



## Healing the Community: Davis begins bold new program of restorative justice

*Just to the west of California's capital city lies the town of Davis and its world-class institution, the University of California, Davis. Located in Yolo County, Davis is known for its commitment to bicycling, recycling and other earth-friendly policies, as well as its progressive, community-oriented politics. As of spring 2013 it has earned another distinction: becoming the second California city to institute a restorative justice program to deal with misdemeanors as an alternative to the traditional court system.*

*The FCL Education Fund spoke with Jeff Reising, District Attorney for Yolo County, about the pilot program called Neighborhood Court he recently initiated in the city of Davis and at UC Davis.*

***Let's talk first about the principles that underlie restorative justice. How is it different than the regular court system process for misdemeanors?***

In our traditional system, when someone gets arrested, they get charged, hire a lawyer, go through the court process. If they are convicted they go to jail or pay a fine. And for some cases – for serious cases – we have to do that.

But in other cases, the offender is wanting to admit harm and wanting to repair the harm. But there's no clear way to do that. Also, in the traditional system, victims often



feel unfulfilled even at the end of the court process. Because of the pressure to move cases along, victims have little time to participate. When they can't participate fully, they come out feeling that they haven't been heard. Often they come out of the process feeling just as afraid as when the crime actually happened. Our court system doesn't allow for face to face direct conversation between offender and victim.

Part of the problem is the volume of cases the courts have to deal with. In Yolo County alone, we have 7,000 cases a year; 5,000 of those are misdemeanors. I've been inside the courthouse many times and frankly, it's like a cattle call. There are not enough resources to handle things – not enough judges and lawyers. You'll see 20, 30, 40 people packed inside the courtroom waiting for their case to be called.

*(Continued on next page)*

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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** (continued from page 1)

The Neighborhood Court program offers an alternative. The concept behind it – Restorative Justice – is a radically different approach to crime than the traditional system. It involves the victim, the offender and community members in a process focused on the harm to the victim and the community caused by crime and the offender's obligation to repair that harm. Its goal is to restore the victim, restore the community, and ultimately to reintegrate the offender into the community.

**What was the genesis of the Neighborhood Court program in Davis?**

About a year ago, I attended a statewide conference for the 58 District Attorneys in California. George Gascon, D.A. for San Francisco County, gave a presentation on their Neighborhood Court Program. I was intrigued and spent the day in San Francisco observing the program. I was able to attend a Neighborhood Court session in the Bayview-Hunters Point area. I was really impressed to see so many community residents participating as volunteers and to see the offenders who were there voluntarily – the dialogue and the outcomes were way more meaningful than in the traditional system.

After the visit, I did more research and reading about Restorative Justice. I sought out Lisa Rea, who started Restorative Justice International. I found out that

since the Legislature authorized this type of alternative system in 1992, only San Francisco has put neighborhood courts into action.

My next step was to contact the police chiefs of both Davis and UC Davis and to talk with county leaders and the UC chancellor to get their buy-in as full partners. We decided to have two pilot programs: one for the city of Davis and one for the university.

We're now in Stage One, where we focus on misdemeanors that produce harm to the community. In this stage, the offender meets with a panel of trained volunteers who represent the community. Stage One will continue probably for the rest of the year. In Stage Two, we will expand to offenses that have specific victims. Both offender and victims will be pre-screened prior to participating. In all cases, both offenders and victims have to voluntarily agree to participate. Eventually we hope to expand the program to include other communities in Yolo County.

**Explain to us how the program works in Davis.**

We chose Davis to pilot the program because of its diversity and close-knit communities, and its large population of students and young adults. Davis has about 1,000 misdemeanor cases a year. These lower level crimes place an enormous burden on the system and processing them through the

traditional court system is very costly, particularly since most defendants plead not guilty.

Now police officers have a list of certain offenses that are eligible for Neighborhood Court.



