties use the controversial "gut and amend" process to introduce bills after the official time period for legislation to be introduced, often near the very end of the session. The most recent attempt to reform the practice, ACA 4, failed in the Assembly this year. But the issue has been on the table for years. In 2009 the bicameral and bipartisan Senate and Assembly Select Committee on Improving State Government, characterized the practice as when "*a legislator is permitted to delete the contents of a bill and replace it with an entirely different subject matter.*"

The committee elaborated:

> Many see a "gut and amend" coming at the end of the session as fundamentally undermining the deliberative democratic process. Committees must scramble to research existing law if they are even aware changes have been made in order to attempt under very short time frames to evaluate the need for the bill, analyze the likely consequences of the bill, and prepare a committee report that makes the bill and the problem its seeks to address comprehensible and transparent. Interested stakeholders may not have sufficient time to express their concerns. Committee members, who are occupied with debating bills and voting on the floor during the final rush of the session, must take time out of busy floor schedules to decide, based on relatively little information, on whether to send the bill to the full body. On the floor, lawmakers who do not hear the bill in committee must make a decision based on their own hurried reading of a hastily produced bill analysis or on whatever information their already over-burdened staff can provide to them.
>
> In addition to circumventing the usual process and forcing lawmakers to vote on matters about which they may not have been thoroughly briefed, the "gut and amend" tactic may, critics contend, sometimes reflect a deliberate effort on the part of a particular interest group to push through a potentially controversial measure without providing for a full public hearing or giving affected stakeholders an opportunity to comment on the legislation.
>
> Moreover, such an approach creates the impression – whether true or false – that legislators and lobbyists make major public policy decisions at the last minute, behind closed doors, and out of public view.

Senate Bill 260 Signed into Law!

On September 16, 2013, Gov. Brown signed one of the two bills FCLCA is co-sponsoring this year, Senate Bill 260, into law. FCLCA was honored to join with the bill's author Sen. Loni Hancock, Human Rights Watch, the primary sponsor of the bill, and the Youth Law Center and the USC School of Law Post Conviction Clinic, both co-sponsors, in mounting a successful campaign to win this important reform of juvenile sentencing. The new law is a major step forward in addressing the issue of juveniles who were charged as adults and sentenced to long adult terms, sometimes longer than their expected life span. It establishes a special parole process for those convicted for offenses committed when they were under 18, allowing them an opportunity to work toward rehabilitation and the possibility of a lower sentence. The new law builds on the reforms of Senate Bill 9, signed into law last year, which offered those who were sentenced to life without parole as juveniles the opportunity to prove rehabilitation and apply for a reduced sentence. FCLCA strongly lobbied for passage of SB 9.

During the 2013 legislative session, your FCLCA lobbyist Jim Lindburg and advocates from the Fair Sentencing for Youth Coalition lobbied intensively for SB 260, meeting with legislators and their staffs and rallying support among other organizations, faith-based groups and community leaders. Family members from CARES for Youth made repeated trips to the Capitol to speak of their loved ones facing a lifetime in prison. Much credit also goes to activists like you. Through FCLCA's outreach alone, over 1,200 of you sent messages to the legislators and the governor. It was a joint effort on many fronts that made the difference. Thank you! FCLCA

It's the season of giving.

Give the gift that **sustains** your voice of conscience all year round.

Monthly contributors **sustain** our lobbying program and activist outreach and give us the dependable support to continue our success.

This year we need at least 40 new sustainers who will give monthly.

We need 15 more people to commit to $10 a month; 15 more at $15 a month and 10 more at $25 or more a month. Contributions can be automatically charged to your bank account or credit card.

Can we count on you? Will you help us sustain a voice of conscience at the Capitol?

Become a sustainer of FCLCA (not tax-deductible) or the FCL Education Fund (tax-deductible) today. It's easy to use our envelope or sign up online at www.fclca.org. Questions? Call 916 443-3734.

