



Does Restorative Justice Work? What the research shows

On April 13, 2016, Assembly Member Shirley Weber, author of FCLCA's co-sponsored bill, AB 2590 – The Restorative Justice Act, held a legislative briefing at the Capitol on Restorative Justice (RJ). Two panels of experts presented a wide range of perspectives on RJ programs and their impact on communities and individuals. One of the featured presenters was Paul McCold, Ph.D., an independent criminologist who lives in Berkeley, California and is a member of the Strawberry Creek Friends Meeting. Formerly a professor at the International Institute for Restorative Practices (IIRP) and a research scientist for New York State, Paul now dedicates his time to advocating for a new paradigm of justice. His presentation, reproduced below, addressed the effectiveness of restorative justice from a research perspective.

By Paul McCold, Ph.D.

Restorative justice is a philosophy that approaches crime and justice from a relational perspective. Human beings exist within familial and social networks that need to function well to support individual growth and well-being. Harmful acts affect individuals and the relational networks of all parties involved. Restorative justice seeks to activate and empower the affected networks to repair and strengthen damaged relationships.

The first priority of restorative justice is safety. So restorative justice is not appropriate for



every case and participation is always voluntary. Restorative justice processes bring together all those affected by an incident to discuss how everyone was affected and develop a plan to repair the harm as much as possible and to prevent a reoccurrence. Restorative justice can be diversionary or it can serve as a mitigating factor for those under jurisdiction of the justice system. The focus is on the harm done to the victim, so victims need to be at the center of the process.

Restorative justice is not intended as a replacement for the current criminal justice and administrative systems, but is offered as an alternative. Restorative justice recognizes the violations and injustices and works to make things as right as possible, emphasizing responsibility, support, accountability, and healing. Restorative justice offers a philosophy of justice intended to guide a healing approach to harmful behavior as the preferred response to be available where

(Continued on next page)

Friends Committee on Legislation of California (FCLCA)

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

Board of Directors 2016

Stephen Myers, Clerk
Sacramento Friends Meeting

Jim Updegraff
Associate Clerk
Sacramento Friends Meeting

Laurel Gord
Recording Clerk
Santa Monica Friends Meeting

Genie Stowers, Treasurer
Berkeley Friends Meeting

Ellen Eggers, Personnel Clerk
Attorney at Law

Elizabeth Ralston
Program and Policy Clerk
Santa Monica Friends Meeting

George Millikan, Finance Clerk
Berkeley Friends Meeting

Kary Shender, Nominating Clerk
Davis Friends Meeting

Norman Skonovd, At-large
Sonoma State University*

Steve Birdlebough, At-large
Redwood Forest Friends Meeting

*For identification purposes only

Staff

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.”

FCLCA Perspective (continued from page 1)

possible and as a sufficient response when successful for all but the most serious of criminal offenses.

Six Unambiguous Conclusions

Empirical program evaluation has been a part of the restorative justice movement since its inception in the mid 1970s.¹ In 2003, I reviewed public opinion surveys about restorative justice and conducted a meta-review of 98 restorative programs.²

Let me briefly summarize what I see as six empirically unambiguous research conclusions about restorative justice practices.

1. The public is not as punitive as is generally assumed. There is no significant public opposition to restorative justice. There is a high degree of support among victims of crime and the general public for offender reparation and for victims to have an opportunity to meet with their offender if they wish.³

2. While participation rates vary widely, most victims and offenders will choose to participate given the opportunity. Offenders are somewhat less likely to participate than victims. Participation rates differ for type of offenses, age of offender, type of victim, and the relationship between victim and offender.

The two experiments we conducted in Bethlehem, Penn., run by the police had a 42 percent overall participation rate.

3. When victims and offenders do participate in a restorative encounter, the rates of agreement and compliance with that agreement are very high, often above 90 percent.

Restorative justice processes bring together all those affected by an incident to discuss how everyone was affected and develop a plan to repair the harm.