When a police officer arrests a person or issues them a citation for these offenses – such as being drunk in public; vandalism or theft of public property; noise issues; mutual combat – the offender receives a “yellow ticket” that offers them the opportunity to accept responsibility for the offense and to go through Neighborhood Court rather than the traditional court system. They have to make this election within two weeks. Our goal is to make the process fast: two to three weeks to complete the Neighborhood Court hearing and to complete the agreed upon steps to repair the harm within five to six weeks. All this is done before the offender is charged, and if the offender completes the whole process, no criminal complaint is filed. If they adhere to the panelists’ orders and don’t reoffend within a year, the offense will not go on their criminal record.

This spring we recruited and trained volunteers to form two panels: one for the Neighborhood Court in Davis and one for the university’s Neighborhood Court. The offender meets with the panel,

and both parties get to have their say and engage in dialogue. The offender tells their version of what happened and why; the panelists have the opportunity to share with the offender their perspective on how the offense has harmed the community. One innovation we’ve added here in Yolo County is to have an additional volunteer participant – a facilitator or “referee” who helps keep the parties focused on the restorative process.

Then the parties have a discussion about “how to make it right” – how to repair the harm that has been done to the community and deal with the issues that caused the offense. During their training, the panelists have received information on resources that are available in the community. The panelists and offender agree on actions that reflect the conduct and are restorative. For example, cleaning up part of

the city if the offense is urinating in the park. Sometimes the offender agrees to write an apology letter or even a letter to the editor advising others not to do what they have done. They may go to drug or alcohol treatment or anger management courses. They may help the community by cleaning up our local creek, delivering meals or picking surplus fruit. These activities are tracked by a provider we have contracted with to see that agreements are kept. So far we’ve had good success with compliance.

### ***So the Neighborhood Court system is already underway?***

Yes, we had the first sessions in May – and we’ve already processed 30 cases. From the sessions I’ve attended, I’ve been amazed at the level of discussion that community members and offenders are having. It is so different than the traditional system. Instead of being upset and angry, offenders are accepting responsibility – owning what they did and walking out of the process with an opportunity to make it right. I’m very encouraged – it’s been much more meaningful for everyone. We are 90 days into the program and so far, so good! [FCLCA](#)

#### **READ MORE:**

- Yolo County’s Neighborhood Court at [yoloda.org](http://yoloda.org)
- Restorative Justice at [restorativejustice.org](http://restorativejustice.org)

# Juveniles and California's Criminal Justice System

## An Interview with Sue Burrell, Staff Attorney at the Youth Law Center

*Last year Senate Bill 9 became law following a six-year effort led by a coalition of organizations that included Human Rights Watch, Friends Committee on Legislation of California, and many others. This new law allows people who were under age 18 at the time of their offense and who were sentenced to life without the possibility of parole to apply to the court that sentenced them for resentencing, after they have served 15 years.*

*This year the Legislature takes up Senate Bill 260, which offers hope to young people who were sentenced to lengthy adult prison terms. Senate Bill 260 is co-sponsored by Human Rights Watch, Friends Committee on Legislation of California, Youth Law Center and the University of Southern California School of Law Post Conviction Clinic. As of July 2013, SB 260 has passed the Senate and now awaits a vote in the Assembly.*

*The FCL Education Fund spoke with Sue Burrell, staff attorney with the Youth Law Center, to hear her perspective on SB 260 and to find out more about the history behind this current legislation. Sue has worked for decades to stem abuses in state juvenile institutions and to transform the juvenile system into one that produces better outcomes for youth. Through litigation, legislation and sharing best practices, Sue and the Youth Law Center have improved conditions for marginalized young people across the country.*

### **What are the basic provisions of Senate Bill 260 and who would it affect?**

Senate Bill 260 addresses the situation of people who were minors at the time of their offense, who were tried as adults, and who were sentenced to adult prison terms. Some of them received sentences so long that they would not be eligible for parole until a time that exceeds their life expectancy. SB 260 would provide a review process allowing these

young people to demonstrate growth, maturity and rehabilitation after they have served a substantial part of their prison sentence.

