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Voters want '3 strikes' reform, but fate of ballot initiative unclear

June 20, 2011 | Ryan Gabrielson



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Come November, California voters might again be weighing changes to the state's "three strikes" law. The San Jose Mercury News [reported](#) last week that a group is crafting ballot language and seeking high-profile endorsements for an initiative that would require that a third strike result only from a serious or violent felony conviction. Under California's law, a third strike can be assessed for any felony, at times bringing sentences of 25 years to life prison for those convicted of crimes like petty theft.

On the same day the Mercury News article published, the Field Poll released [survey results \[PDF\]](#)

showing 74 percent of registered voters would support altering the three-strikes law. (See full results at bottom.)

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Mark DiCamillo, the Field Poll's director, said the survey was in no way connected with the proposed ballot measure. (Disclosure: DiCamillo is on California Watch's [advisory board.](#))

Based on the wording of the poll's three-strikes question, it's not clear the results have any bearing on whether voters might back the initiative in the works. The survey question about changing the three-strikes law begins with the phrase, "as a way to ease prison overcrowding."

There are roughly 8,800 inmates in [state prisons with three strikes \[PDF\]](#), according to numbers from the California Department of Corrections and Rehabilitation. They make up less than 6 percent of the [147,000 prisoners \[PDF\]](#) now incarcerated.

At a symposium examining the law in May, Corrections Secretary Matthew Cate said inmates serving long terms due to the three-strikes law are not a significant part of the state's prison overcrowding crisis.

"I don't view them as a management problem," Cate said of the so-called "third-strikers."

The Legislative Analyst's Office [concurred in a recent report.](#) "Although the striker population in prison grew quickly in the first years of the law," the office wrote, "the rate of growth has slowed significantly in the past decade as many second strikers complete their sentence and are paroled."

About half of California's third-strikers were convicted of violent crimes and are unlikely to benefit from the still-theoretical initiative.

The last part of the Field Poll's question asks about a three-strikes revision different from the proposed



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Bio

My Priorities: Police protection, prisons and recidivism, evidence collection and analysis, and the criminal courts. Tips appreciated (stories, not cash).

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initiative. Specifically, respondents were asked whether they support giving "judges and juries more discretion in sentencing persons convicted of a third felony."

The group organizing a ballot measure, which reportedly includes the [Three Strikes Project](#) at Stanford University, seeks a totally different approach.

DiCamillo contends that Californians would support making the three-strikes law less severe, regardless of prison overcrowding or judicial discretion. Last month, the U.S. Supreme Court upheld a lower court ruling that the state's corrections facilities are packed so tight that they are unconstitutional.

"My judgment is the public has always been supportive of this idea in concept," DiCamillo said. "The question is, push comes to shove, will they maintain that?"

In early October 2004, surveys by the Field Poll and others found a large majority of voters favored Proposition 66 as well. That measure would have restricted the use of three strikes to serious or violent felonies, similar to the provisions being considered now.

But support for Prop. 66 dropped by 19 percentage points in surveys during the campaign's final month. A horde of state officials and district attorneys railed against the initiative during that period, and it was defeated.

No one has legislatively touched the three-strikes law since.

However, in recent years, Michael Romano, a Stanford law professor, and his students have worked successfully to reduce long prison sentences for minor crimes.

An article in The New York Times Magazine in May 2010 told the [story of Norman Williams](#), whose tale makes him poster-boy material for those seeking a ballot measure. An excerpt:

Williams, who is 46, was a homeless drug addict in 1997 when he was convicted of petty theft, for stealing a floor jack from a tow truck. It was the last step on his path to serving life. In 1982, Williams burglarized an apartment that was being fumigated: he was hapless enough to be robbed at gunpoint on his way out, and later he helped the police recover the stolen property. In 1992, he stole two hand drills and some other tools from an art studio attached to a house; the owner confronted him, and he dropped everything and fled. Still, for the theft of the floor jack, Williams was sentenced to life in prison under California's repeat-offender law: three strikes and you're out.

Here is the Field Poll's full question and full results:

"Agree/Disagree: As a way to ease prison overcrowding, California's 'three strikes' law should be modified to give judges and juries more discretion in sentencing persons convicted of a third felony."