4. There is no intrinsic limit to the type of dispute or disputants for restorative justice to be helpful. Mediation and conferencing have reported successful interventions in violent and

property cases, adult felony and first-time juvenile cases, and between strangers or among family members. For everything from consumer complaints to homicide, research has documented positive outcomes nearly everywhere it has been implemented.

5. Justice does not need to be a trade-off between victims and offenders. Both victims and offenders rate restorative justice as more fair and satisfying than court, but especially victims. Most recent restorative justice programs report fairness and satisfaction ratings from victims, offenders, and their families above 95 percent.

6. Reoffending rates are no higher for restorative justice than for court adjudication. The effects on reoffending depend upon crime type and are related

to participation rates. There is a strong self-selection effect due to the voluntary nature of restorative justice programs. Offenders participating are more likely remorseful and willing to face up to what they did than those declining to participate. Even so, reoffending seems to be reduced more among more serious offenses against the persons than for property or victimless offenses.

Now, after nearly 40 years of evaluation research, we continue to replicate findings that we already knew from the first 30 years of research. What has changed in the last decade is the breadth of types of circumstances where restorative justice is being tested. The website www.restorativejustice.org now references 450 evaluation studies on restorative justice.

Offender Recidivism

There have now been 16 randomized controlled trials of restorative justice completed with criminal cases, adults and juveniles. Professors Lawrence Sherman and Heather Strang of the University of Cambridge report the results from the 10 most rigorous of these experiments involving 1,879 offenders:⁴

The evidence on subsequent convictions or arrests over two years post-random assignment is clear and compelling.... The impact on 2-year convictions was cost-effective... with up to 14 times as much benefit as costs ... in London, and 8 times overall.

The effect of conferencing on victims' satisfaction with the handling of their cases

is uniformly positive, as are several other measures of victim impact.

Sherman & Strang concluded "RJ – no matter how it is measured – is as or more effective than traditional methods of criminal justice for reducing crime with respect to nearly every group of offender studied."⁵

From a research scientist's perspective, there is no longer a question about the effectiveness of restorative justice. Empirical questions now turn to what type of program works best with which types of cases, how to sup-

For everything from consumer complaints to homicide, research has documented positive outcomes nearly everywhere it has been implemented.

port the training and evaluation necessary to promote quality restorative justice services, and how to viably sustain and ensure restorative justice for California's future.

I agree with Sherman and Strang and extend their conclusion a bit further.⁶

There is now far more evidence on restorative justice with more positive results than there has

ever been for any other innovation in criminal justice.

So let me ask, "How much research is enough?"

The cumulative scientific evidence is more than adequate to support a serious effort to implement restorative justice programs in both the juvenile and adult criminal justice systems in California.

REFERENCES

¹Acknowledgements to the first restorative justice research pioneer Mark Umbreit, University of Minnesota.

²McCold, P. (2003). A survey of assessment research on mediation and conferencing. In L. Walgrave (Ed.). *Repositioning restorative justice* (pp. 67-120). Devon, UK: Willan Publishing. https://www.academia.edu/17957865/A_survey_of_assessment_research_on_mediation_and_conferencing

³Also see Californians for Safety and Justice (www.SafeandJust.org) for recent California public and crime victim opinion polls

⁴Strang, et al. *Systematic Review of the Randomized Controlled Trials, 2013*. http://www.crim.cam.ac.uk/people/academic_research/heather_strang/rj_strang_review.pdf

⁵Sherman & Strang. *Restorative justice: The evidence*. London: Smith Institute, 2007 http://www.iirp.edu/pdf/RJ_full_report.pdf

⁶In their 2007 review of all the research on restorative justice, Sherman, Strang, et al., conclude: "There is far more evidence on RJ, with more positive results, than there has been for most innovations in criminal justice that have ever been rolled out across the country. The evidence now seems more than adequate to support such a roll-out for RJ."