### **So Senate Bill 260 applies to a subset of juvenile offenders?**

Yes. Let's talk about how juveniles are treated in the criminal justice system. Most juvenile offenders are now dealt with on a county basis, either through local juvenile facilities or community-based programs. A small number, about 850, convicted of more serious offenses, are housed in three institutions run by the California Division of Juvenile Justice. These juveniles are not part of the adult criminal justice system.

*Senate Bill 260 offers hope to young people who were sentenced to lengthy adult prison terms*

Senate Bill 260 deals with a different group of people: over 6,000 prisoners in California's adult prison system who were tried as adults and sentenced to adult terms. Some were as young as 14 and 15 at the time of their offense. The offenses are among the most serious, including murder and

felony murder (a person is involved in a felony in which someone dies, even if the death was unintentional, or the person is involved in a felony in which another person causes a death). Prisoners are housed in state juvenile facilities until they reach age 18 and are then transferred into the regular prison system.

### **What's the history of charging juveniles as adults?**

Historically, "care, treatment and guidance" was the foundation of juvenile justice. But over the course of the 20th century, particularly in the 1980's and 90's when there was a surge in juvenile crime, this traditional foundation became eroded. Public opinion was that we needed to "get tough" with young people. The juvenile justice system became more like the adult system, with prosecutors presenting cases rather than probation officers and increasing

punishments. Overall there was a much more punitive approach.

It became much easier to try juveniles in the adult system as well. This trend culminated in 2000 after voters passed Proposition 21. Proposition 21 contained 32 changes to state law concerning young defendants – many of its provisions had been tried and failed in the Legislature, but it qualified for the ballot and easily passed. As a result, during the last decade, younger and younger defendants have been sent into the adult system for a broader array of offenses than ever before. The vast majority are youth of color and poor youth.

Prior to Proposition 21, a juvenile court judge would hold a hearing called a “fitness hearing,” to see if it was appropriate in that particular case to send the accused to adult court. The judge made a decision about whether the young person could be rehabilitated in the juvenile system based on a thorough social study report prepared by the probation officer and other background evidence offered by the young person.

Under state law, the judge had to consider specific criteria such as the young person’s past history of criminality, degree of criminal sophistication, the success or failure of previous rehabilitative efforts, whether there would be enough jurisdictional time within which to rehabilitate the person, and the circumstances and gravity of the offense. The young person could present evidence about their personal background and expert opinions about their capacity to be rehabilitated. Although a substantial number of youth subjected to fitness hearings were found “unfit” and sent to adult court, many were found “fit” and retained in the juvenile system.

Since the enactment of Proposition 21, these safeguards are no longer in place for a large proportion of youth tried as adults because prosecutors are now permitted to file cases directly in adult court. This means that the critical decision about whether a young person will be treated as a juvenile or an adult is made on the spur of the moment by a prosecutor who has only an arrest report on which to base the decision. There are no requirements that the decision be made based on capacity for rehabilitation or other criteria. A prosecutor may charge the accused as an adult based only on his or her age, the type of offense and information contained in the arrest report.

As a result, we now have thousands of prisoners in the state’s prison system who were juveniles at the

time of their offense – many sentenced to extremely long sentences. We believe that the system is out of balance and has gone too far down a punitive road. Senate Bill 260 will help correct that imbalance.

### **In the decade or so since Proposition 21, there seems to be movement both in California and nationally to reverse the trend of treating juveniles as adults.**

Yes, around the country there are signs that the tide is shifting. For example, some states are raising the age at which a defendant can be sent into the adult system. Scientific research is now informing more of our thinking about public policy and juvenile offenders, and several crucial court cases have led to major change.

In the scientific world, research over the past decade has given us new insight into the adolescent brain, finding conclusively that juvenile brains do not mature until a person reaches their mid 20’s. People with immature brains have trouble thinking ahead or weighing the consequences of their acts. They act more impulsively and react more emotionally. They take more risks, and it is harder for them to exercise mature judgment.

