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Sentencing reform overdue in California

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In 1994, California voters overwhelmingly approved Proposition 184, the “three strikes” initiative. The measure, supported by 72 percent of voters, requires individuals previously convicted of serious felonies to be sentenced to longer prison terms. The initiative required a de facto life sentence following the third felony conviction.

In practice, this has meant strict sentences for thousands of nonviolent offenders. By 2011, there were over 40,000 second- and third-strikers in the state prison system, more than half of whom were convicted of a nonviolent offense. This included nearly 700 individuals sentenced to life terms for felony drug possession.

“Part of the reason why California’s prisons remain overcrowded is because inmates are serving vastly longer sentences today than they were 20 years ago, which suggests that punishment handed out in California may not necessarily fit the crime,” says Lauren Galik, director of Criminal Justice Reform at Reason Foundation.

In addition to prompting grossly disproportionate sentences on nonviolent offenders, as well as the high cost of incarceration, evidence has yet to materialize that three-strikes laws make the public safer.

In light of this, there have been efforts to reform three strikes in California, most notably a rejected ballot initiative in 2004. Reform momentum got a boost in 2012, following a 2011 U.S. Supreme Court order to California to dramatically reduce the state prison population.

In 2012, voters approved Prop. 36, which requires that mandatory life sentencing for the third strike be reserved for violent or serious felonies. Further, it provides for resentencing for third-strikers convicted of nonviolent, nonserious offenses.

The Stanford Three Strikes Project, led by Michael Romano, has studied the progress of the reform. According to an April 2014 report, the recidivism rate of those released pursuant to Prop. 36 was 1.3 percent, compared with 30 percent for all other inmates released over the same time period.

The reform is working better than anyone could have anticipated, a welcome development.

Pushback has only recently developed to California’s penchant for sentencing nonviolent offenders to long prison terms.

“Long-term sentences for nonviolent offenses don’t work,” says Romano. “The people who get wrapped up in those sorts of sentencing schemes are disproportionately homeless, drug addicted and mentally ill.”

Rather than subjecting such offenders to the perils of incarceration, particularly in a system demonstrably incapable of reasonably managing them, Romano and others urge a focus on alternatives.

“One reform the Legislature could consider is to do away with the three-strikes law altogether, or at least

limit its application to only violent or serious offenders,” Galik says.

That would be a good start. The now decades-long experiment with stiff sentences has squandered not only lots of money, but also time to appropriately consider and evaluate alternatives to ineffective and costly sentencing schemes.

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