Resources on Restorative Justice

www.restorativejustice.org

www.afsc.org/program/bay-area-healing-justice

www.rjoakland.org

Jerry Elster, Healing Justice Coordinator for the American Friends Service Committee in San Francisco, also presented at the April 13 legislative briefing on Restorative Justice. Here is his testimony.

The current justice system relies too heavily on punishment and very little on restoring a true sense of humanity. In 1983 I was sentenced to life in prison... I was ready for the harshness of that system, since the relationship between my community in Los Angeles and the criminal justice system had always appeared to be an adversarial one. While it sought to punish, ostracize young People of Color from society and our loved ones, we learned to survive on the constant defensive edge of flight or fight. I learned a whole new way of looking at the justice system when I was introduced to restorative justice years later. It offered me a new relationship with humanity and became the key element in the rehabilitative process for me. Restorative justice seeks to restore those who have been harmed, or have harmed others, to wholeness. Restorative justice sees crime as a breakdown in relationships. Once the harms are recognized and obligations are acknowledged, the interaction between the key stakeholders – being the survivor, prisoner, and representative of the community – can begin the tedious task of repairing the harm and reestablishing a relationship.

Now when I come into contact with some form of law enforcement I no longer feel a need for defensiveness or to go into a flight or fight mode. Restorative justice has helped me to understand that I am as much a part of the community as anyone else. It is one thing to sneer at a system that appears to have been against you since birth but quite another when you recognize,

that through your actions, the relationship between humanity and yourself has been fractured. One of the best lessons I learned through restorative justice was that I was not the sum total of my worst act and that I was redeemable. Many people who offend do so in the early stages of their life. Bills

like the one recently introduced by Dr. Weber will begin to shift California's emphasis on punishment to something that could truly improve public safety. I was a day past 20 years old when confronted with the gang altercation in which I took the life of Ronell L. Moss Jr., a member of a rival gang. It was not difficult for me, at that age, to wrap myself in a cloak of resentment

and bitterness. I spent the initial years of my incarceration blaming everyone but myself for my predicament.

Restorative justice demands that people acknowledge their wrongs, accept the obligation of correcting those wrongs, and be accountable for their actions. In restorative justice programs, prisoners can be taken down a long process of personal reflection for the purpose of restoring relationships to wholeness; the greatest of those being the relationship with their own humanity. I stand before you as evidence that restorative justice works. I have been out of prison for seven years and have become a productive citizen within society. Not only am I a tax-paying, home-owning, registered voter, I am in a position to help others restore themselves to wholeness. I am also a student and in a few weeks will have completed my Master's degree in forensic psychology.

Restorative justice demands that people acknowledge their wrongs, accept the obligation of correcting those wrongs, and be accountable for their actions.

Discipline With Dignity: Oakland classrooms try healing instead of punishment

Fania Davis, J.D., Ph.D. is the Co-Founder and Executive Director of Restorative Justice for Oakland Youth (RJOY) and originally wrote this article for Education Uprising, the Winter 2014 issue of YES! Magazine. She was a keynote speaker at FCLCA's 2011 Northern California Dinner.

By Fania Davis, J.D., Ph.D.

Tommy, an agitated 14-year-old high school student in Oakland, Calif., was in the hallway cursing out his teacher at the top of his lungs. A few minutes earlier, in the classroom, he'd called her a "b____" after she twice told him to lift his head from the desk and sit up straight. Eric Butler, the school coordinator for Restorative Justice for Oakland Youth (RJOY—the author is executive director of the organization) heard the ruckus and rushed to the scene. The principal also heard it and appeared. Though Butler tried to engage him in conversation, Tommy was in a rage and heard nothing. He even took a swing at Butler that missed. Grabbing the walkie-talkie to call security, the principal angrily told Tommy he would be suspended.

"I don't care if I'm suspended. I don't care about anything," Tommy defiantly responded. Butler asked the principal to allow him to try a restorative approach with Tommy instead of suspending him.

Butler immediately began to try to reach Tommy's mother. This angered Tommy even more. "Don't call my momma. She ain't gonna do nothing. I don't care about her either."