The psychosocial development of juveniles makes them more subject to peer pressure and to negative influence by adults. All of us who are adults know this is true because we were once that young ourselves, and we know how our kids behave. Our system recognizes this in other areas of the law: we have age requirements for driving, for drinking, for joining the military – but our public policy on crime has been out of sync with what we know about how juveniles mature and how they can change.

On the legal front, there were a series of key court decisions starting around 2005. In *Roper v. Simmons*, the U.S. Supreme Court ruled that persons under the age of 18 cannot be executed, as it is a violation of the Eighth Amendment’s ban on Cruel and Unusual Punishment. In its decision, the court noted that young people are inherently different than adults and should not be held to an adult standard of culpability. Juveniles, the justices said, are capable of change as they mature. Additionally, the death penalty serves no deterrent function as juveniles are more impulsive – they act on the spur of the moment, and this impetuosity is not deterred by the threat of the ultimate punishment.

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The decision in *Graham v. Florida* in 2010 also reinforced that juveniles should be held to a different standard than adults. The Supreme Court ruled that juveniles cannot be sentenced to life without parole for non-homicide cases, as that too is a violation of the Eighth Amendment. Because of that finding, the court ordered states to provide juveniles with a meaningful opportunity for release at which they can demonstrate growth, maturity and rehabilitation.

Just last year in 2012, the Supreme Court ruled in *Miller v. Alabama* that even in homicide cases, a state provision requiring a sentence of life without parole for juveniles in certain cases also violates the Constitution.

And finally, in the *People v. Caballero*, the California Supreme Court applied the reasoning of *Graham*, *Miller* and *Roper*, ruling that the state cannot impose on a juvenile a sentence that is so long that it amounts to a life sentence. The specific case dealt with non-homicide cases, but the court's reasoning should be interpreted to apply to all cases, including homicide and felony murder.

### **What is the impact of these rulings on California?**

*Caballero* and the Supreme Court cases create the need for a review mechanism for cases involving long sentences imposed on juveniles tried as adults. Because of the language in the cases entitling young people to "a meaningful opportunity for release," many young people in the state prison system are already filing motions and writs in the appellate courts. There is a tremendous need for the Legislature to provide guidance to the courts and everyone in the justice system about how this review should work. Otherwise, the process will be chaotic, and probably much more lengthy and expensive as successive appellate courts address review issues in individual cases.

Already in this session, there is another bill (AB 1276) designed to deal with non-homicide cases – in an obvious attempt to provide guidance in that limited group of cases. Senate Bill 260 addresses a broader group of cases, as will inevitably be required by the Supreme Court cases. It will establish a humane system to allow those youth who receive lengthy sentences an opportunity to show their growth, maturity and

rehabilitation to qualify to re-enter society. It will put California on the right track to comply with the recent legal decisions.

It is good for youth because it gives them hope, provides an incentive for them to improve themselves, and gives them the chance to make a positive contribution. It is good for the prison system, because youth who are working hard for release help to create a more peaceful, productive environment for everyone.

It is good for the community, because it will help to ensure that when youth are released, they have the capacity to be productive, successful members of society, thus reducing future criminality, victimization, and attendant costs to the system. It is also good for the community because it puts us more in sync with our basic belief that kids

really are different and our belief in redemption.

### **What else should our readers know about juveniles in the adult system?**

Well, it's interesting – the very qualities we've talked about – impulsivity, risk-taking, lack of trust in adults – can make juveniles very bad clients. They are often suspicious of adults and don't know how to interact with them; they may not believe the evidence against them exists and may turn down plea bargains; some are too immature to effectively help their attorneys with their defense. Often this means that adults charged with the same offense actually get lower sentences.

And sadly, it's not unusual for juveniles to have very poor legal representation, including for serious crimes. Many more juveniles than you might imagine are convicted when they shouldn't be. Some are factually innocent; others are guilty of something less than what they are convicted of; and others should have gotten a less onerous sentence. Wrongful convictions happen more than we know, and young people are particularly vulnerable. This is another reason sentencing review for juveniles tried as adults is so important.

