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I. California Correctional Facility Growth

A. Introduction

California's correctional facilities have a legendary history. San Quentin, formerly a frigate, has nestled on the San Francisco Bay for 150 years. Johnny Cash and Eldridge Cleaver have given popularity to Old Folsom. National TV viewers have witnessed parole board hearings for Charles Manson and Sirhan Sirhan, both California inmates.

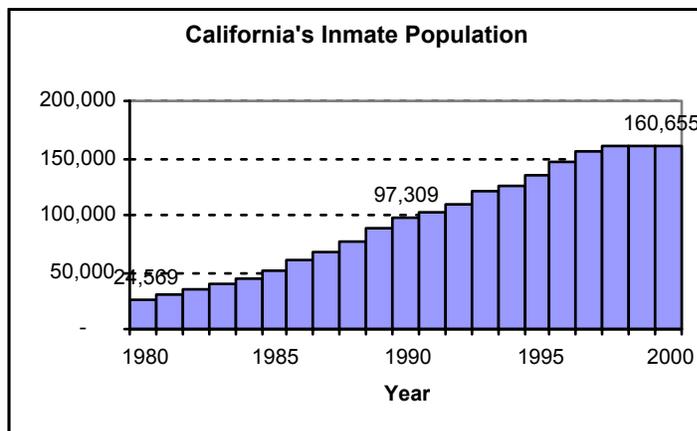
The newest historical development in California correctional facilities features its rapid expansion. Since 1984, California has added 21 facilities, raising the total operated by the California Department of Corrections (CDC) to 33. In that same time, the inmate population has swelled from 24,000 to over 160,000.

Currently, the California Department of Corrections manages a \$4.8 billion enterprise, with over 47,000 employees. Rural jurisdictions and other organizations such as the California Correctional Peace Officers Association (CCPOA) and Crime Victims United of California (CVUC) are the beneficiaries of a growing criminal justice system.

[Click here](#) for a description of the political dynamics within the California criminal justice system.

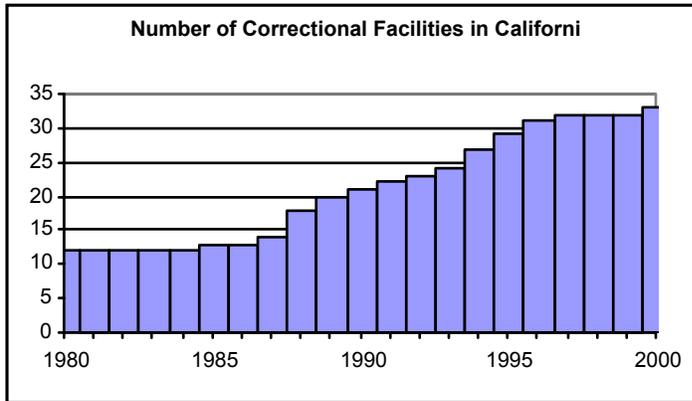
B. Did You Know?

- The state of California operates the third largest penal system in the world.¹ California's inmate population ranks behind only China's national correctional system and the United States' national correctional system.
- California's inmate population has exploded by 554% since 1980 (from 24,549 to 160,655).²



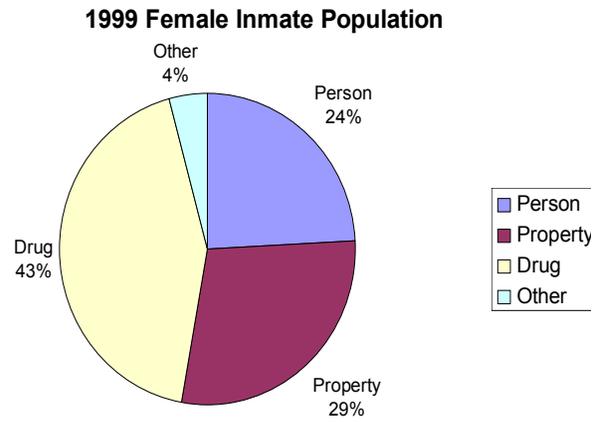
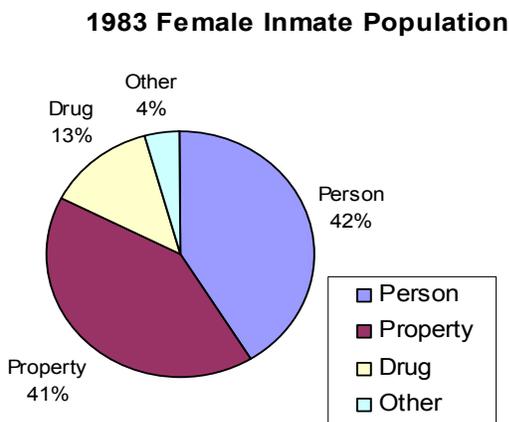
California's inmate population growth (24,569 to 160,655) over the past 20 years represents a 554% increase.

- In the same 20 year span, the number of correctional facilities in California has nearly tripled, growing from 12 to 33.

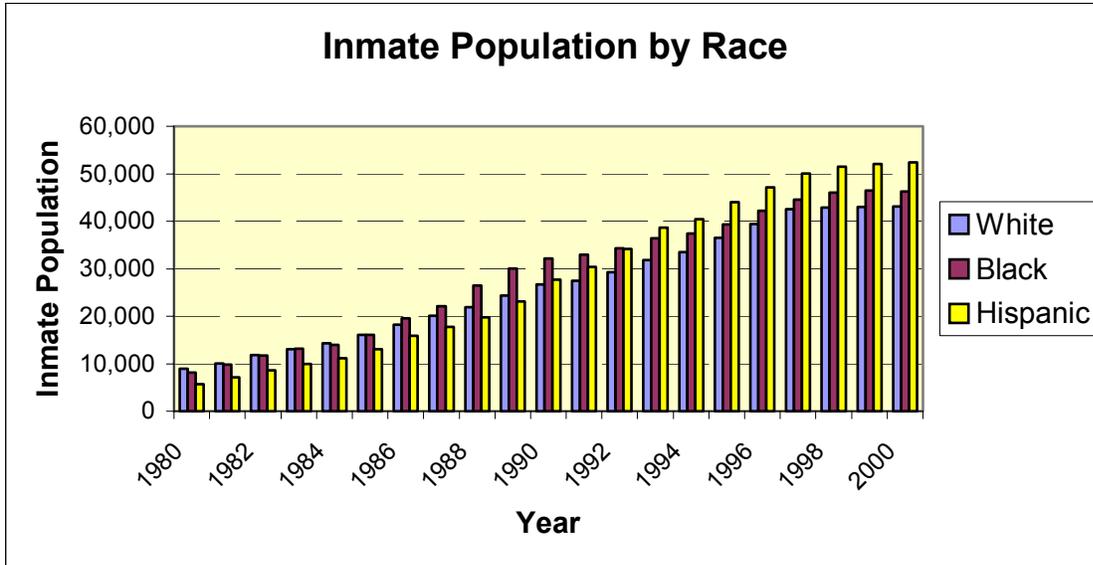


Number of prisons in 1980: 12
 Number of prisons in 2000: 33

- From 1980 to 1999, the female inmate population has grown 850%.³
 - The proportion of male inmates incarcerated for drug offenses rose from 7.4% to 28.3% between 1983 and 1999. During the same period, the proportion of women inmates incarcerated for drug offenses rose from 12.6% to 43.9%.



- From 1980 to 2000, the racial composition of inmates has changed. From 1980-1986, White comprised the largest group. From 1986-1992, Blacks were the majority of inmates in the CDC. From 1992 to present, Hispanics are now the majority of inmates in the CDC.



C. List of California Correctional Facilities

These data represent information posted on the California Department of Corrections Web site as of January, 2002.