	Democrats	Republicans	Other
Agree strongly	54%	35%	46%
Agree somewhat	24%	29%	34%
Disagree somewhat	7%	11%	8%
Disagree strongly	13%	23%	9%
No opinion	2%	2%	3%

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williamsherma

3 Strikes, War on Drugs, Determinate Sentencing, Corruption in the prison system - these all contribute to the over crowdedness. And with crime rates down, but 75% recidivism rate, what are parolees being re-arrested for if not crime?! CA has far too many laws - many of which were brought about by pushing the public's emotional buttons.

Throughout history, whenever prison systems reached critical mass, reform followed. Slowly, each prison reform brought with it new ideas for how to make the system a little more humane, which, in turn, brought about progressively more desirable results in parolee behavior than had previous systems.. The current American prison system is a strange mix of the first 2 historical systems, seeming to not want to let go completely of torture as punishment beyond the sentence, or the money-making potent...ial underlying the system. The 3rd system, and the one historically proven to get the best results, was the one which implemented indeterminate sentences and let the prisoners take responsibility for their actions inside. This means that all those who acted responsibly were released early (w/supervision) based on a merit system, and those who didn't act responsibly, did their entire allotted time - no matter what the offense. But that's not all. The 3rd system enacted treatment of prisoners that showed respect for life, which included giving them the same opportunity to be educated as those on the outside. But corrupt prison administration sabotaged that system. Education, Respect of human life, Responsibility for implementing the opportunity to change the quality of life... This is something that is supposed to be happening inside prisons already, according to CA penal code section 5054, but is not. Why isn't it being upheld? Prison is just a bad idea no matter how you look at it. The past 30 years in CA's prison system have taken us backward rather than forward in prison and criminal justice reformation. The Supreme Court Order is proof that critical mass has again been reached in prison history. It's time for Reform. I hope the public truly realizes that this is what is best for everyone, not only for prisoners.

Now is the perfect time to introduce a Prison Reform basically new to America - Restorative Justice. It works, and does so without any of the negative residuals our country has been plagued with since the idea of Prison infected this land at its 'founding'.

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Darla Anderson

I appreciate your comments more than you could possibly imagine. Can you tell me if you know if the current low-level prisoners are coming home to their counties? My husband is a firefighter inmate, and he is stationed purposefully 12 hours away from home (DUI, sentenced to 4 years--has served over 2 1/2 years.

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Rachel Contreras

Three Strikes should just be abolished that along with mandatory sentencing these laws have not done anything but overcrowded prisons and keep the guards with job security, and were paying for it. Hopefully if it is put on the ballot again the voting machines won't be tampered with like in the last election, where the found that the diebold machines were supposedly not working right!!!! And also the one they should get rid of is Matt Cate who has done nothing but collect a pay check!!!

👍👤 [williamsherma](#) likes this.

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Darla Anderson

I wholeheartedly agree!!! I'm not sure what motivates your obviously thorough level of concern--you appear to be more in the know than me, and I scour the internet for news daily, and share it with as many as will receive my posts. I am the wife of an a

firefighter inmate, raising our 7 children (2 with autism) by myself, doing without support for my children. But, I am spending my time wisely, making it my business to shed light and truth into the dark prison/justice/law enforcement little shop of horrors-blood and money-feeding beast system. I would like to see a petition go around that there can be no campaigning one month before the election.

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Catie James

42,000 inmates (multiplied by) \$50,000 per year to incarcerate (equals) \$2.1 billion. \$2.1 billion (divided by) 40 million Californians (equals) \$52.50 per Californian per year to incarcerate all of these Second and Third Strikers. Without the Three Strikes law, there would still be a cost to incarcerate these guys, but the costs would be sporadic. They are career criminals with violent and serious histories. In 25 years time, there is a good chance that they would do 15-20 years of it in sporadic shorter prison terms (a year here, two years there, out for a few months, another year in, maybe a year out, etc...) for a host of minor and/or major crimes with each crime having a new named victim and cost to the victim, the victim's family, victim's employer, victim's medical/property insurance companies, cost to prosecute, government services, society in general. All to save \$52.50? I'm sure insurance premium increases alone would eat up some of that savings. And forgetting money for a second, I do not want to be or have my children be named victims (of property or violent crime). I'm fine with paying \$157.50 per year to decrease the likelihood of me or my children becoming a victim. Should the third strike have to have a serious or violent offense committed as a third strike? Only if you need to have a named victim of a serious or violent offense? Which of your family members are you OK with being that victim? Or friend or neighbor that you like? I say if the career criminal with a history of serious and violent offenses continues with criminal behavior, society should save itself from having serious and violence victims. If that criminal steals a car this week or sells drugs next week or is carrying a gun around the week after or is even simply caught with a usable amount of drugs next month, it is unnecessary for his crimes to escalate into another shooting or assault with great bodily injury or armed robbery or rape or whatever the guy has a history of. I am not interested in having another victim of serious or violent crime. I'll pay my \$157.50 per year for my family. And if you're just talking about the actual Third Strikers (Matthew Cate's 8000 number, the \$ amount is reduced by 80%). Are we seriously looking to increase the numbers of victims of serious and violent offenses to save \$10.50 per year each... \$40.20 for a family of four (for Third Strikers)?