### **We've been talking about people sentenced to adult terms. As far as the other young people in the juvenile justice system, what would you most like to see changed?**

*Youth who are working hard for release help to create a more peaceful, productive environment for everyone*

I'd like to see us keep more kids *out* of the juvenile system. Many of them are crossing over from the child welfare system. They may be victims of trauma; they may need mental health services. They may be lesbian/gay or transgender youth who have been kicked out of their families and are engaged in "survival" crimes. They may be kids who could have been dealt with at school. If they can't get the help they need, they wind up in the juvenile justice system as a default. We need to address the front door issues that allow these kids to come in to juvenile justice. We need to find ways to support families and assist agencies in addressing the needs of these young people so we don't "criminalize" their behavior.

And for those who *do* enter into the juvenile justice system, let's reduce the use of incarceration. The lon-

ger you are incarcerated the more incapable you are of functioning in society and the harder it is to socialize normally.

On a more global level, I'd like to see the United States finally sign the United Nations Convention on the Rights of the Child. The Convention prohibits death sentences and life sentences for minors and requires the prohibition and elimination of all corporal punishment and all other cruel or degrading forms of punishment of children. Our country, South Sudan, Somalia and are the only UN members who have not yet signed. It is truly appalling that our country refuses to sign this statement of basic rights for children. While we like to think of our country as the most humane and enlightened, this is an area in which we have a long way to go. [FCLCA](#)

## Realignment Reality Check *Jim Lindburg, FCLCA Legislative Director*

The first year of the 2013-2014 legislative session witnessed numerous bills sponsored by law enforcement to carve out exceptions to the realignment of custody for people convicted of non-serious, non-violent and non-sex offenses to counties. Excepting those persons convicted of serious offenses, counties also assumed responsibility for post-release community supervision, which took the place of state parole supervision. Under realignment, violating the terms of supervision may result in serving time in a local jail but will not result in a return to prison. Many county jails are overcrowded and 18 counties are under court order to cap their jail populations, which even prior to realignment resulted in early releases from local jails. To what extent counties are using risk assessment to determine who is released from local jails is unknown.

These bills sought to shift responsibility back to the state without returning of any of the realignment dollars provided to counties. For example, under current law a person who has served a prison term and is subjected to electronic monitoring as condition of their post-release community supervision may have to serve time in a local jail for the unauthorized removal or disabling of an electronic monitoring device, which is a violation of the terms of supervision. Under AB 63 by Jim Patterson (R-Fresno), if supervision is revoked, the person would be sent to state prison instead.

Undoubtedly, realignment is imperfect. The legislation gives counties considerable discretion over its implementation. Regretfully, some counties are using most of their realignment dollars to staff additional jail beds, which are being constructed with bond

funds, while short-changing probation departments and community-based organizations with proven track records in reducing recidivism. Much can be learned from those counties – San Francisco, Alameda and Santa Cruz, for example – that were utilizing alternatives to incarceration prior to realignment. The original legislation also lacked a research and evaluation component. Without substantive data, those who seek to make realignment into a political football have found it easy to portray sensational, isolated crimes as the inevitable outcome of realignment.

Joint research by Board of State and Community Corrections (BSCC) and the Public Policy Institute (PPI) as well as from Stanford University to be released later this summer and fall should provide clearer pictures of how realignment is faring. The first report from the PPI indicates that taken as a whole, statewide incarceration rates are down. For every three fewer state prisoners there is one new prisoner occupying a bed in a local jail. Under realignment, counties have the option of employing alternative sanctions and to make use of split sentencing, meaning that upon completion of a jail sentence, a defendant may be placed on probation for the remainder of their sentence. At the Association of Criminal Justice Researchers of California Conference held in Sacramento earlier this spring, Stanford Criminal Justice Center co-director Joan Petersilia indicated that some counties are beginning to change their ways and make greater use of alternatives to incarceration. Several counties have begun pre-trial release programs, which assess a defendant's risk of not showing for trial and risk to public safety and allow defendants

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## Bills You Should Know About A Legislative Update from FCLCA