Facility ↓	Date Opened ↓	Security Level ↓	Number of Inmates ↓	Annual Operating Budget (in millions) ↓
California Substance Abuse Treatment Facility and State Prison, Corcoran (SATF)	Aug-97	II, III, IV, SATF, CTC	6,239	\$101
Salinas Valley State Prison (SVSP)	May-96	I, II, III, IV	4,093	\$93
High Desert State Prison (HDSP)	Aug-95	I, II, IV, RC	4,293	\$96
Valley State Prison for Women (VSPW)	May-95	I, II, III, IV, RC, SHU	3,570	\$63
Pleasant Valley State Prison (PVSP)	Nov-94	I, III	4,889	\$88
Ironwood State Prison (ISP)	Feb-94	I, III	4,624	\$86
California State Prison, Centinela State Prison (CEN)	Oct-93	I, III, IV	4,526	\$81
North Kern State Prison (NKSP)	Apr-93	I, III, RC	4,962	\$78
California State Prison, Los Angeles County (LAC)	Feb-93	I, IV	4,185	\$92
Calipatria State Prison (CAL)	Jan-92	I, IV	4,107	\$78
Wasco State Prison (WSP)	Feb-91	I, III, RC	6,034	\$88
Central California Women's Facility (CCWF)	Oct-90	I, II, III, IV, RC, Condemned	3,416	\$75

Pelican Bay State Prison (PBSP)	Dec-89	I, IV, SHU	3,384	\$84
Chuckawalla Valley State Prison (CVSP)	Dec-88	I, II	3,700	\$60
California State Prison, Corcoran (COR)	Feb-88	I, III, IV, SHU, PHU	4,867	\$118
Northern California Women's Facility (NCWF)	Jul-87	II, III, RC	759	\$20
R.J. Donovan Correctional Facility at Rock Mountain (RJD)	Jul-87	I, III, RC, Firehouse, Infirmary	5,243	\$78
Mule Creek State Prison (MCSP)	Jun-87	I, III, IV	3,501	\$73
Avenal State Prison (ASP)	Jan-87	II	6,466	\$92
California State Prison, Sacramento (SAC)	Oct-86	I, IV		
California State Prison, Solano (SOL)	Aug-84	II, III	5,812	\$104
Sierra Conservation Center (SCC)	1965	I, II, III	6,240	\$497
California Correctional Center (CCC)	1963	I, II, III	5,818	\$81
California Rehabilitation Center (CRC)	1962	II	6,095	\$78
California Medical Facility (CMF)	1955	I, II, III	3,027	\$109
California Men's Colony (CMC)	1954	I, II, III	6,725	\$129
Deuel Vocational Institution (DVI)	1953	I, III, RC	4,136	\$68
California Institution for Women (CIW)	1952	I, II, III, IV, RC	2,107	\$42
Correctional Training Facility (CTF)	1946	I, II, RC	7,133	\$104
California Institution for Men (CIM)	1941	I, RC	6,298	\$111
California Correctional Institution (CCI)	1933	I, II, III, IV, SHU, Youth Offender	5,496	\$107
Folsom State Prison (FSP)	1880	I, II	3,880	\$62
San Quentin State Prison (SQ)	1852	I, II, RC, Condemned	6,121	\$120

I: Security Level I
 II: Security Level II
 III: Security Level III
 IV: Security Level IV
 SHU: Security Housing Unit
 RC: Reception Center

***Black, White, and Hispanic are used to be consistent with the terminology used by the California Department of Corrections.*

Resources:

California Department of Corrections – Fact Sheet
<http://www.cdc.state.ca.us/factsht.htm>

United States Census Bureau
<http://www.census.gov/main/www/cen2000.html>

The Atlantic Monthly on “The Prison Industrial Complex”
<http://www.theatlantic.com/issues/98dec/prisons.htm>

Prison Activist Resource Center

<http://www.prisonactivist.org/crisis/prison-industrial.html>

Citations:

¹ <http://www.rut.com/mdavis/hellfactories.html>

² <http://www.cdc.state.ca.us/pdf/hist00.pdf>

³ The Disparate Imprisonment of Women Under California's Drug Laws, Justice Policy Institute, 2001.

⁴ California Department of Corrections, 2000

II. Growth of the CCPOA

A. About the CCPOA

The California Correctional Peace Officers Association (CCPOA) is a union of workers in the field of corrections. The organization is united behind the mission “to promote and enhance the correctional profession and to protect the welfare of those engaged in corrections.”¹

The union has grown from a fledgling group of fewer than 2500 members in 1978 to a powerhouse of 31,000 members who contribute \$21.9 million dollars a year. The union employs a 91 person staff including 20 full-time attorneys and uses the services of five lobbyists and a team of public relations consultants.²

The CCPOA earned exclusive collective bargaining rights in the early eighties and went on to negotiate contracts. That, if the current contract is ratified, will bring correctional officers’ salaries as high as \$73,000 per year in 2003.³ The union has also bargained for better pensions, more training, tighter security measures and employee screening.

However, the union has extended its influence beyond wages and benefits. It has become a political force; contributing more to California candidates than any other organization.⁴ It has formed alliances with members of both parties and officials from district attorneys to the governor.

The mastermind behind the unprecedented growth and political success of the CCPOA is Don Novey, the union’s president. Novey, a second-generation correctional officer, took over as president in 1980 and brought a strong passion and vision to the job. Novey captured this vision when he said, “We had a total reorganization of the union that helped us politically. We restructured into labor, legislation and legal (divisions) and then wrapped the bacon around it—better known as political action.”⁵

Resources:

CCPOA Web site
<http://www.ccpoa.org>

Common Cause
<http://www.commoncause.org>

Citations:

¹ Interview with Lance Corcoran, January 29, 2002.

² Interview with Lance Corcoran, January 29, 2002.

³ Lucas, Greg, "Davis' Plan Gives Prison Guards Big Pay Boost," *San Francisco Chronicle*, January 13, 2002.

⁴ Tannenbaum, Judith, "Prison's a Growth Industry," *San Francisco Chronicle*, September 27, 1999.

⁵ "Guardian of the Guards," *California Journal*, March 1, 1997.

B. Don Novey, CCPOA President

Don Novey, president of the California Correctional Peace Officers Association, is accredited for being "the best thing that ever happened to prison guards" in the state of California.

Novey, a legendary figure, is almost as famous for his personality as for his political achievements. Many know him as "the man in the fedora," referring to his trademark head-gear. He identifies himself as a "fifth generation Polish Californian." He loves boxing. His wife, Carol, works at the Post Office. They live in a tract home outside of Sacramento. He earns his correctional officer's salary of \$59,000 plus a matching salary for his job as union president. One reporter characterized the 54-year old dynamo as "an impressive combination of prison guard moxie, wonkish intellect and unassuming charm."

Some at the Capitol call him "Colombo" referring to his pre-union days when he worked in the army as a military counterintelligence agent, allegedly posing as a German artillery officer in the Eastern Bloc. According to Novey, "It was cutting-edge, James Bond kind of stuff."

Upon his return, Novey followed in his father's footsteps, taking a job at the Folsom State Prison in 1971. He ran for president of the union in 1980 and worked both jobs until 1986.

How could one person have so much influence on a union and California politics?

Novey's Motivation

"It was about setting an agenda for a profession that's been somewhat maligned and forgotten because they're behind the walls of these prisons... I wanted to do something about it." —*Don Novey*

Novey's Vision

"Don had a vision of the Cinderella castle we wanted to reach, and little by little we've built the road to get there." —*Jeff Thompson, CCPOA Legislative Director*

Novey's Reputation

"If Don Novey ran the contractor's union, there'd be a bridge over every puddle." —*Dan Schnur, Republican Strategist*

Novey's Political Strategy

"If you have an open door with an administration, you can do creative things. A lot of the money that was spent by our group was to get that door open." —*Don Novey*

"Don's not afraid to spend on a losing cause if he thinks he'll get someone's attention."
—*Senator John Burton*

"He doesn't like to be told he's wrong; it's his way or the highway. That's no way to do public policy." —*Senator Richard Polanco*

Novey's Complaint

"For years prison officers were treated as second-class citizens, like in the old James Cagney movies, and now when we step up to the plate and hit a home run, people yell foul." —*Don Novey*

Sources:

"Guardian of the Guards." *California Journal*. March 1, 1997.

Warren, Jennifer, "When He Speaks, They Listen." *Los Angeles Times*. August 21, 2000.

Butterfield, Fox, "Political Gains by Prison Guards." *New York Times*, November 7, 1995.