"Is everything OK?" The concern in Butler's voice produced a noticeable shift in Tommy's energy.

"No, everything is not OK."

"What's wrong?" Eric asked. Tommy was mistrustful and wouldn't say anything else. "Man, you took a swing at me, I didn't fight back. I'm just trying my best to keep you in school. You know I'm not trying to hurt you. Come to my classroom. Let's talk."

They walked together to the restorative justice room. Slowly, the boy began to open up and share what was weighing on him. His mom, who had

been successfully doing drug rehabilitation, had relapsed. She'd been out for three days. The 14-year-old was going home every night to a motherless household and two younger siblings. He had been holding it together as best he could, even getting his brother and sister breakfast and getting them off to school. He had his head down on the desk in class that day because he was exhausted from sleepless nights and worry.

After the principal heard Tommy's story, he said, "We were about to put this kid out of school, when what he really deserved was a medal."

Eric tracked down Tommy's mother, did some prep work, and facilitated a restorative justice circle with her, Tommy, the teacher, and the principal. Using a technique borrowed from indigenous traditions, each had a turn with the talking piece, an object that has a special meaning to the group. It moves from person to person, tracing a circle. The person holding the talking piece is the only one talking, and the holder speaks with respect and from the heart.

Everyone else in the circle listens with respect and from the heart.

As Tommy held the talking piece, he told his story. On the day of the incident, he had not slept, and he was hungry and scared. He felt the teacher was nagging him. He'd lost it. Tommy apologized. He passed the talking piece to his teacher and heard her story.

Earlier in the year another student had assaulted her. She was terrified it was about to happen again with Tommy. After the incident with Tommy, as much as she loved teaching, she had considered quitting. Tommy apologized again for the outburst and offered to make amends by helping her with after-school chores for the next few weeks. The teacher agreed to show more compassion in the future if she noticed a student's head down on the desk.

Taking responsibility, Tommy's mother apologized to her son and all present. She rededicated herself

(Continued on next page)

Discipline With Dignity *(continued from page 5)*

to treatment and was referred to the campus drug rehabilitation counselor. After the circle and with follow-up, Tommy's family life, grades, and behavior improved. The teacher remained at the school.

Restoration, not punishment

Nelson Mandela's adage, "I destroy my enemies when I make them my friends" captures the profoundly inclusive nature of restorative justice (RJ). The hallmark of RJ is intentionally bringing together people with seemingly diametrically opposed viewpoints – particularly people who have harmed with people who have been harmed – in a carefully prepared face-to-face encounter where everyone listens and speaks with respect and from the heart no matter their differences. The talking piece is a powerful equalizer, allowing everyone's voice to be heard and honored, whether that of a police officer, a judge, or a 14-year-old youth.

If the school had responded in the usual way by suspending Tommy, harm would have been replicated, not healed. Punitive justice asks only what rule or law was broken, who did it, and how they should be punished. It responds to the original harm with more harm. Restorative justice asks who was harmed, what are the needs and obligations of all affected, and how do they figure out how to heal the harm.

Had punitive discipline ruled the day, Tommy's story would have gone unheard and his needs unmet. Had he been suspended, Tommy's chances of engaging in violence and being incarcerated would have dramatically increased. Suspension likely would have exacerbated harm on all sides – to Tommy, his teacher, his family, and ultimately, his community. His teacher would have been deprived of hearing Tommy's story. She might have quit teaching and remained trapped in trauma.

If Tommy had been suspended and left unsupervised – as most suspended students are – he would have been behind in his coursework when he returned. Trapped in an under-resourced school without adequate tutoring and counseling, Tommy would have had a hard time catching up. According to a national study, he would have been three times more likely to drop out by 10th grade than students who had never been suspended.

Worse, had Tommy dropped out, his chances of being incarcerated later in life would have tripled. Seventy-five percent of the nation's inmates are high school dropouts.