A Message From FCLCA's New Volunteer Intern *Chris Yager*

I was incredibly lucky that I was able to start my internship with the Friends Committee on Legislation of California when I did. The day after Labor Day I began to accompany FCLCA's legislative director Jim Lindburg to the Capitol and was able to witness the final weeks of this year's legislative session. It was quite dramatic to see up close how the governor and legislative leaders struggled over their competing plans on how to deal with the issue of prison overcrowding and the three-judge panel's order to reduce the state's prison population. And I also had the opportunity to participate in our final push to nail down support for several bills that FCLCA was co-sponsoring or supporting – bills that in various ways sought to humanize our criminal justice system.

As someone who considered himself a hardcore news junkie and informed political observer, I was amazed at how much more dynamic the legislative process was than I had expected (as well as the process of attempting to affect its outcome). During my first week, the governor and Senate President Darrell Steinberg released their competing plans in quick succession, and from there the situation continued to shift hour to hour. Scheduled hearings changed; the plans themselves continued to evolve; and finally a compromise was reached incorporating most of both plans.

FCLCA's co-sponsored bills, SB 649 and SB 260, also needed our attention. With both of our bills looking to be very close votes in the Assembly, Jim and I made the rounds to legislators' offices trying to get commitments to a yes vote, or at least information on how they were likely to vote and whether they were under pressure from groups opposing the bills. I was impressed with the sheer physicality of the process: the impromptu meetings in the halls of the Capitol with allied groups to plot strategy; the more candid and direct nature of the face to face interactions with legislators and their staff (as opposed to email or phone); the constantly moving target as legislation changed, sometimes minute to minute, and the ever changing schedules of votes and hearings. It all moved so much faster than the news cycle could keep up with. Reports published in the evening news would often be completely irrelevant or simply wrong by the next morning. We often heard about changes from legislative staff or from allied groups who were also making their way around the Capitol, rather from official sources.

I was raised in an activist Quaker family (my mother has worked for the American Friends Service Committee for years), so I thought I was already familiar with the work of trying to affect legislative policy. The experience of working with Jim during the last weeks of the legislative session has been eye-opening and an intense learning experience. It was also exhilarating. Even though I was present only for the very end of the session, I got to share in FCLCA's successes this legislative session and to see how Jim's hard work throughout the session paid off. Both of our bills were passed by the legislature – SB 260 was quickly signed into law by Gov. Brown and SB 649 currently is on his desk awaiting action.

I'm grateful to all of you who support FCLCA – thank you for giving me this opportunity. I look forward to continuing to learn from Jim and to continuing to contribute to the ongoing success of FCLCA over the coming months. FCLCA

It's simple – the more you invest in FCLCA

- The more good legislation we can help get passed (like SB 9 and SB 260)
- The more grassroots activists we can engage (8,000 and counting)
- The more your voice and your values are heard (above the special interests)
- The more stable and sustainable FCLCA can be for the future (because 61 years isn't long enough)

We need to raise at least $60,000 by December 31. Will you help?

Give online at www.fclca.org.

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FCLCA Perspective *(continued from page 3)*

told the three-judge panel that it was taking the extraordinary step of drafting legislation to enact these items. However, in meetings with key legislative offices FCLCA confirmed that the governor was never serious about advancing these proposals. During the confirmation hearing of California Department of Corrections and Rehabilitation Secretary Jeffrey Beard, Steinberg called this legislation "the bill we are not going to pass."

California now stands at a fork in the road. Do we want to spend hundreds of millions more for prisons at the expense of our state's safety net when there are ways to release low-risk prisoners without jeopardizing public safety? Whether the compromise becomes a positive development depends largely on how the three-judge panel responds. It's worth noting that in its "meet and confer order," the Court makes no mention of SB 105. Keep in mind the ongoing stalemate between Gov. Brown and the three-judge panel is a manufactured political crisis. Shouldn't the default option be to comply with the Court's earlier ruling to further reduce the prison population by releasing those who pose no risk to public safety? FCLCA

– Jim Lindburg (JimL@fclca.org)

CREDITS: page 6, Restorative Justice for Oakland Youth and Oakland Unified School District; others – FCLCA

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.

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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.