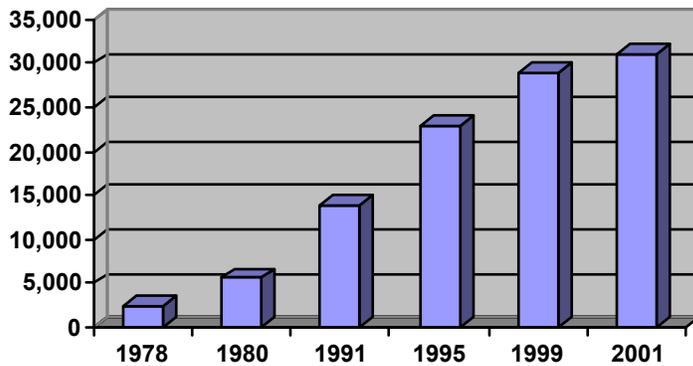
Interview with Ralph Mineau, January 20, 2002.

C. Membership Growth

The CCPOA is an open shop and 97% of the officers are organized. As of 2002, members pay \$59.42 per month in dues (1.3% of the top salary). Non-members pay a monthly "agency" or "fair share fee" of \$40. At this rate, with 31,000 members, the CCPOA is collecting \$1.8 million a month and \$21.9 million a year in dues.

Membership has grown steadily since 1980, mirroring the growth of new correctional facilities. The union also bulked up its membership in the 1980s by organizing related professions including parole officers, psychiatric and medical technicians, some supervisors, and correctional counselors.

Graph of membership growth



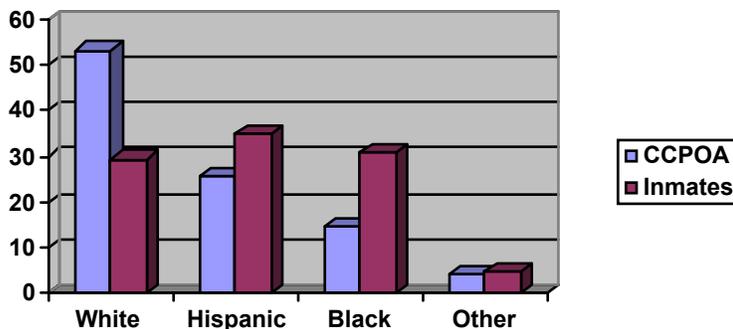
Sources:

Interview with Lance Corcoran, CCPOA Vice President, January 15, 2002.
 Interview with Lance Corcoran, CCPOA Vice President, January 29, 2002.

D. Membership Demographics

The CCPOA has made great strides to create a diverse workforce. In 1999, members were 19% female and 81% male.¹ This is the largest female representation of any law enforcement union. Over the past twenty years, the CCPOA has also increased its minority representation considerably. The racial breakdown of CCPOA is 53% White, 26% Hispanic, and 15% Black.²

Racial and Ethnic Breakdown



Sources:

California Department of Corrections
2000 Corrections Yearbook

E. Salaries

CCPOA members earn the highest salaries of correctional officers anywhere in the country. In the mid-1990s, CCPOA had the best pension plan in the nation and an average salary 58% higher than the correctional officer national average.¹ Currently, a correctional officer with seven years of experience earns \$54,888. This number will increase to \$73,428 if the Memorandum of Understanding signed by Governor Davis is ratified by CCPOA membership in February, 2002.²

These salaries are particularly high considering that the job requires a high school degree or equivalent. A correctional officer earns more than an associate professor with a Ph. D. in the University of California system.³ Correctional officers' salaries are also inflated by the fact that most correctional facilities are in rural areas with lower costs of living.

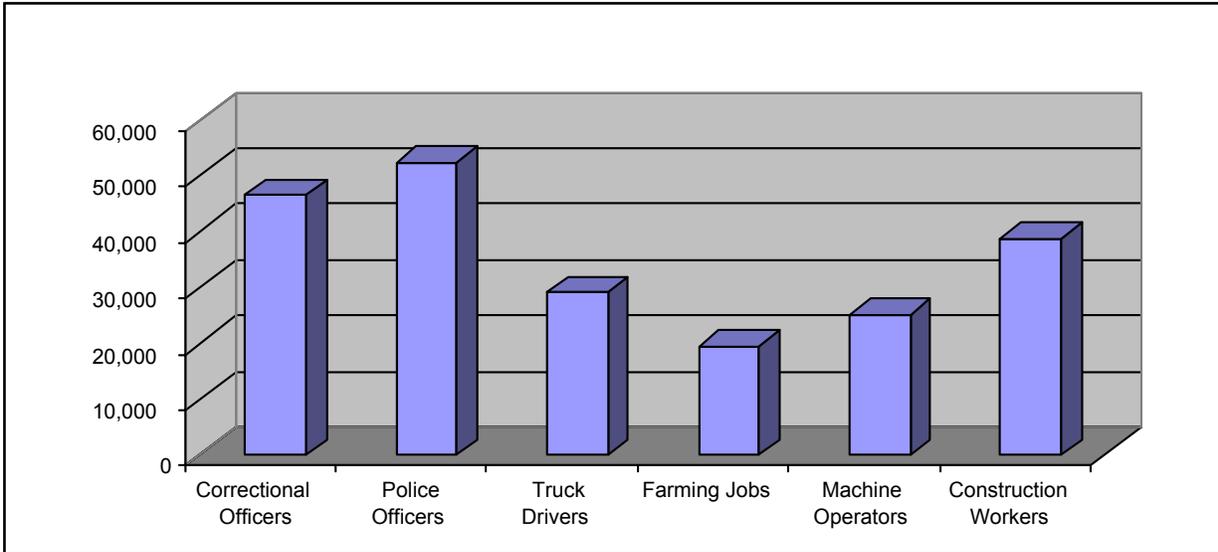
A generous benefits package also sweetens correctional officers' contracts. Union members receive a healthy pension, reimbursement for school courses, and a monthly budget for staying physically fit.⁴

While there can be no doubt that the work of a correctional officer is dangerous and challenging, the CCPOA has justified pay increases by dubbing its work as "The toughest beat in the state." There are other tough beats that are not equally compensated.

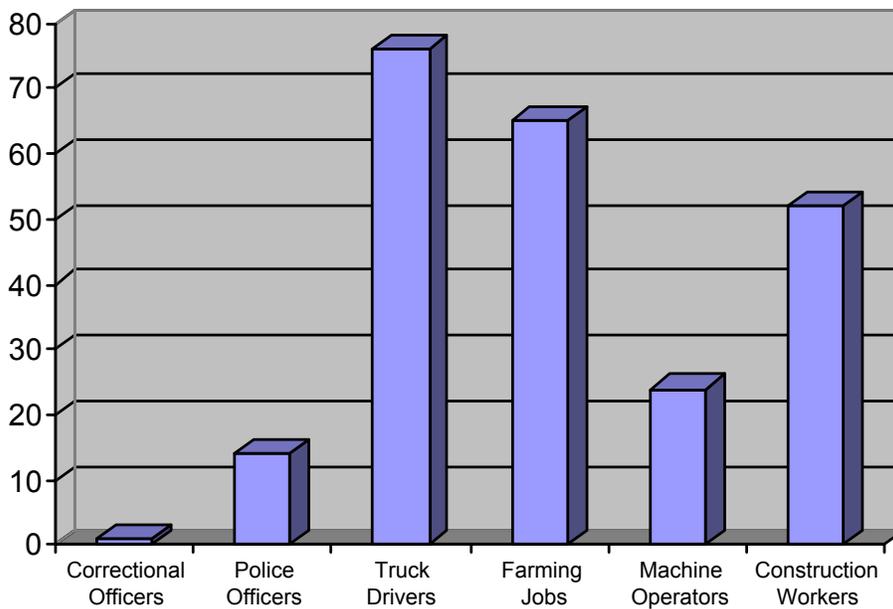
Toughest Beat in the State?

The Bureau of Labor Statistics lists the 2000 average salary of Correctional Officers as \$46,410. Lance Corcoran, Vice President of the CCPOA estimated this figure closer to \$50,000. Regardless, this is over twice the average salary of Machine Operators and Farm Workers, even though these professions led to a staggering number of on-the-job fatalities. In 1999 there was one correctional officer killed in the line of duty.