Getting kids out of the pipeline

The school-to-prison pipeline refers to the alarming national trend of punishing and criminalizing our youth instead of educating and nurturing them. Exclusionary discipline policies such as suspensions, expulsions, and school-based arrests are increasingly being used to address even the most minor infractions: a 5-year-old girl's temper tantrum, a child doodling on her desk with erasable ink, or adolescent students having a milk fight in the cafeteria. Use of suspensions has almost doubled since the 1970's. Black students are disproportionately impacted. According to data from the U.S. Office of Civil Rights, black students are three times more likely to be suspended than their white counterparts for comparable offenses.

In 2010, the Oakland school board passed a resolution adopting restorative justice as a system-wide alternative to zero-tolerance discipline.

Overreliance on exclusionary school discipline that disproportionately impacts African American youth led the U.S. Departments of Justice and Education recently to announce the launch of a national initiative to help schools and districts meet their legal obligation to administer discipline without unlawfully discriminating. At the January 8, 2014 release of a Guidance Package on equitable and effective school discipline, U.S. Secretary of Education Arne Duncan said, "Racial discrimination in school discipline is a real problem today, and not just an issue from 40 to 50 years ago."

According to a study by the Centers for Disease Control, a student's sense of belonging to a high school community is a top protective factor against violence and incarceration. In addition to convening restorative justice circles like Tommy's, RJOY also uses circles proactively to deepen relationships and create a school culture of connectivity, thereby reducing the likelihood that harm will occur.

A UC Berkeley Law study found RJOY's 2007 middle school pilot eliminated violence and expulsions, while reducing school suspension rates by

87 percent. After two years of training and participation in RJ practices, whenever conflict arose, RJOY middle school students knew how to respond by coming to the RJ room to ask for a talking piece and space to facilitate a circle. Today, at one of the RJOY school sites, student suspensions decreased 74 percent after two years and referrals for violence fell 77 percent after one year. Racial disparity in discipline was eliminated. Graduation rates and test scores increased.

In Oakland, RJOY is successfully influencing the school district to make the approach in Tommy's case the new norm. The restorative justice model has been so successful in the schools where RJOY has worked that, in 2010, the Oakland school board passed a resolution adopting RJ as a system-wide alternative to zero-tolerance discipline and as a way of creating stronger and healthier school communities.

Young high school students in Oakland with failing grades and multiple incarcerations who were not

expected to graduate not only graduate but achieve 3.0-plus GPAs. Some have become class valedictorians. Girls who have been long-time enemies become friends after sitting in a peacemaking circle. Instead of fighting, students come into the restorative justice room and ask for a talking piece and circle. Youth and adults who walk into a circle feeling anger toward one another end up embracing. Youth report they are doing circles at home with their families. High school graduates are returning to their schools to ask for circles to address conflict outside the school.

Oakland is considered one of the most violent cities in the nation. However, today hundreds of Oakland students are learning a new habit. Instead of resorting to violence, they are being empowered to engage in restorative processes that bring together persons harmed with persons responsible for harm in a safe and respectful space, promoting dialogue, accountability, a deeper sense of community, and healing.

FCLCA's Recommendation for the June 7th Primary Election: Proposition 50

Proposition 50 amends the California Constitution to enable the Assembly or Senate to suspend a state legislator with or without pay by a two-thirds vote by the legislative body. The 2013-2014 legislative session marked a low point for the California State Senate. Former Senator Rod Wright (D-Los Angeles) was found guilty of voter fraud and perjury. Leland Yee (D-San Francisco) was charged with weapons trafficking and bribery, and Ron Calderon (D-Montebello) was indicted for tax fraud, money laundering and bribery.

