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IT'S A FACT: LOW-RISK OFFENDERS DON'T COME BACK

by

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I believe it is the goal of every civil and pragmatic society to set its penal system to reform and rehabilitate its miscreants. Indeed, in California, reform and release is the stated goal of the Supreme Court of California, in its 2008 watershed Lawrence decision, delineating a clear criteria for reforming and releasing prisoners.

Of course, not everyone is required to be screened by a parole panel before release. In fact, the vast majority of prisoners are released after completing a fixed term determined by statute, no matter their in-custody conduct and with no measure of future dangerousness. For them, release is automatic. Only prisoners sentenced to "life" must be approved by a very stringent parole board, that more often votes against parole than grants

it.

What's surprising is the ill-preparedness of offenders released by the California Department of Corrections and Rehabilitation, as cited by the 2003 and 2005 Little Hoover Commission et al. This fact is borne out by a unique and decades-old recidivism rate of nearly 70 percent. It is without question that those sentenced to fixed terms are the most likely to return to prison. In short, it is the "short-timers" who are too often the high risk offenders because of the "warehouse" model of imprisonment they are subjected to.

In stark contrast, lifers, people who have served on average, two decades behind bars, are the least likely to reoffend. This truth is easy to understand when coupled with a little thought and common sense. Lifers, by and large, have time to grow and mature; they learn trades and earn degrees -- when available -- and these factors translate into safe, successful parole if and when they are ever released. A host of studies have yielded in the same results: Lifers do not go back to prison.

The most recent of such studies was conducted by the Stanford Criminal Justice Center in mid-September 2011. While these facts stand in clear contrast to the whirling spin of political pandering and showmanship, what is often obscured is the high cost of housing long-term prisoners who have matured and rehabilitated themselves.

On average, a California prisoner costs \$55,000 to house annually, and exponentially more for prisoners advancing in age, with all of their age-related ailments. Around the country, the average time served for murder is 17 years, according to the Sacramento Bee. In California the

average stay is 33 years. Is it any wonder annual prison expenditures have exceeded higher education in California?

"Time makes a difference," says Governor Jerry Brown, in support of releasing reformed lifers. Some of the more politically inclined might dismiss Brown's view, painting it as liberal. However, a decades old jailer, Sheriff Leroy Baca recently expressed the same conclusion on National Public Radio: "Lifers are the safest bet for release."

As politics continue to constrain relief for California's lifers and taxpayers, there is one group for which politics and politics only stands in the way: those sentenced with life without the possibility of parole (LWOP). Many believe that such a harsh and enduring sentence would be reserved for serial killers, dangerous habitual sex offenders and the like, but that isn't the case. For the most part, LWOP sentences are based on arbitrary, fixed circumstances that are founded more on politics than public safety.

Take the case of Christian Bracomontes, a then 16-year-old, who, while riding the town with his 19-year-old buddy, was involved in an armed robbery that resulted in the unfortunate murder of the victim. Though Bracomontes was not the shooter, he was eternally sentenced to life without the possibility of parole. The shooter, Jose Luis Morales, an adult, who by societal standards should have been guiding Bracomontes toward a more productive path, will face a parole board and theoretically be released.

Some may be tempted to believe such a miscarriage of justice is an aberration, not the norm in these United States of America. However, the law books are fraught with cases like that of Bracomontes'. Truth be told,

he and thousands of other first-time offenders are just as receptive to rehabilitation as their counter-parts who will be screened for suitability by a professional parole board. Whatever one's thoughts or fears about releasing any prisoners, the fact remains proved and irrefutable, lifers are the lowest risk offenders of all prisoners. That's a fact.

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