2000 Average Salaries



On the Job Fatalities

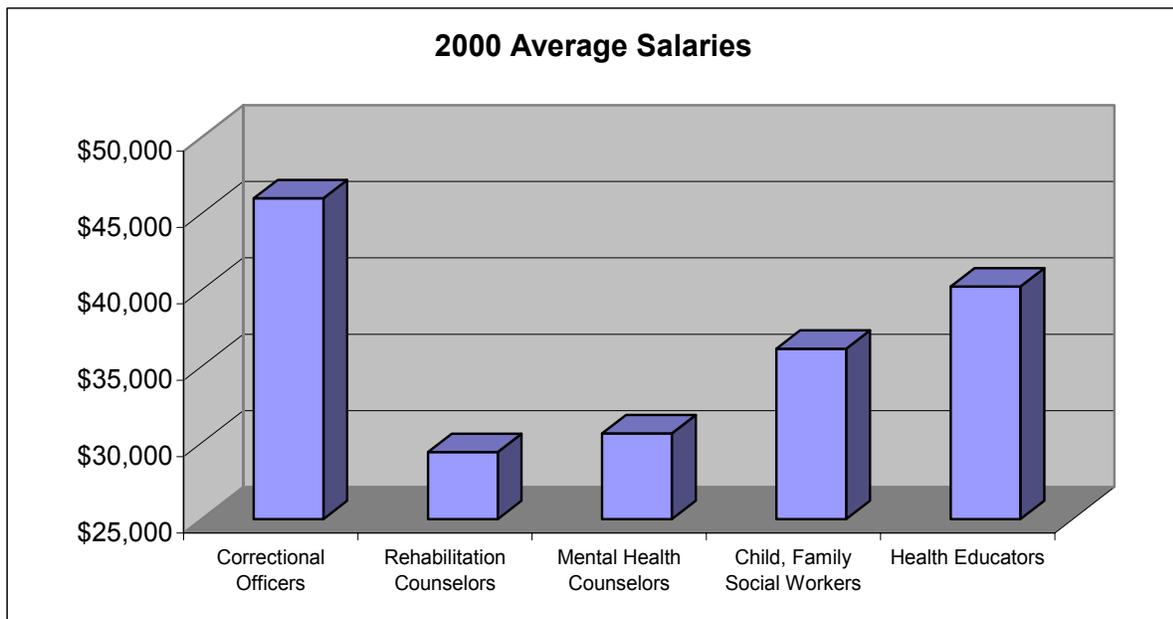


Working with a Challenged Population

The CCPOA argues that its members work with the toughest elements of society and so correctional officers should be rewarded accordingly. A compensation survey of other professions who work with challenged populations shows the following:

- In 2001, Correctional Officers earned \$46,000.
- 80% of inmates have a history of substance abuse. In 2001, Rehabilitation Counselors earned \$29,400.

- As many as 28,000 California inmates have been diagnosed with serious mental illnesses. In 2001, Mental Health Counselors earned \$30,610.
- A majority of inmates has experienced some kind of abuse as a child. For women inmates, the number is as high as 71%. In 2001, Child and Family Social Workers earned \$36,150.
- 47.9% of California's female inmates are infected with Hepatitis B and 54.5% are infected with Hepatitis C. In 2001, Health Educators earned \$40,230.



Resources:

Bureau of Labor Statistics
<http://www.bls.gov>

California Department of Corrections
<http://www.cdc.state.ca.us>

Citations:

¹ Pens, Dan, Excerpted from *The Ceiling of America*.
http://www.thirdworldtraveler.com/prison_system/calif.prisonguards.html

² Lucas, Greg, "Davis Plan Gives Prison Guards Big Pay Boost." *San Francisco Chronicle*. January 13, 2002.

³ Bovard, James, "Pork Barrel Prisons." *Playboy*.

⁴ Bancroft, Ann. "Prison Guards Pay Rose Steadily in Past Decade." *San Francisco Chronicle*. April 22, 1991

F. Accountability

The CCPOA claims to be accountable only to its membership (and the IRS).¹ Because it is a union of state employees, the CCPOA falls within a loophole of the law. All unions, composed of private or federal employees, are required to make their tax forms available to the public and file them with the Department of Labor. State employee associations do not fall under this federal law so they are able to operate with less disclosure.²

This might illuminate one reason for CCPOA's resistance to the privatization of correctional facilities. CCPOA would not be able to unionize private correctional facility workers without publicizing their records and budget.

Citations:

¹ Interview with Lance Corcoran, January 28, 2002.

² Department of Industrial Relations, San Francisco.

G. Public Relations Campaign: "Toughest Beat in the State"

*"Every day they 'walk the line' among some of the toughest, most violent inmates in the world... These are the men and women of the California Correctional Peace Officers Association—dedicated, proud, courageous law enforcement professionals who walk the toughest beat in the state."*¹

The cover of the CCPOA publication, *In Harm's Way*, shows a shadowy caged figure draped in black, holding a weapon that appears to be a gun. The message is unclear. Is the figure an inmate or an officer? Who is really armed in this institution? Who has power over whom?

CCPOA's promotional materials aim to raise questions about who is more vulnerable in California prisons—the inmates or the officers.

Since 1997, the CCPOA has spent at least \$361,000 on public relations campaigns, primarily crafted by McNally Temple Associates.² One goal of CCPOA's public relations campaigns is to counter negative press that correctional officers received, including reports of alleged staged fights and subsequent shootings of Corcoran inmates.

To take the spotlight off the alleged brutality of correctional officers, the CCPOA has emphasized the brutality of inmates. CCPOA literature, TV commercials and promotional videos advertise that six officers are assaulted every day. Inmates use handmade weapons. They throw feces. "They can assault you for no reason." They act without rationale, like caged animals.

CCPOA promotional materials never show an inmate by face or by name. Instead, videos depict inmates as anonymous, predatory creatures. Interviewees refer to inmates as "the criminal element" or "the predatory element." According to one video, "The predatory element is always on the hunt." The video shows scenes of staged violence where inmates overtake correctional officers and brutally beat them.

Walking the line is dangerous and stressful and California correctional facilities house a culture of violence, but 160,000 incarcerated individuals are not a monolithic "predatory element." In fact, the majority of inmates have been committed for nonviolent offenses.³

"They're victimizers," a young, blond correctional officer tells the camera, "They victimize people on the street. Right now they're victimizing us inside the institutions anyway they can."

In contrast to the faceless criminals, the correctional officers in the videos are a diverse workforce of men and women, who talk about the real tensions and stresses of their work environment. They describe kissing their kids goodbye everyday, not knowing if they will see them again. These individuals are "the unseen heroes of law enforcement."

When asked what motivates him to go to work every day, one officer responds, "Our main purpose is to keep those people away from our daughters, away from our wives, away from you."

CCPOA promotional materials work to maintain a heightened fear of crime in the public. This is essential to maintain support for the CCPOA political agenda.

Resources:

In Harm's Way: Life Inside the Toughest Beat in California, 1996.

Bloodsport: How the Media Convicted Eight Innocent Men, 2000.

Behind the Wall: The Toughest Beat in California, 1996.

Inside Corcoran: Where Hell Begins, 1999.

Citations:

¹ *In Harm's Way: Life Inside the Toughest Beat in California*, 1996.

² San Francisco Department of Elections, Campaign Contribution Records.

III. Political Power of the CCPOA

A. Introduction

Labor unions have moved consistently into realms beyond the “bread and butter” issues of wages and benefits. Union leaders realize that political muscle translates into members’ gains. Because legislators and the governor write the checks, these political alliances are critical.

Groups such as the California Teachers’ Association (CTA), California Highway Patrol and the CCPOA contribute money and volunteers to candidates. In addition to these direct supports, labor unions pay for television ads, sponsor party conventions and send out voting guides for their members.

CCPOA political activity exceeds that of other labor unions. It outspent CTA in the 1998 and 2000 election cycles with only a tenth of the membership. CCPOA contributions go to both Democrats and Republicans and reach all three branches of government - Executive, Legislative, and Judicial. The CCPOA spends on bread and butter issues as well as on tougher crime legislation.

CCPOA engages in a variety of political activities. Most spending is done through political action committees, or PACs. CCPOA also hires lobbyists, public relations firms and polling groups. Don Novey, the president of CCPOA has formed close alliances and friendships with political leaders.

Each of these political components is legal and accepted as common practice. Alone, these components appear as natural extensions of unions’ growing political role. Combined, these tactics present a powerful political machine that has had a dramatic effect on the state’s correctional system. When the CTA exerts political influence, class sizes get smaller. When the CCPOA exerts power, more people are incarcerated.