Given that their cases had not been fully resolved (Wright had an appeal pending; Yee was arrested and pleaded guilty in July of 2015; and Calderon is still awaiting trial), in March of 2014, the Senate voted 28-1 to suspend rather than expel each of the three senators. Expulsion results in the permanent removal of a legislator office and is extremely rare. Prior to the vote, attorneys for the Legislature opined that though the Senate had the authority to suspend the senators, it lacked the legal authority to suspend their pay and benefits. This is because the California Constitution gives the California Citizens Compensation Commission express authority to determine salary and benefits for legislators and prohibits reducing the salaries of elected officials while in office. As a result, Wright, Yee and Calderon were suspended while continuing to collect their pay and receiving benefits. Not surprisingly, the suspensions with pay and benefits were regarded as the proverbial slap on the wrist and fueled public resentment based on the perception that lawmakers are allowed to play by their own rules.

While the state constitution gives the Legislature the authority to expel members with a two-thirds vote, it is silent with regards to suspension. In order to restore public trust in the institution, the Legislature should also have the authority to adequately discipline members when full expulsion is not warranted by suspending members along with their pay and benefits. By requiring a two-thirds vote for a suspension, this amendment will also safeguard that lawmakers are not suspended for inconsequential actions or actions that are merely unpopular. **FCLCA SUPPORTS PROPOSITION 50.** [FCLCA](#)

FCLCA and Coalition Partners, Legislators and Governor Press Forward on Criminal Justice Reform

Year two of the biennial legislative session has kicked into high gear and there is positive change in the air. Two FCLCA co-sponsored bills, **AB 2590** – The Restorative Justice Act, by Assembly Member Shirley Weber (D-San Diego) and **SB 1157** – Strengthening Family Connections: In-Person Visitation, by Senator Holly Mitchell (D-Los Angeles) have advanced and cleared their first hurdles. **SB 759**, by Senators Joel Anderson (R-Alpine) and Loni Hancock (D-Berkeley), a bill sponsored by FCLCA and the AFSC that would restore eligibility for earning good time credits for prisoners housed in Security Housing Units, passed the Senate last year and will be taken up by the Assembly in June.

Words That Can Change a Paradigm

AB 2590 came out of a request from Gov. Brown last year to the Catholic Bishops to convene the interfaith community for the purpose of advancing sentencing reform. The bill would focus the Legislature and the California Department of Corrections and Rehabilitation (CDCR) on restorative justice and rehabilitation. The bill would also encourage judges to make more use of restorative justice programs when appropriate. Specifically, it replaces findings and declarations in the penal code that “the purpose of imprisonment is punishment” with “the purpose of sentencing is public safety, achieved through accountability, rehabilitation, and restorative justice” and encourages CDCR to provide programs for all prisoners.

In 1976, then-Gov. Brown signed the Uniform Determinate Sentencing Act into law, which declared that “the purpose of imprisonment for crime is punishment” and that “this purpose is best served by terms proportionate to the seriousness of the offense with provision for uniformity in the sentences of offenders committing the same offense under similar circumstances.” Prior to the law’s taking effect, California had a system of indeterminate sentencing, in which prison terms were very broad for most felonies. For example,

first degree robbery carried a term of five years to life. An agency known as the Adult Authority, aka “the parole board,” would fix a prisoner’s sentence when the agency considered a prisoner ready or nearly ready for parole. People of varying political persuasions found fault with indeterminate sentencing. Liberals pointed to the law’s arbitrariness and the fact that racial bias resulted in longer prison terms for people of color, while conservatives complained that too many people were released from prison too soon and advocated for “truth in sentencing.”

The adoption of determinate sentencing was bemoaned by many as marking the end of rehabilitation in California’s prison system. While that is debatable, there is no doubt that the “reform” was of historic proportions. Following the law’s enactment, the Legislature went on a decades-long binge of enacting new felonies and ratcheting up sentences, often, but not always, in response to notorious crimes, an impulse that continues today. This also fueled mass incarceration and an enormous investment in prison construction. Meanwhile funding for rehabilitation programs has not kept pace with the eightfold increase in the prison population and is usually the first item to be cut in bad budget years.

As far back as 2003, Gov. Brown expressed doubts about the propriety of the law. While serving as mayor of Oakland, Brown told the Little Hoover Commission, a government oversight panel, that the Determinate Sentencing Act was an “abysmal failure.” Gov. Brown alluded to the sentencing and incarceration craze that followed the Act in his 2015 veto message of nine crime bills:

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.