Seriously?

I do have sympathy for the guy in the story. It doesn't seem fair that his 1982 and 1992 crimes are deemed strikes. The reason being that the Three Strikes law didn't exist until 1994(?). He and his lawyer didn't have the ability to know that he should have plead to some other charge (that isn't counted as serious or violent). Post Three Strike criminals know that people's residences are sacred to the criminal justice system. It wasn't as apparent prior to 1994. If there were victims home or if the house wasn't being fumigated, I'd feel fine about this guy's sentence (even though it was pre-1994). I'm no lawyer, but I would imagine that a good lawyer may be able to appeal this guy's sentence. I've heard that a Romero Motion(?) might be able to have old strikes stricken. Hopefully this article will get a good pro-bono lawyer interested. Then this guy can learn from his mistakes, and only involve himself with property crimes that don't count as strikes. Burglarize cars (or learn to steal them), sell drugs, shoplift, etc... Then when he gets caught, he'll do 16 months with half time. After 8 months each time, he can do a little vacation from prison for a few months of stealing from you and yours and me and mine and the community and help drive up insurance costs (I don't have full coverage auto insurance, so I'll be paying for my car theft, or car break-in, electrical damage from my radio being stolen, broken window, stolen property without the help of insurance) before getting caught and doing another 8 months. Did you know that in addition to having to fix an ignition and steering column when your car is recovered from being stolen, you have to pay impound fees? Crazy, huh?

He won't be stupid enough to creep into your house in the middle of the night, right? That's a potentially violent situation and obviously strikeable.

Is the author trying to say, though, that this guy is typical? Is this not so righteous "strike out" the rule or the exception? How often are any of these guys actually even sentenced to the 25 to life? Let's go back to math... 260 working days in a year (multiplied by) the 17 years that the Three Strikes has been law (equals) 4420 court days. There are only 8000 Three Strikers. Throughout the entire state of California that makes only around 2 Three Strike sentences per day... in the entire state! That does not seem like a tool that is being abused.

Whether it's \$10.50 per year or \$157.50 per year, I'd rather just pay the small dollars up front.

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Frank Courser

Really? You think 40 million people pay taxes in California? Research those numbers again! Houston we have a problem!

  Darla Anderson likes this.

3 Months Ago from californiawatch



Tenille Bell

Maybe you need to rethink they are talking about letting out the non violet criminals do tax payers really want to pay 56,000 per year for a inmate that stole checks or stole Disney movies and got 27 to life for it, really? you think after doing 10 years they didn't learn their lesson? Would you want your child doing life for shop lifting? They are not talking about violet criminals!!!! NON VIOLET is what they all are talking about, Get it straight!!!

  Darla Anderson likes this.