B. The Cycle of CCPOA Influence

- 31,000 members pay \$59.42 per month to the CCPOA.
- Union dues total \$21.9 million per year.
- 65% of that money goes to operations.
- 35% goes of the budget funds political activities
- The political budget flows out in 6 main directions.
- CCPOA pays for public relations.
- CCPOA pays for lobbying services.
- CCPOA funds affiliate groups.
- CCPOA contributes “soft money” to political parties, political events, debates.
- CCPOA gives direct contributions to candidates.
- Election winners support the CCPOA political agenda.

- Tough on crime legislation fuels expansion of the correctional system.
- Expanded correctional system adds membership to the CCPOA.

C. PACs and Contributions

CCPOA is alleged to have as many as eleven PACs, according to Los Angeles Times reporter Dan Moraine.¹ San Francisco public records show four PACs that clearly mention the CCPOA name. Together, they have contributed well over \$9.6 million to political campaigns in two election cycles.²

Below is a summary of the 4 primary PACs of the CCPOA. Each section describes the PAC and highlights a political influence from 1997 to late 2001, noting top single donations and notable recipients. Some periods are missing from the files of the Department of Elections. For some PACs, these periods are minimal, covering a few months here and there. For others, there are entire years missing. Thus, these figures give only a *portion* of the donations of each PAC.

Note these characteristics of CCPOA PACs.

1. Each PAC has a unique flavor and giving function.
2. Money moves readily from PAC to PAC.
3. The four primary PACs of the CCPOA funnel money not only to candidates but to other organizations such as Crime Victims United of California (CVUC) and the Native American Peace Officers (NAPO)
- 4.

CCPOA PAC *This is the primary PAC of the CCPOA.*

Total giving: \$4 million.

Top 10 single donations

Date	Recipient	Amount
10/98	John Burton	\$200,000
10/98	California Democratic Party	\$100,000
10/98	California Republican Party	\$100,000
05/98	No on 226	\$100,000
10/98	California Republican Party	\$75,000
05/98	Albert Martinez	\$75,000
12/00	John Burton	\$63,000
02/00	Sheila Kuehl	\$59,000
06/00	Tom Harman	\$50,180
02/00	Jack Scott	\$50,000

Notable donations

Recipient	Amount
John Burton	\$424,000
Albert Martinez	\$234,427
Native American Peace Officers PAC	\$220,000
Democratic Party	\$220,000
Republican Party	\$208,000
Ron George, Chief Justice, California Supreme Court [Javonne: III C 3]	\$25,000
Hawaii Trip	\$25,000

Who gets money? The CCPOA takes care of its own

One of the less familiar names from the chart above is Albert Martinez. Why would this individual receive the second highest donation total from CCPOA? He was neither an incumbent nor the leading challenger, but he was one of their own.

According to Prison Legal News,

On the night of June 26, 1998, state parole officer Albert Martinez was arrested in a Los Angeles park and charged with committing unspecified "lewd conduct." The day before the arrest Martinez had narrowly lost a race for the Democratic Party nomination for the 62nd State Assembly seat. Martinez had received about \$250,000 in campaign donations from the California Correctional Peace Officers Association for his election bid.³

CCPOA Issues Committee *This committee funds legal services, public relations, polling and lobbying and gives to propositions.*

Total giving from: \$1.7 million.

***This figure does not cover a full year in an election cycle, from 7/00 to 8/01.*

Top 10 single donations

Date	Recipient	Amount
03/98	McNally Temple Associates	\$90,000
06/00	McNally Temple Associates	\$85,000
09/01	California Indian Legal Services	\$50,000
05/98	Albert Martinez	\$50,000
03/98	McNally Temple Associates	\$46,700
03/98	Moore Information	\$46,700
12/98	Crime Victims United of California	\$33,670
06/00	Doris Tate Crime Victims Bureau	\$30,750
12/99	Doris Tate Crime Victims Bureau	\$30,750
06/99	Doris Tate Crime Victims Bureau	\$30,750

Notable donations

Recipient	Amount
McNally Temple Associates	\$350,000
Doris Tate Crime Victims Bureau	\$175,000
Allen Pross, CVUC Executive Director	\$130,000
Native American Peace Officers	\$90,000
Native American Peace Officers	\$90,000
Nielsen, Merksamer, et al.	\$77,700
Albert Martinez for Assembly	\$69,000

Conflict of interest?

Steve Lucas, the treasurer of the CCPOA Local Issues PAC, is a partner with Nielsen, Merksamer, et al., a law firm that represents the CCPOA and was the recipient of \$77,700. He is also the chairman of California's Bipartisan Commission on the Political Reform Act.⁴ This Commission is dedicated to “investigating and assessing the effect of the fundamental law governing campaign financing and government ethics in California.”⁵ He makes decisions about campaign financing for CCPOA as well as for the general public.

CCPOA Local PAC *This PAC gives contributions to local candidates.*

Total giving: \$200,000.

***This period does not cover early 1998, nor any of 1999.*

Top 10 single donations

Date	Recipient	Amount
06/98	Paula Kamina, Marin County District Attorney	\$25,300
06/98	Ron Calhoun, Kings County District Attorney	\$23,400
06/01	Paula Kamina, Marin County District Attorney	\$19,900
10/98	Patrick Hedges, San Luis Obispo County Sheriff	\$17,500
12/00	Global Strategy	\$15,200
06/98	Leroy Davis, District Attorney	\$14,000
06/01	Paula Kamina, Marin County District Attorney	\$6,900
02/00	Bob Waterson, Fresno County Supervisor	\$5,000
09/98	John Henderson, Sheriff	\$5,000
09/98	Patrick Hedges, San Luis Obispo County Sheriff	\$5,000

Notable donations

Recipient	Amount
Paula Kamina, Marin County District Attorney	\$60,000
Ron Calhoun, Kings County District Attorney	\$25,700
Patrick Hedges, San Luis Obispo County Sheriff	\$22,500
Leroy Davis, District Attorney	\$18,000

CCPOA Independent Expenditures Committee *This PAC tends to pay for big-ticket items, such as the television ads for Gray Davis and the campaign against Proposition 36. It is also used to funnel money to the main CCPOA PAC.*

Total giving: \$3.7 million

Top 10 single donations

Date	Recipient	Amount
10/98	Gray Davis	\$946,400
10/98	CCPOA PAC	\$445,000
10/98	CCPOA PAC	\$425,300
12/98	CCPOA PAC	\$252,600
05/98	PAC General Purpose	\$190,000
06/98	CCPOA PAC	\$164,000
10/98	CCPOA PAC	\$145,000
05/98	PAC General Purpose	\$112,000
12/99	Governor's Cup Invitational Golf Tournament	\$100,000
05/98	PAC General Purpose	\$70,000

Notable donations

Recipient	Amount
Gray Davis (Television ads)	\$946,400
Governor's Golf Cup	\$100,000
Citizens United Against Drug Abuse (Opponents of Proposition 36)	\$75,000

Resources:

San Francisco Department of Election: Campaign Contribution Records

Citations:

¹ Interview with Tom Quinn, January 24, 2002

² San Francisco Department of Elections: Campaign Contributions Records.

³ Prison Legal News, October, 1998, Issue 13. <http://www.prisonlegalnews.org/Issues/1098/013.htm>.

⁴ http://www.nmgovlaw.com/national_campaign_compliance.htm

⁵ http://www.commoncause.org/states/california/pr_review.htm

1. Money to the Legislature

In the 1990s, CCPOA contributions to Governor George Deukmejian (\$494,000) and Governor Pete Wilson (\$2 million) led some to assert that the CCPOA was a, “Republic union.” Don Novey denied that claim with a utilitarian description, “proportionately, over the years, the legislature has been 59-60% Democratic and our money has gone in that direction.”¹

Today, the CCPOA spends generously on both parties. While the union sponsored the 2002 Gubernatorial Republican primary debate, it also gave over a million dollars to progressive candidates, like John Burton and Carole Migden.²

As Novey notes, this shift in spending makes sense. Democrats have solid majorities in both halls of the legislature: 50-30 in the Assembly and 26-14 in the Senate.

They also hold important leadership positions. Carole Migden chairs the Appropriations Committee, dispersing \$100 billion of California’s budget. She is carrying two bills on the CCPOA’s 2002-03 Legislative Agenda. John Burton is the Senate Majority Leader. He sponsored Senate Bill 65, the memorandum of understanding that, if approved on February 11, 2002, will lift correctional officers’ salaries as high as \$73,000, well above those of teachers, social workers and mental health counselors in the state.

