



californiacivil liberties.org

California Civil Liberties Advocacy
1242 Bridge Street, #65
Yuba City, CA 95991
(916) 741-2560

Wednesday, June 21, 2017

Re: Senate Bill – 142

Dear E. Potter:

The California Civil Liberties Advocacy (CCLA) **SUPPORTS** Senate Bill - 8 for its long-term wisdom in approaching the rehabilitative capacities of California’s penal system. This is a natural and beautiful extension to California’s recent policy change to support reformation and rehabilitation of those whom find themselves a part of our penal system.

According to a report by the California Senate Office of Research (SOR) published early last year (1), evidence suggested that diversionary restorative justice would likely decrease California’s crime and incarceration rates, especially for well-designed and located county facilities. It notes three matters in which the CCLA finds great value. It proposes that the disproportionate incarceration of minorities will be addressed positively, it gives greater *return* of investment by tax payers, and it functions as a greater deterrent to crime than our current model.

The CCLA finds the disproportionate incarceration rates of minorities within the United States reprehensible. Not only does it speak to systemic inequalities in a nation that prides itself on being a land of opportunity, but it also breeds outright distrust in authority within this nation. This is leading various minorities to reject the system we have in place, making the task of maintaining safety within our state all the harder. However, the SOR purports that from the perspective of the offender, there is an active desire to go through diversion rather than the normal system. Furthermore, convictions won’t haunt their employability – for example – for the rest of their life.

Financially, the diversion program simply makes the most sense. The report weighs factors such as the “tangible costs” of the victims, property damage for example; the “intangible costs” of the victims, quality of life; the cost to the state; and chance of success. The report finds the benefit can be fairly substantial, especially as regards juveniles who are the most harmed by the system failing them. They have a higher success rate through diversion programs and any investment into their success pays off for the rest of their life through better choices and opportunities.

Often those that argue against Diversion believe it has a softer impact on crimes, but it binds the perpetrator to their own success far better than the model we currently harbor. As the

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“Indifference to personal liberty is but the precursor of the state’s hostility to it.”

– Justice Kennedy, U.S. Supreme Court

report notes, the Criminologist Lawrence Sherman proposed that simply adding more sanctions to the punishment of criminals simply gives a push back. He argues that the punishments become “illegitimate” in the psychology of the punished and the punished begin to take pride in their stance against the system. However, he argues that opportunities such as diversion offer them an opportunity to feel pride in their accomplishments, and a host of other benefits.

The California Civil Liberties Advocacy supports Senate Bill – 8 because it helps answer many issues in California. In addition to the concerns of the disproportionate representation of minorities in our prison system, the expansive costs of our penal system, and the chance of rehabilitation for Californian citizens, this is a chance for California to prove once again that we listen to the science, we listen to the studies. We aren’t invested in dogma, we are invested in learning what works. We are invested in making the California of tomorrow greater than it is today. For these reasons, we support Senate Bill - 8

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1. Restorative Justice as Diversion in California’s Juvenile and Criminal Justice Systems: Potential Impacts and State Policy. Caitlin O’Neil. Page 2 of 3
http://sor.senate.ca.gov/sites/sor.senate.ca.gov/files/Restorative%20Justice%20in%20CA%20report_ONeil_6-30-16%20%283%29.pdf

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