Despite the enactment of Realignment in 2011, where counties now assume responsibility for persons convicted of nonviolent, non-serious and non-sex offense felonies, and despite help from California voters in passing Proposition 36 (2012) to soften our state's Three Strikes Law and Proposition 47 (2014), which reclassified simple drug offenses and drug-related crimes as misdemeanors, California's prisons remain overcrowded at 134 percent of design capacity, and 5,000 prisoners remain housed in out-of-state facilities. Spring 2015 population projections by the CDCR show that, in the absence of further reforms, the prison population will begin growing again in 2017.

Since convening the Catholic Bishops, Gov. Brown has opted to take his case directly to the voters with a ballot initiative: the Public Safety and Rehabilitation Act of 2016. This initiative that would require that judges, rather than prosecutors, determine whether juveniles as young as age 14 should be charged as adults; would enable persons convicted of nonviolent offenses to become eligible for parole after serving their base term instead of after serving additional time for enhancements; and would charge the CDCR with redesigning credit earning towards release for prisoners who complete rehabilitation and education programs. (FCLCA will make formal recommendations this summer for all initiatives that qualify for the November ballot.)

The governor promotes his effort as a moral campaign (based on the belief that people can be rehabilitated and redeem themselves) rather than with political or economic arguments. With the passage of Propositions 36 and 47, the voters are out in front with reform and clearly understand that the pendulum has swung too far. Perhaps this explains why the governor has opted to go the ballot rather than through the Legislature, where an entrenched

law enforcement lobby wields considerable influence over lawmakers.

AB 2590 passed the Assembly Public Safety Committee and the Assembly Appropriations Committee by party line votes. It is also sponsored by the California Catholic Conference, the Industrial Areas Foundation and PICO and enjoys widespread support from numerous faith-based organizations. **AB 2590** now moves to the Assembly Floor, where it has to pass by June 3 in order to advance to the Senate.

Preserving a Powerful Connection

FCLCA is also sponsoring **SB 1157**, the Strengthening Family Connections: In-Person Communications Act by Holly Mitchell. This bill would prevent local detention facilities, including juvenile facilities, from utilizing video or other forms of electronic visitation to replace in-person visitation. The bill also codifies current visitation requirements included in administrative regulations into state law. These regulations were adopted before video visitation was a reality. The legislation does not prohibit local detention facilities from utilizing video visitation, which can be useful and desirable in some circumstances. Rather, it ensures that incarcerated persons and their families will still have the option of in-person visitation.

Video "visitation" requires individuals to view each other from a small screen, either remotely or from kiosks located in the local jail. Remote visiting is often very costly, up to \$1 per minute; the quality of the picture is often grainy; and transmissions are frequently subject to lags. Because the providers have signed contracts with local detention facilities whom they regard as their customers, end user families report difficulties in resolving billing and service issues. Those without a high speed internet connection or who have difficulty utilizing the technology will have to travel to the detention facility and utilize screens (typically provided at no cost) even though their loved one may be on the other side of the wall. While proponents of video visitation speak glowingly of the convenience to prisoners and their loved ones who may be able to avoid a trip the local jail, video visitation is overwhelmingly utilized in local jails instead of in state prisons, which are typically located further away from population centers. This suggests that the relative ease with which video visitation providers can persuade local sheriffs to sign contracts as compared to convincing state legislatures – not the convenience to end users – is the decisive factor.

(Continued on next page)

Video-only visitation also runs contrary to a key goal of public safety Realignment: to create better public safety outcomes by keeping persons convicted of lower-level felonies in the community. As a result, California's jails are now holding many more prisoners serving longer felony sentences. In fact, in the wake of Realignment, the California State Sheriffs Association has successfully lobbied the Legislature for hundreds of millions dollars for new jail construction, arguing that under Realignment, new, modern jails were needed in order to provide realigned prisoners with space for programming.