Legislators who oppose CCPOA put themselves at risk. They not only deny themselves contributions from the biggest spenders in the state, they also subject themselves to public relation assaults. For example, the CCPOA initiated a direct-mail campaign sent to every member that listed the “Enemies We Face” and included Senators John Vasconcellos and Richard Polanco.³

The result is overwhelming support for the CCPOA and legislators scramble for endorsements and contributions. As Senate Majority Leader and “Dean” of the California Legislature noted in the Capitol hallway, “We’re all for law enforcement”.⁴

Resources:

Common Cause
<http://www.commoncause.org/states/california/topten.pdf>

Citations:

¹ Lucas, Greg. “Guard’s Union Impeding Prison Probe.” San Francisco Chronicle. March 18, 1998.

² *San Francisco Department of Elections*, Campaign Contribution Records.

³ CCPOA Mailer, “Yes on Gold Shield”.

⁴ Interview with Senator John Burton, January 16, 2002.

2. Money to the Executive

CCPOA's contributions to the chief executive reflect an understanding of his decisive impact on legislation. In 1994, the CCPOA made history with a single contribution of \$425,000 to incumbent Pete Wilson. It was the largest single donation ever made to a California candidate.¹ In Wilson's 1990 bid for governor, CCPOA contributions totaled nearly \$1 million.² These contributions, according to CCPOA president Don Novey, "put him over the top."³

In the 1998 gubernatorial election, the CCPOA had to choose between two tough-on-crime candidates. Republican Dan Lungren, California Attorney General who was backed by the National Rifle Association, ran against Democrat Gray Davis. The CCPOA chose Davis and threw its monetary weight behind a Democrat for governor for the first time in 16 years.

CCPOA contributed a total of \$2 million to Davis, including \$946,000 for television ads to win last minute swing votes.⁴ After his election, Davis promised to build a new correctional facility in Delano. He also approved a five-year contract that will raise top salaries by as much as 25% and, despite a recession, will cost California \$1 billion.⁵

As the 2002 election heats up, the CCPOA has not yet chosen a candidate to endorse, but its gears are beginning to crank. The CCPOA sponsored the GOP debate on January 22, and it also sponsored Davis' annual Governors' Cup Invitational Golf Tournament, which has raised as much as \$356,000 for the governor.⁶

Lance Corcoran, CCPOA Vice President, says the endorsement decision "will come in August."⁷ This much anticipated endorsement, late in the race, will bring crucial money to fuel the crunch months of the election.

Citations:

¹ Tannenbaum, Judith, "Prisons a Growth Industry." *San Francisco Chronicle*, September 27, 1999.

² Ostrom, Mary Anne, "Prison Guards: The Union Throws Its Weight to the Democrat, Sending Lungren Scrambling," *San Jose Mercury News*, October 1, 1998.

³ Butterfield, Fox, "Political Gains by Prison Guards." *New York Times*, November 7, 1995.

⁴ San Francisco Department of Elections: Campaign Contribution Records.

⁵ Lucas, Greg, "Davis' Plan Gives Prison Guards Big Pay Boost," *San Francisco Chronicle*, January 13, 2002.

⁶ San Francisco Department of Elections: Campaign Contribution Records.

⁷ Interview with Lance Corcoran, January 29, 2002.

3. Money to the Judiciary

Between 1989 and 1999, 39 inmates were shot to death, and 200 more were wounded. Not one district attorney in the state prosecuted a correctional officer for any of these assaults.¹

The CCPOA gave at least \$108,000 to local district attorneys from 1996 to 2000.²

“You can investigate it until you’re blue in the face but you still have the problem of who prosecutes it...To accept one of these cases would eat up everybody you have in the place, plus every red cent you’ve got to get one of these cases to court,” said Nathan Barankin, a spokesman for Attorney General Lockyer.³

This quote illuminates the challenge of facing an opponent who is armed with a team of 20 lawyers.

Local district attorneys have good reason to hesitate before taking a position against the CCPOA’s interests. Greg Strickland, former district attorney in Kings County, home to Corcoran state correctional facility, attempted to take a brutality case to the grand jury. The CCPOA fueled his opponent with \$30,000 in the next election, leading to Strickland’s defeat.⁴ A similar scenario happened in Del Norte County and in Susanville County.⁴

When local district attorneys fail to prosecute charges against a correctional officer, they will refer it to the Attorney General’s office. At this time, the Attorney General’s office is too overwhelmed to respond quickly or consistently or sometimes at all.

The State Supreme Court

State Supreme Court justices are appointed by the governor for a term of 4 years. At each interval they must be reconfirmed by the voters. The Supreme Court frequently rules on legislation important to the CCPOA (ex: Three Strikes).

The role of the Supreme Court is to interpret laws, not to create them. The judicial branch of the government plays a vital role in the checks and balances of the democratic system.

CCPOA contributed \$25,000 to Chief Justice Ron George in October 1998.² What can CCPOA hope to gain from such a contribution?

Citations:

¹ Arax, Mark “Union crushed bid to let state prosecute guards,” Los Angeles Times, July 18, 1999.

² San Francisco Department of Elections: Campaign Contribution Reports.

³“Guarding their Silence,” Salon.com. <http://www.salon.com/news/feature/1999/11/22/guards/index1.html>

⁴“Lockyer loses a round; Guards defeat effort to bolster prison prosecutions.” The Fresno Bee, July 18, 1999.

D. Lobbying

From 1999 to 2000, the CCPOA spent nearly \$800,000 on lobbying fees. To communicate its legislative agenda, the union employed five lobbying firms: Jeff Thompson, McHugh and Associates, Robinson and Associates, Paula Trent, and Ackler and Associates.¹

In addition, at least one of the CCPOA’s lobbyists worked for affiliated organizations as well. Jeff Thompson was employed simultaneously by the CCPOA, the CCPOA Benefit Trust Fund and the Crime Victims United of California. This is yet another example of how resources are shared across organizations.

Resources:

California Secretary of State, Cal-Access
<http://cal-access.ss.ca.gov/>

Citations:

¹ Cal-Access Reports for 2000-2001 for CCPOA and CVUC.

E. Three-Strikes

California’s “Three-Strikes and You’re Out” law demonstrates how a politicized and publicized fear of crime has turned California into a state of incarceration.

What fueled California’s fear of crime?

During the late 1980s and early 1990s, violent crime was on the rise in California. Coverage of murders and other crimes tripled on national TV, hardwiring fear in peoples’ psyches, by providing daily, even hourly, reminders of violence.¹

Two violent crimes, in particular, captured media and public attention. In 1992, 18-year old Kimber Reynolds was shot and killed in a purse-snatching incident.² A year later, 12-year-old Polly Klaas, was abducted from her home and murdered.³ The entire country was shocked and horrified as repeated images of the Polly Klaas case dominated television screens. How could citizens be safe when these crimes could be committed?

California's elected officials reacted to the public's cry for action. Governor Pete Wilson took advantage of Polly Klaas's funeral by taking a moment of mourning and transforming it into a political platform. At the funeral, he delivered a speech vowing for legislation to get "tough on crime."⁴

Who turned Three-Strikes into Law?

Both of the well-publicized crimes were carried out by repeat offenders and Three-Strikes, previously seen as a drastic measure, now seemed politically viable.

Mike Reynolds, father of Kimber Reynolds, gathered 800,000 signatures (twice as many as necessary) to put three-strikes on the ballot. He joined forces with Mark Klaas, the other grieving father, to get political support. Together, they visibly reminded the public the need to lock offenders away in jail for a very long time.