### Highlights

- Good news from the Capitol: Two bills co-sponsored by FCLCA, SB 260 and SB 649, advance in the Legislature
- Key bills that support the effective implementation of realignment move forward
- Numerous bills to roll back realignment defeated in policy committees or significantly amended
- Chart below highlights key bills FCLCA is working on: *what they would change; why we support them and ask for your support; and where the bill is in the process as of early July 2013*

### SB 260 (Hancock)

**What:** Creates a process whereby persons convicted of adult prison sentences for offenses committed as a juvenile will become eligible for parole after serving 15, 20 or 25 years depending on the severity of the conviction offense and the length of the sentence. FCLCA is co-sponsor.

**Why:** Follow up to **SB 9** passed last year. Recognizes youth as different from adults and their capacity for rehabilitation. Further compliance with recent court decisions. (See interview on page 4.)

**Where:** Passed Senate, including three Republican votes; passed Assembly Public Safety Committee.

### SB 649 (Leno)

**What:** Allows local prosecutors to charge simple possession for personal use of cocaine, heroin, and certain other illicit drugs as a misdemeanor. Currently they are charged as felonies, while possession of methamphetamine for personal use can be charged as either and possession of small amounts of marijuana is an infraction. FCLCA is co-sponsor.

**Why:** Important step in dismantling the War on Drugs. Will save millions of dollars, making funds more available for drug and mental health treatment. (The Legislative Analyst's Office estimates that if all counties charged possession as a misdemeanor they would save \$160 million annually). Will spare many offenders the lifelong consequences of a felony conviction.

**Where:** Bill passed the full Senate by a vote of 23-14 and cleared the Assembly Public Safety Committee by a vote of 5-2. Will be voted on by the full Assembly in August or early September. The Senate vote marks the first time in memory where a California legislative body has voted to reduce a penalty.

### AB 4 (Ammiano)

**What:** Known as the Trust Act, this bill addresses California's response to the federal government's Secure Communities program whose purported goal is to deport undocumented immigrants who have been convicted of serious or violent crimes. Gives local law enforcement discretion over whether to cooperate with Immigration and Customs Enforcement (ICE) officials by detaining individuals for immigration holds unless the detainee has been convicted of a serious or violent felony, as well as certain other felonies.

**Why:** According to ICE's own numbers, seven of 10 of those deported under Secure Communities have no convictions for serious or violent crimes. This has led to communities in which people are afraid to call law enforcement for help or to be witnesses. **AB 4** will address this problem. A previous bill was vetoed last year by Gov. Brown; recent amendments to **AB 4** have addressed the reasons for the veto.

**Where:** Passed the full Assembly and the Senate Public Safety Committee and now moves to the Senate Floor.

### **SB 61 (Yee)**

**What:** Restricts use of solitary confinement for juveniles confined in correctional facilities.

**Why:** Will help to minimize the negative effects of isolation for young offenders and require more transparency about its use. (See FCLCA's statement on page 10.)

**Where:** Passed full Senate and passed the Assembly Public Safety Committee in late June. Bill now moves to Assembly Appropriations Committee.

### **AB 218 (Dickinson)**

**What:** Known as Ban the Box, this bill prohibits local and state agencies from inquiring into a job applicant's criminal history during the initial application process. (Exceptions are made for law enforcement positions and other sensitive positions requiring criminal background checks.) Only after determining that the applicant meets the minimum qualifications could the hiring entity then inquire into the applicant's criminal history.

**Why:** Nothing reduces recidivism like having a job. **AB 218** will help people with criminal records get a foot in the door.

**Where:** Passed full Assembly and both the Senate Labor and Judiciary Committees and now moves to the Senate Appropriations Committee.

### **SB 283 (Hancock)**

**What:** Ends California's prohibition on persons with felony drug convictions receiving CalFresh benefits during their lifetime. In addition to food stamps and nutrition assistance, CalFresh also provides employment and training programs.

