

PROPOSITION 57
Tuesday
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California voters are being asked to consider yet another proposition designed to ease an overcrowded prison system. This initiative, known as Proposition 57, essentially says that nonviolent offenders will be eligible for parole upon completing their base term, that is, the most serious and lengthy of whatever multiple terms handed out by the sentencing judge.

For those of us already intimately familiar with the prison system, we already know that this Proposition will more than likely amount to nothing more than mere lip service in the quest to reduce overcrowding, while at the same time, providing job security for many in the prison business. As to "lip service," keep in mind the fact that California already has a parole system in place, albeit only for those sentenced to an "indeterminate term," i.e., lifers (7-to-life, 15-to-life, 25-to-life, etc.). This system of parole is already overtaxed and broken, almost beyond repair. The Parole Board retains a number of experts to decide the potential parolee's suitability for parole, and then, when suitability is determined, more often than not, the Board rejects the findings of their very own appointed experts. On those rare occasions in which they do agree with their experts, the governor usually exercises his right to reverse the findings of the very people trained to determine a potential parolee's suitability for release. This is a process that happens, time and time again, with little to no change, leaving many serving an indeterminate sentence feeling helpless, not to mention hopeless. And now California voters are being asked to extend an already broken, and overworked, system of parole to include scores of nonviolent offenders serving a determinate sentence.

In examining Proposition 57, one needs to examine the realistic advantages and disadvantages, not the theoretical pros and cons. After all, what sounds good on paper doesn't always translate into real world conditions, and I fear that this is what's about to happen here. California voters are being told that prison overcrowding can be eased by making nonviolent offenders serving a determinate sentence eligible for parole after completing the initial base term. This might sound good on paper, but the reality is far different. If the current system of parole can't release those already deemed eligible, then the only sure outcome of Proposition 57's passage is the creation of the additional jobs needed to determine parole suitability, the creation of jobs to deny parole to those found suitable, and the creation of jobs in the court system as those denied challenge their findings.

When you stop and reflect, this sounds suspiciously like a conflict of interest. After all, the more successful the parole system is in releasing inmates, the less they'll be needed in the future, particularly if none of the parolees are returning to prison. Perhaps that's the real reason so few applicants are found suitable by the Parole Board, or, better yet, why they're being asked to expand parole eligibility.

Still, given the choice between expanding parole eligibility and not expanding it, I'd opt for expansion every day of the week, and twice on Sundays. After all, just because the Parole Board routinely denies parole doesn't mean they'll always deny it, just as it doesn't mean the applicant can't appeal their decision in a court of law. Some applicants are certain to be deemed suitable for parole, and ultimately released, so passing Proposition 57 would be a good thing, at least for them. Better to help some than none at all, right? As to the others, presumably, existing laws can always be rewritten in a way to fix whatever unintended flaws in application arise, so why not support Proposition 57?

Sadly, the true facts surrounding this proposition are being ignored, or just flat out distorted, by opponents to Prop 57. Most recently, Jaycee Dugard came out in opposition, arguing that Proposition 57 would allow convicted rapists and kidnappers to go free, but this simply isn't true. Proposition 57 only applies to nonviolent offenders, as defined by Penal Code Section 667.5, which automatically excludes kidnappers and rapists, among scores of others, but prop 57 opponents know exactly what they're doing. By coming forward this late in the game, there's really not much of a chance for proponents to uncover the truth. And with a spokesperson like Jaycee Dugard, someone who suffered truly unimaginable horrors, their contrived fears sound so much more credible, at least to the uninformed.

At the end of the day, there's no substitute for doing your own homework. Read the actual text of the proposition, ask those actually affected what they have to say about it, and always, always be skeptical of those running around screaming and shouting that the sky is falling.

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