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## We Told You So

*By Michele Hanisee*

The truths we told about which inmates Prop. 57 would allow to be released years early is now slowly but surely being substantiated. The latest and unlikely source: the California Department of Corrections and Rehabilitation (CDCR), sex offenders and their advocates.

Gov. Jerry Brown and the supporters of his inmate-freeing ballot initiative insisted only "non-violent" felons were eligible for early release. The ADDA and prosecutors throughout the state repeatedly warned this was a farcical claim because the initiative never defined what offenses

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*QUALIFIED AS NON-VIOLENT LEADING A LEGAL PRESUMPTION THAT ANY CRIME NOT DEFINED AS VIOLENT WOULD MEET THE QUALIFICATION - INCLUDING A HOST OF*  
reprehensible sex crimes.

Those sex crimes include rape, sodomy and oral copulation of an unconscious person or by use of date rape drugs, and lewd and lascivious acts with a child aged 14 or 15. We highly doubt the victims of such crimes, or any rational person would agree they were non-violent. Also in the "non-violent" column: possession of child pornography, contacting a minor with the intent to commit a sex offense, and sexual battery of a disabled or mentally incapacitated person.

Nevertheless, during the campaign Brown and his allies continued to unconscionably perpetuate the lie that only non-violent offenders would get an early release under the initiative. Their tactic - and the \$14 million they spent pushing their charade - proved to be successful. California voters approved the initiative by nearly a two-thirds margin in November.

However, now that the initiative is law, application of its provisions has revealed the truth Prop 57 proponents worked so hard to hide. CDCR passed regulations last month to implement the initiative. Those regulations define as a "non-violent" offender, an inmate who is serving a sentence on both a violent and a non-violent felony. So the message to criminals is-if you are going to commit a violent crime, make sure to commit a non-violent crime at the same time so you can be eligible for early release!

During the campaign period, when it was pointed out to the governor that the law would allow early release of sex offenders, the governor responded by promising that CDCR would write the regulations to make sure sex-offenders weren't released early. "That won't fly," we said. "The language of the law allows them to be eligible and they will sue you if the regulations say different," we said. So, it came as no surprise to learn that, sex offenders and their advocates (amazingly, they have advocates!) are screaming bloody murder at their exclusion and have filed a lawsuit to block the CDCR's attempt to exclude them from the early release provisions.

We certainly don't support the sex offender lawsuit. However, their filings expose the falsity of the statements of the Prop 57 proponents who knew their measure would not pass if voters were told the truth. The selling of Prop 57 was based on convincing the voters that it was carefully crafted to apply to a limited group of inmates who hadn't

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Now we know-it applies to inmates imprisoned for violent felonies and for life sentences. The question remaining is what will the Legislature, or the Governor do once the courts confirm that the initiative's early release provisions also apply to those imprisoned for despicable sex crimes.

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