**Why:** Will help recipients successfully transition into the community and reduce recidivism.

**Where:** Passed full Senate and Assembly Judiciary Committee. Now moves to the Assembly Appropriations Committee.

### **AB 720 (Skinner)**

**What:** Requires counties to assist local jail prisoners with enrollment in Medi-Cal or other affordable health care programs through the new California Health Benefit Exchange.

**Why:** The days and weeks following release from a detention facility are a crucial time in assisting with successful re-entry. Linking prisoners to affordable health care upon their release will position them to take advantage of the huge expansion in Medi-Cal beginning in 2014, which will facilitate the delivery of substance abuse and mental health treatment.

**Where:** Passed full Assembly and Senate Public Safety Committee. Now moves to the Assembly Appropriations Committee.

### **AB 994 (Lowenthal)**

**What:** Requires counties to create a pre-trial diversion program to be administered by local district attorneys for people facing misdemeanor charges; district attorney would retain discretion over which defendants could participate in the program. When a defendant successfully completes the program, the underlying arrest and subsequent charges are deemed to not have occurred.

**Why:** Allows more flexible handling of misdemeanors than traditional system; reduces impacts on courts and local jail populations; arrests and convictions do not appear on defendant's record.

**Where:** Passed the full Assembly and recently passed the Senate Public Safety Committee. Now moves to the Assembly Appropriations Committee.

### **SB 52 (Leno and Hill); SB 2 (Lieu) SB 3(Lieu and Yee) SB 27 (Correa)**

**What:** **SB 52**, the California Disclose Act toughens disclosure requirements for political advertisements and requires independent expenditure committees to create an internet website disclosing their top financial contributors. **SB 2** increases reporting requirements, authorizes the Fair Political Practices Commission to perform additional audits and increases fines and penalties for failure to report laundered and earmarked contributions. **SB 3** requires the Legislature to develop a single, statewide system for filing campaign statements. **SB 27** closes a loophole that allows individual donors to make large anonymous donations.

**Why:** These important bills update the Political Reform Act of 1974, making campaign contributions easier to trace and elections more transparent in our post-Citizens United world.

**Where:** All have cleared the Senate and will be heard in the Assembly Elections Committee in August.

## FCLCA Denounces Long-term Isolation in California's Prisons

On July 8, 2013, prisoners in the Security Housing Unit (SHU) at Pelican Bay State Prison began a hunger strike to protest the conditions under which they are being held. (According to the California Department of Corrections and Rehabilitation 30,000 prisoners throughout the system refused meals on the first day of the strike.) This action will once again focus public attention on California's practice of confining large number of prisoners in isolation for long periods at a time.

The Friends Committee on Legislation of California maintains that long-term isolation as practiced at Pelican Bay and other SHU's within the California prison system violates basic human rights and amounts to torture. All Californians should be concerned about funding a system that not only degrades the people confined but also degrades the prison employees who must administer it.

Conditions at Pelican Bay are extremely punitive. Prisoners are confined to small cells for 22½ hours per day and are released from their cells only for exercise in a small enclosed yard. Neither the cells nor the yards have views of the outside. The prisoners housed there remain in isolation for years, even decades. A study conducted by Amnesty International concluded that the conditions at Pelican Bay are "gratuitously harsh, going beyond what is necessary for security purposes."

Nineteenth-century Quakers mistakenly believed that isolation in a small cell with only a Bible would allow a convicted criminal to think about his crimes and become "penitent" – hence the new word "penitentiary." The actual effects were mostly mental decline rather than rehabilitation. In 1890, U.S. Supreme Court Justice Samuel Freeman Miller wrote about solitary confinement, "A considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others still, committed suicide; while those who

stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community."

The mentally destabilizing effects of solitary confinement have been confirmed over and over again. Sarah Shourd, one of the American hikers who was arrested and confined in isolation in Iran for 14 months, has vividly described how her mind began to slip after two months in isolation, causing her to beat the walls until her knuckles bled and cry to a state of exhaustion. After she was allowed brief daily visits with the two other Americans arrested with her, her mental health improved, but only marginally. She was diagnosed with Post Traumatic Stress Disorder after her release. After their return to the United States, both she and Shane Bauer, one of the other detainees, were appalled to learn of the routine use of long-term isolation within American prisons and under conditions no better than those at Evin Prison in Tehran. They have both become public advocates for abolition of the practice.