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Darla Anderson

You'e paying over \$65,000 a year for my husband. He committed a DUI under duress. HE was given 4 years (5 years at 80% time). He was talked into waiving all his rights and agreeing to a prior offense as being a strike, which they threatened him with nine years if he didn't agree to all their terms. At the time of his sentencing and his plea deal we were emotionally and legally in the midst of a separation. Since then, our marriage has been reconciled, and he has repented and reconciled with His Creator. We have 7 children, two of which have autism. He has been gone over 2 1/2 years, and is at a fire camp (not living behind prison walls and bars and electric fences) over 12 hours away from his family. All he needed was some ordered therapy and an ordered interlock ignition device on our vehicles. He's not a third striker, but I see what the goal here is. So, Catie James, while you at first seem to post some good arguments, it quickly becomes apparent that you are just opinionated and haven't got a clue as to what is really going on. You have wholeheartedly both swallowed the propaganda about pay more money to keep you and your family safe and been sucked into the "I don't want to be bothered with any personal knowledge about the system." Why don't you educate yourself so you can make a decent judgment. Check out www.facts1.org---families to amend California Three Strikes. Go and read about 150 three strikers there. You may be against prison reform and you may be so dissociated and no care about the torture that goes on in secret in prisons, or hell on earth. But, unless you get yourself informed and start voting for reform, I guarantee one day you will personally know what it means to have a family member or close personal friend doing time in the pen. How can I guarantee that? Obadiah verse 15 is a good place to start. Or call it a gut feeling, based on all the research that I've done on their heinously evil closed law enforcement/justice/prison system of catch, keep, release, then, trap and catch and keep again. They are building more and more and more prisons. They are coming up with ridiculous laws that they have full power to enforce your obedience to, or else you will be convicted of a crime that our Creator does not consider a crime. And, you will be punished and marginalized in ways that our Creator does not desire to see us punished and marginalized. If they build them, they will fill them. California is a state of incarceration, and it's designed to get far more money out of your pocket. The Legislative Analyst's Office has even suggested fining/ inflicting fees on us, based on how many miles we drive to help pay for their new criminal court buildings. The Legislative Analyst's Office also wants California to pass a bill that takes prisoners' rights away to say no to being forced into a private prison out of state. You are paying for far more than 3 strikers---far, far more. And, as the wife of a California fire fighter who costs the California taxpayers over \$65,000, because he is a fire fighter, my family also relies on food stamps for 3 months in the summer that I am not working. And, then, there's the costs to my family. We are living without a spouse and a father. Our finances have been cut by \$80,000 a year. And, there's 9 of us here. We don't have to pay any more than \$400 a year in state income taxes---for all services provided by state income taxes. And, I won't even tell you what kind of credit we get on our income taxes, being already exempt from paying them. So, yep!!! You are paying a whole lot more than \$150 a year for state prison business.....And, if the state doesn't make enough off of you that way, they'll get you for a speeding ticket or running a stop sign.....or.....something....

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Frank Courser

Is Matt Cate avoiding the truth about the number of inmates sentenced under California's Three Strikes law? At a symposium examining the law in May, Corrections Secretary Matthew Cate said inmates serving long terms due to the three-strikes law are not a significant part of the state's prison overcrowding crisis.

"I don't view them as a management problem," Cate said of the so-called "third-strikers." Matt Cates appears to be unaware or intentionally avoid mention that California's Three Strikes has two parts which includes a sentence of twice the time for a person who has one strike-able offense then commits any felony including misdemeanor crimes known as a wobble crime that allows a DA to win a felony conviction. The combined number of 2nd and 3rd strikers equal over 25% of the entire prison population about 42,000 inmates. How could he seemingly NOT know the demographics of the prison populations? Isn't that his job? How can he give the legislature true and factual information on prison demographics or was this intentional?

  Darla Anderson likes this.

3 Months Ago from californiawatch · Reply



Darla Anderson

He's a tool, and a minion of hell. He's the overseer of the California version of hell on Earth. It is his sworn duty to his cause to keep the public from knowing what is going on in the prison system. This is a closed law enforcement/justice/prison system. They want us to foot the bill without having any idea of what is going on in there, and furthermore, they want us to be carefree and not concern ourselves with their treatment of the marginalized, the mentally ill, the autistic population, those with drug addictions, or just "offenders" who are occasional users of what the Torah calls Kaneh Bosesem, they are those with DUI's who were never ordered therapy nor an interlock device on their vehicles, they are petty crime "offenders," they are the poor and the homeless and those just trying to survive.

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nbutchern

Were do they get the idea of potential for violence as in a 1st Degree Burglary? Dam every crime would be a strike then. The guy who runs from the police is endangering the public, the drunk driver, the car thief who speeds away. etc.. They all have the potential to take life, even more than a Burglary. Most Burglaries have property damage of less than \$400 dollars. And Burglary is the number one strike offence. I'm tired of society paying \$45000 x 4yrs (and more if the inmate needs medical care) to house property criminals. These criminals could steal their whole life and probably never reach the amount that it cost to house them one year. OK now who making us all victims. We really need to change this law...

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