

OPINION

Reforms have made Californians less safe and cost lives

By **Nina Salarno Besselman**

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For nearly a decade, California has been sold on a series of public safety “reforms” built on a foundation of empty promises. The kind of promises told by people who want to get what they want, made to people who really want to believe what they hear.

As a family law and victims’ attorney, it’s a story I hear all too often. A story of abuse and victimization. An abuser continuing to abuse, each time promising to change. The victim feeling defeated and helpless — willing to believe almost anything.

But in this case, the abusers are a group of California policymakers and the victims are well-meaning Californians.

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It started with the passage of AB109, which shifted tens of thousands of state inmates to local jails and ultimately onto our streets. It continued with Propositions 47 and 57, changing sentencing and parole policies, and authorizing mass early release. And this year, SB10 made California the first state in the nation to eliminate cash bail.



Gov. Jerry Brown hands a bill to end bail he signed to Assemblyman Rob Bonta, D-Alameda, co-author with Sen. Bob Hertzberg, D-Van Nuys.

Photo: Rich Pedroncelli / Associated Press

These policies all came wrapped in grand promises, each one slightly less plausible than the last. Yet Californians believed. Like the abused spouse, they so wanted to believe that, this time, it would be true.

Less incarceration and more treatment. Safer streets and schools. A fairer and more efficient justice system. Reduced costs to the state. Early release would never apply to violent or sexual offenders.

That last lie should be the tipping point, the final blow that makes Californians say, “Enough.”

The shocking truth is that the list of crimes considered violent under California law is remarkably short. Raping an unconscious person isn’t officially a “violent” crime in California. Nor is pimping a child for sex. If an abuser beats a spouse or a domestic partner with enough force to cause injury, that’s not a violent crime either under California law. Clearly, few voters knew this.

But this deception did more than leave us feeling betrayed and angry. It made us less safe, and cost people their lives.

People like Whittier police Officer Keith Boyet, killed by a known gang member who would not have been on the streets without these “reforms.” Or 17-year-old Fresno high school student Nick Kauls, whose accused murderer would have been taken to jail just hours before the murder had it not been for changes resulting from Prop. 47.

And while it’s too late to save them — our hearts break for their families — it’s not too late to help future victims.

One way we hope to accomplish this is through the Keeping California Safe Act of 2020, which expands the state’s list of violent crimes to include crimes that are clearly violent — like raping an unconscious person and pimping a child for sex.

A more just criminal justice system

“My view is that we should continue to work toward a more just system that respects victims, protects public safety, holds youth accountable, and also seeks a path of redemption and reformation whenever

possible.”

—Gov. Jerry Brown

Legislation passed is changing California’s criminal justice system:

SB439: Makes the minimum age for prosecution in Juvenile Court age 12 (except for murder and rape).

SB1391: Ends the practice of trying a defendant under 16 as an adult. It also addresses severe racial and geographic disparities in adult sentencing of juveniles, according to data from the California Department of Justice.

SB1437: Scales back prosecutors’ ability to use the “felony murder rule” to charge accomplices to a homicide.

SB1421: Gives public access to police personnel records (reversing a bill Brown signed in 1978 during his first term as governor).

AB748: Requires timely release of police body-worn camera video for serious incidents.

SB1050: Provides more services for people exonerated of crimes, including access to Medi-Cal and CalFresh (food stamps) and work-training programs.

SB1393: Removes a mandatory 5-year sentencing enhancement for serious felony convictions, allowing judges to use discretion.

Tough-on-crime advocates are calling for repeal of:

AB109: Passed in 2011 at the governor’s urging to reduce overcrowding of the state’s prisons. Newly convicted low-level offenders were sent to county jails to serve their sentences. Others who met certain criteria got early release.

SB10: Eliminated cash bail.

Proposition 47: Passed by voters in 2014, categorized some nonviolent offenses as misdemeanors, rather than felonies. The proposition would have expired in 2017, but Brown approved a bill that extended the deadline to 2022.

Proposition 57: Passed by voters in 2016, allows parole consideration for nonviolent felons, changes policies on juvenile prosecution, and authorizes credits for rehabilitation, good behavior and education.

Other crimes include domestic violence, felony hate crimes, assault with a deadly weapon and drive-by shootings, none of which is classified as violent under California law. Moreover, the initiative strengthens parole violations and gives voters more authority over early release

decisions, which are now made by an unelected body whose members are appointed by the governor, with little if any input from victims, prosecutors or the public.

It would also overhaul theft laws to restore accountability for serial thieves, and expand the crimes for which DNA can be collected – previously narrowed by Prop. 47 – to help solve rape, murder and other violent crimes, and to exonerate those wrongly accused.

Restoring accountability is also the focus of a second statewide measure headed for the November 2020 ballot – a referendum to block SB10, which abolished cash bail, a vital public safety tool that helps ensure people arrested for crimes show up to stand trial.

Having your day in court has become a common idiom, but its purpose in the criminal justice system is essential: a trial or other court proceeding is where the accused and the accuser can be heard. It's where justice is served. When a defendant is not held accountable to appear, the process breaks down.

SB10 replaces the money bail system with a computer-based “risk assessment” algorithm that lacks both transparency and the necessary teeth to ensure a defendant appears. Unbiased studies, and perhaps more importantly judges, agree.

SB10 was grossly amended and passed at the last minute by the Legislature – against strong, bipartisan opposition from a wide range of groups, from crime victims and sheriffs, to the ACLU and Black Lives Matter.

We encourage all Californians to educate themselves on these measures and other efforts to fix the harm done by these public safety “reforms.” No more empty promises.

Nina Salarno Besselman is the president of Crime Victims United and secretary/treasurer of the California Public Safety Partnership. To learn more about the Keep California Safe Act of 2020 and the referendum to Stop SB10, see <https://capublicsafetypartnership.com>. To comment, submit your letter to the editor at [SFChronicle.com/letters](https://sfchronicle.com/letters).

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