Most of the demands of the prisoners at Pelican Bay would be satisfied if the State of California followed the recommendations of a 2006 report from the Commission on Safety and Abuse in America's Prisons, a commission that was co-chaired by a former United States Attorney General, Nicholas deB. Katzenbach.\* Other demands relate specifically to California's practice of confinement based on actual or alleged gang affiliation.

The observations of Justice Miller in 1890 are still relevant today. Taxpayers should not be funding a system that destroys the mental health of those who are subjected to it. Solitary confinement should be used as a last resort for short periods, not as a routine practice for decades. [FCLCA](#)

\*[www.vera.org/project/commission-safety-and-abuse-americas-prisons](http://www.vera.org/project/commission-safety-and-abuse-americas-prisons)

## Joe Gunterman, Former FCLCA Lobbyist, Turns 100 *Laura Magnani*



*Laura Magnani worked closely with Joe at FCLCA during the early 1970's, serving as chief legislative advocate after his retirement. She is now on the staff of the American Friends Service Committee.*

It is the people who make FCLCA the organization that it is. We are building on a legacy that has deep roots in struggles going back to the days of the loyalty oath, the fair housing movement, the farmworkers' movement and the prison movement. On May 21, 2013, we celebrated the 100th birthday of one of the people who has been central to building the style, image and culture of the organization: Joe Gunterman.

Joe was FCLCA's lobbyist for 14 pivotal years between 1962 and 1976, when the Legislature went from meeting every other year to being a fulltime body. He brought his labor background to issues like the establishment of the Agricultural Labor Relations Board to give field workers the right to organize. Joe had the distinction of knowing Cesar Chavez personally. There were many evenings when we sat around the Gunterman dinner table with Dolores Huerta and other luminaries, arguing about the best approaches to worker justice.

He was also on hand in 1972 when the U.S. Supreme Court declared the death penalty

unconstitutional and for the few short years that California did not sentence people to death. Then voters snatched that victory away with a draconian constitutional measure on the ballot that reinstated the penalty in ways that were thought to meet the court's requirements.

School integration, school lunches and breakfasts, prohibitions against housing discrimination, an end to the indeterminate sentence system and enactment of the Prisoners' Bill of Rights, were all things that happened on Joe's watch. But I think his bigger contribution was in modeling a style of Quaker leadership that has been the hallmark of our image and culture. Although not a Friend himself, Joe taught me that "Quakers believe in that of God in everyone. That applies to housing, to jobs, to education, to basic human dignity for every person, regardless of their circumstance or even of the actions they may have committed." From the outside, his style of understatement and non-evangelization may not have seemed like leadership at all. But he is always enabling and empowering all people to realize their fullest potential. [FCLCA](#)

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## Realignment Reality Check *(continued from page 7)*

to be released on their own recognizance. Santa Cruz County Probation Chief Scott McDonald said their show-rates have increased since implementing their pre-trial release program prior to realignment. Roughly 80 percent of people incarcerated in local jails are awaiting trial. If a good number of them could be released on their own recognizance, there would be less demand for additional jail beds.

Stanislaus County Sheriff Adam Christianson, an early and vocal critic of realignment, has stated publicly that while it is too early to tell if realignment is working, the additional caseload has forced him to become more selective about who is placed in a local jail bed. He said that his department takes ownership of realignment and is determined to make it work.

Given the onslaught of bills attacking realignment, such remarks are refreshing. FCLCA supporters are encouraged to closely follow the actions of their local Community Corrections Partnership and Board of Supervisors and to advocate for the use of community-based rehabilitative programs, which are both more effective and less costly. If realignment is to succeed at the local level where the state's practice of warehousing prisoners has failed, it must not replicate the same mistakes. **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.

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.