Maintaining familial bonds during the period of incarceration is universally recognized as an essential component of successful re-entry. As FCLCA and allies began talking to lawmakers and officials in the Brown administration last fall about the need for legislation, policymakers often expressed surprise and disbelief that local jails were moving

to replace in-person visitation with video visitation. We can say with relative certainty that when lawmakers voted to approve funds for new, modern jails with space for programming that they were not aware that jails were planning to eliminate in-person visitation.

SB 1157 is necessary because 25 California counties have adopted or plan to adopt video visitation. Eleven counties that have adopted video visitation have eliminated, plan to eliminate or severely restrict in-person visitation, taking away meaningful opportunities for families to connect with their loved ones. The trend is nationwide. According to a report by the Prison Policy Initiative, 74 percent of facilities that have adopted video visitation have eliminated in-person visitation. The bill passed the Senate Public Safety Committee and now moves to the Senate Appropriations Committee. [FCLCA](#)

– Jim Lindburg <JimL@fclca.org>

TO ALL WHO MADE THIS POSSIBLE FOR SO MANY DECADES, THANK YOU!

FIFTY YEARS OF TRADITION IN PALO ALTO

**2016 50th Annual Harvest Festival to benefit
Friends Committee on Legislation of California**

1967



2015



FIFTY YEARS OF LOVE AND COMMUNITY IN ACTION

It's spring, but preparations for the 50th annual Harvest Festival in Palo Alto are well underway. Volunteers from Palo Alto Friends Meeting and other Northern California Friends Meetings are planning and publicizing, gathering donations of everything from blenders to bicycles to bracelets, boxing up books for sale, lining up musicians and storytellers, and taking care of all the details that go into creating a very special day – just as they have done for five decades.

And soon that special Saturday in September will be here: the festival will open, inviting the community in; inviting each individual to find his or her treasures. This work of so many hands over many decades knits us together: the volunteers, the Meetings who participate, the families who come for a day of fun, and of course, all of us who support Friends Committee on Legislation of California, the beneficiary of so much effort and dedication.

Starting in 1967 and for many years thereafter, shuttle buses carried thousands of Harvest Festival attendees to a special spot in the hills above Los Altos called Hidden Villa. There they enjoyed music, homemade crafts, organic treats and all manner of things to delight children. The tradition spanned generations as those who had grown up attending each year brought their own sons and daughters.



In the mid-1990's the Festival moved to Palo Alto Friends Meeting, where for the 50th year this September it will once more offer a harvest of fun for the community and much-appreciated support for FCLCA.



From the Steering Committee:

The 50th Harvest Festival will be both a reminiscence of our early days as well as what we hope will be a launching of the next 50 years of supporting this wonderful and effective lobbying group, FCLCA! We will have participation this year from other meetings which will harken back to old times as well as bring new ideas and new energy. We are all looking forward to the Big Event and have been inspiring each other, and we have already been delighted to find so many commonalities among our meetings. Once again, we are discovering that Harvest Festival is all about community!

Thank you, Harvest Festival Steering Committee and to all the volunteers from Northern California Friends Meetings. [FCLCA](#)

**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

COMING THIS FALL

An Annual Tradition – Everyone is Invited!

The 50th Annual Harvest Festival

**Saturday, September 24, 2016
9am - 4pm**

A Benefit for the Friends Committee on Legislation of California

At Palo Alto Friends Meeting
957 Colorado Avenue, Palo Alto, CA

Come to shop, hear music, browse our book sale, and eat lunch at the 50th annual Harvest Festival. The specialized boutiques (including an international bazaar, treasured collectibles, jewelry and plants), and HUGE rummage and book sale, guarantees there will be something for everyone.

*Have something to donate or want more information?
Visit www.friendsharvestfestival.org*



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.

PHOTO CREDITS:

Page 1 – istockphoto.com
Pages 10 and 11 – FCLCA; Palo Alto Friends Meeting