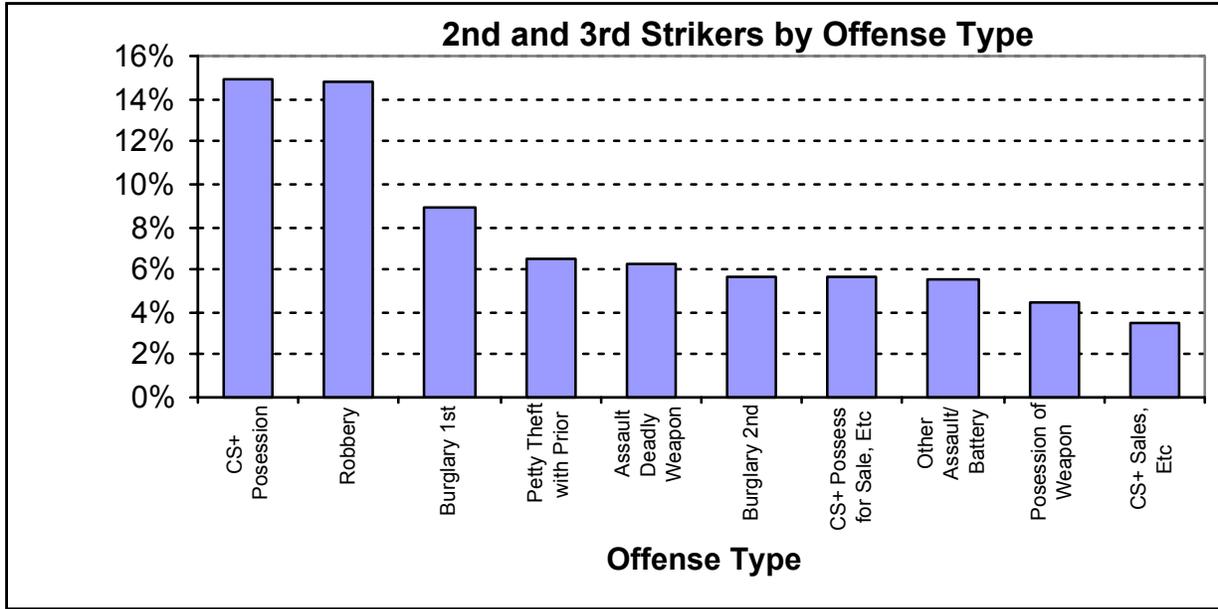
Legislators lined up to sponsor this tough on crime bill. Assemblymen Bill Jones and Jim Costa carried the three-strikes initiative and it evolved from proposition 184 to Assembly Bill 971.

Financial support followed. The California Correctional Peace Officers Association (CCPOA) was the second biggest donor, funneling \$101,000 to the initiative. The National Rifle Association followed suit and donated \$100,000. The largest contributor, however, came from Republican Congressman Michael Huffington, who donated \$350,000.⁵

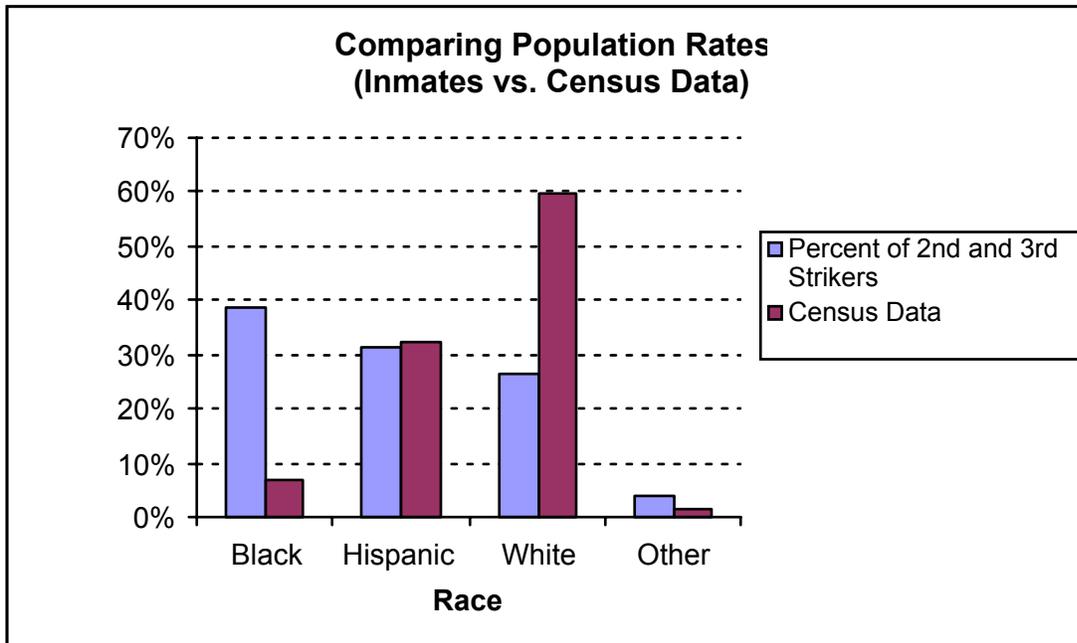
On Election Day, Three-Strikes passed with a 72% approval rating.⁶

Did you know?

- California has convicted 7,072 people for 3rd strike offenses and 34,656 people for 2nd strike offenses by December 31, 2001.
- The highest offense rate by second and third strikers is not for "violent crimes," but for possession of a controlled substance.⁷



- Blacks are disproportionately represented as 2nd and 3rd Strike offenders in California correctional facilities compared to California's population, as reported by the Census bureau. ***Black, White, and Hispanic are used to be consistent with the terminology used by the California Department of Corrections.*



Resources:

Financial Support for More Correctional Facilities
<http://www.facts1.com/reasons/money.htm>

Limitations on media exposure to inmates
<http://www.facts1.com/general/inform.htm>

Perspective of The California Prison Guards' Union from the editors of Prison Legal News
http://www.thirdworldtraveler.com/Prison_System/CalifPrisonGuards.html

Prison News Network's Perspective on California's Three-Strikes Law
<http://prison.webprovider.com/essay.htm>

Three-Strikes: The Legacy of Opportunism
<http://www.socialistaction.org/news/199906/three.html>

ACLU Poll Shows: Most Americans Don't Want to Throw Away the Key
<http://www.aclu.org/features/f071901a.html>

Citations:

¹ Schreibner, Michael. "Three-Strikes: The Legacy of Opportunism." June 1999.
www.socialistaction.org/news/19906/three.html

² Vitiello, Michael. "Three-Strikes: Can We Return to Rationality?" *Journal of Criminal Law and Criminology*. Volume 87, Number 2. 1997, pp. 395-481.

³ Vitiello, Michael. "Three-Strikes: Can We Return to Rationality?" *Journal of Criminal Law and Criminology*. Volume 87, Number 2. 1997, pp. 395-481.

⁴ Cal Voter: <http://www.calvoter.org/archive/94general/props/184.html>

⁵ San Diego Alliance for Clean Elections: Clean Money 2000.
<http://www.cleanelectionsandiego.org/newsletter/septnews.html>

⁶ Vitiello, Michael. "Three-Strikes: Can We Return to Rationality?" *Journal of Criminal Law and Criminology*. Volume 87, Number 2. 1997, pp. 395-481.

⁷ Department of Correction's Published Reports
<http://www.cdc.state.ca.us/reports/offender.htm>

F. Affiliate Groups

1. Native American Peace Officers

The CCPOA has curried favor with a unique range of political groups in its efforts to win influence in state government. One of its strangest alliances is the relationship with Native Americans.

The California Teachers' Association (CTA) used to be the most powerful lobby in California, channeling the dues of its 300,000 members to candidates and propositions. With the onset of legalized gambling on Native American reservations, however, a new set of players has emerged on the scene. In 1998, a variety of Native American tribes gave over \$20 million in campaign contributions. Now five tribes surpass the CTA in giving.¹

The biggest donor in California, however, is the CCPOA. Its own donations, to candidates, lobbyists and officials, have been detailed above (link to section 3-1,2,3. Its relationships with other groups, however, multiply its influence.

One of CCPOA's affiliate groups is the Native American Peace Officers (NAPO), a shadow organization run entirely from the offices of the CCPOA. NAPO formed over 12 years ago through a personal relationship with Don Novey and the son of a slain peace officer.² Its staff and budget is as guarded as that of the CCPOA.

NAPO's campaign contributions, however, are public and records from 1997 to 9/2001 show that the NAPO Independent Expenditures Committee and the NAPO Issues PAC have donated at least another \$200,000 to candidates.³

Why does the CCPOA create affiliate groups like NAPO and CVUC (link to CVUC) to channel money to the same candidates and issues that its own PACs support?

Is this an attempt to show the tolerant side of the CCPOA? Is it to show a broader base of support for a "tough on crime" movement. Is it to entice candidates to receive ethnic minority backing? Are there any Native Americans who work for NAPO?

Or, is it a gimmick to increase money to key players while masking contributions?

Donations to candidates from an ethnic minority group (NAPO) evoke sympathy. The CCPOA can not only multiply its giving but make its power appear more pure. It helps contributions appear noble and less self-interested.

2. Crime Victims Groups

The CCPOA utilizes crime victims' groups to help push its legislative agenda exploiting the crime victims' movement as a political opportunity.

CCPOA used a calculated tactic to assemble the crime victims' movement from a smattering of support groups to a major statewide political force. In 1992, as the might of the CCPOA grew, president Don Novey turned his attention to crime victims' support groups. Where many saw grieving mothers, Don Novey saw a political partner.

Both groups, for their own reasons, wanted the same things—longer sentencing, tougher laws, and more rights for law enforcement. Both brought unique strengths to the

table. The CCPOA brought money; crime victims' brought a pretty face. As Jeff Thompson, lobbyist for both CCPOA and Crime Victims United of California (CVUC), explained, "Nobody feels empathetic for prison guards, but everyone's got sympathy for crime victims."⁵

The prime example of this money and sympathy partnership was three-strikes legislation. When CCPOA's finances combined with public sympathy for victims' families, Assembly Bill 971 went from an idea to a law.

CCPOA galvanized the crime victims' movement through the CVUC and Doris Tate Crime Victims Bureau (CVB). Before the CCPOA's involvement, the crime victims' movement had no voice in politics. As Harriet Salarno, President of CVUC, recalled, "In the 1980s, politicians treated us horribly, they put us last on the agenda. Nobody would listen to us."⁶ It is a different story today as CVUC Vice-Chair Marcella Leach explains, "We were in Sacramento for three days and we hardly had a chance to go to the bathroom. There was one candidate after another lined up waiting for our endorsement."⁷

CCPOA support is the link that shifted the crime victims' movement into high gear. In the words of CVUC's Executive Director, Al Pross, "If CCPOA hadn't helped us, we wouldn't have CVUC. They saw a need for a statewide umbrella entity instead of individuals and local groups of victims each doing their own thing and they filled it."⁸ The CCPOA provided office space, telephones, attorneys, lobbying staff, and 95% of the initial funding to help CVUC get off the ground.⁹ For an example of how lobbying resources are shared, see Lobbying.

Another face for CCPOA is the Doris Tate Crime Victims Bureau, currently undergoing a name change to Crime Victims Bureau or CVB. According to its CVB Executive Director Susan Fisher, the CCPOA pledged, "We're going to help you do what you want to do and help you get on your feet." The CCPOA provided office space, telephones, lobbying staff, and 78% of funding for CVB in its early years.¹⁰

But the CCPOA did not only provide money and services to the crime victims' movement. Ms. Salarno pointed out that besides the logistical support, Don Novey "steered us in the right direction, opened the door, and taught us what to do. He educated us."¹¹

As CVUC has grown and developed its own funding sources, the CCPOA has replaced direct funding with full-time staff. The CCPOA now provides the CVUC with a Director of Education and Research to monitor relevant legislative committees and an Executive Director to provide political advice and candidate recommendations.

CCPOA's Web Site explains the alliance, stating, "The CCPOA actively supports the work of Crime Victims United and the Doris Tate Crime Victims Bureau, two groups dedicated to the rights of victims and the passage of more effective public safety laws."¹²

The CCPOA uses its relationship with crime victims as a tactic. To change the face of its political activities, the CCPOA financed the creation of the two statewide crime victims' groups. Victims' stories are powerful and legislators understand the political sway that these stories hold over their constituency.

Inmate and author Paul Wright defines this power when he says, "When correctional officers support tough-on-crime legislation, they are selfish. When crime victims do the same thing, they are noble."¹³ The CCPOA continues to spend its money supporting the same legislation, with the face of crime victims, rather than the face of correctional officers.

Resources:

CCPOA and California State Politics
<http://www.prisonactivist.org/factsheets/ccpoa.pdf>

Citations:

- ¹ Common Cause, <http://www.commoncause.org>
- ² Gilmore, Craig. "Guards' and Gambling Tribes' Big \$\$\$ Alliance." California Journal, May 2000.
- ³ San Francisco Department of Elections: Campaign Contribution Records.
- ⁴ Butterfield, Fox, "Political Gains by Prison Guards." New York Times, November 7, 1995.
- ⁵ Interview with Jeff Thompson, January 16, 2002.
- ⁶ Interview with Harriet Salarno, January 24, 2002.
- ⁷ Interview with Marcella Leach, January 17, 2002.
- ⁸ Interview with Al Pross, January 17, 2002.
- ⁹ *CCPOA and California State Politics*, <http://www.prisonactivist.org/factsheets/ccpoa.pdf>.
- ¹⁰ *CCPOA and California State Politics*, <http://www.prisonactivist.org/factsheets/ccpoa.pdf>.
- ¹¹ Interview with Harriet Salarno, January 24, 2002.
- ¹² CCPOA Web site, <http://www.ccpoa.org>
- ¹³ Interview with Paul Wright, January 28, 2002.

IV. Glossary

CCPOA: California Correctional Peace Officers Association

CTA: California Teachers Association

CVUC: Crime Victims United of California

Condemned: Term used to describe inmates with death sentences.

Fair Share Fee (or agency fee): A fee paid to the union by members of a bargaining unit who have not joined the union. The fee pays for services and benefits (and not for political campaigning contributions) that the union has negotiated for all members of the bargaining unit.

Felony: A grave crime formerly differing from a misdemeanor under English common law by involving forfeiture in addition to any other punishment.

Hard money: This defines contributions given directly to candidates.

LWOP: Life Without the Option of Parole. This is a criminal with a life sentence

MOU: Memorandum of Understanding. A formal name for the contract jointly prepared by labor and management incorporating matters on which agreement is reached through negotiations, or meeting and conferring. The memorandum, having the force of a contract, is subject to ratification by membership.

NAPO: Native American Peace Officers Association

Open Shop: Employees of an organization are given the opportunity to choose whether or not to be members of the labor union.

Ratify: To vote for a contract.

RC: Reception Center. Provides short-term housing to process, classify and evaluate incoming inmates.

Security Levels for Correctional Facilities:

- I Open dormitories without a secure perimeter.
- II Open dormitories with secure perimeter fences and armed coverage.
- III Individual cells, fenced perimeters, and armed coverage.
- IV Cells, fenced or walled perimeters, electronic security, more staff and armed officers both inside and outside the installation.

SHU: Security Housing Unit. The most secure area within a Level IV correctional

facility designed to provide maximum coverage.

Soft money: These are contributions given to political parties for distribution to candidates.

Three-strikes: Description as provided by Families to Amend California's Three-Strikes
<http://www.facts1.com/general/3strikes.htm>

If a person commits any felony after March 7, 1994 and:

If the person has one previous "violent" or "serious" felony conviction (which includes burglary of an unoccupied dwelling), he or she is sentenced to twice the term prescribed by law for each new felony (and must serve at least 80% of the sentence).

If the person has two previous violent or serious felony convictions, he or she is sentenced to a life sentence with the possibility of parole. The minimum term of the life sentence is calculated as the greater of the following:

- a. Three times the term otherwise provided
- b. 25 years
- c. The term determined by the court pursuant to other applicable sentencing provisions of existing law.

Violent crime: Definition as provided by the California Penal Code as cited on
<http://www.facts1.com/general/667-p21.htm>

- (1) Murder or voluntary manslaughter.
- (2) Mayhem.
- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.
- (4) Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- (5) Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- (6) Lewd acts on a child under the age of 14 years as defined in Section 288.
- (7) Any felony punishable by death or imprisonment in the state prison for life.
- (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7 or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in Section 12022.5, or 12022.55.
- (9) Any robbery.
- (10) Arson, in violation of subdivision (a) or (b) of Section 451.
- (11) The offense defined in subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- (12) Attempted murder.
- (13) A violation of Section 12308, 12309, or 12310.
- (14) Kidnapping.

- (15) Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220.
 - (16) Continuous sexual abuse of a child, in violation of Section 288.5.
 - (17) Carjacking, as defined in subdivision (a) of Section 215.
 - (18) A violation of Section 264.1.
 - (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22 of the Penal Code.
 - (20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22 of the Penal Code.
 - (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.
 - (22) Any violation of Section 12022.53.
-