

Interest Groups and Criminal Justice Policy

Promoting the “get tough” crime control agenda: The Peace Officers Research Association of California (PORAC)

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Introduction

Founded in 1953, the Peace Officers Research Association of California (PORAC) is a criminal justice interest group whose stated mission is “to maintain a leadership role in organizing, empowering, and representing the interest of rank and file peace officers” (PORAC, 2011). The organization has approximately 62,000 members and claims to be the largest statewide association representing public safety personnel in the country (CJCJ, 2010).

PORAC represents its membership through lobbying efforts orchestrated by their main legislative advocate, Randy Perry, of Aaron Read and Associates LLC (Secretary of State, 2011). The organization drafts, introduces, and sponsors legislation that impacts peace officers including legislation related to criminal justice, workers’ compensation, and retirement benefits (PORAC, 2011). In addition, PORAC states,

No other organization can claim the legislative victories that PORAC has achieved. PORAC has the clout to tie up and/or kill legislative issues that are detrimental to peace officers. Through its active involvement and logical presentation of the facts, PORAC is rated as one of the most effective lobbying groups in California (PORAC, 2011).

This profile will explore PORAC’s claim through an examination of both PORAC’s political contributions and its lobbying efforts in California. It will discuss the effect of PORAC’s influence on California’s criminal justice legislation and outline the association’s underlying agenda. The review demonstrates that PORAC has contributed to the current prison crisis in California and continues to pursue policies that are not congruent with the interests of public safety, fiscal efficiency, or criminal justice best practices.

Political Leverage

PORAC’s assertion of its high rating as an effective lobbying group is bolstered by a review of their direct contributions to ballot measures in California. During 2003-2010, PORAC invested \$1,363,363 towards various proposition campaigns, 73% of which resulted in an outcome congruent with the conservative position held by the association (*see* Table 1).

Table 1. PORAC direct contributions to proposition campaigns from 2003-2010.

Year	Proposition	Total Spent (\$)	Position	Outcome
2003	2003 Recall Qu.: Gubernatorial Recall of Gov. Grey Davis	55,000	Oppose	Passed
2004	Prop. 66: Three Strikes Reform	25,000	Oppose	Failed
2004	Prop. 57: The Economic Recovery Bond Act	20,000	Support	Passed
2004	Prop. 69: Criminal DNA Database	10,000	Support	Passed
2004	Prop. 63: Enact 1% tax to fund mental health services	10,000	Support	Passed
2004	Prop. 67: Funding for emergency and medical services	5,000	Oppose	Failed
2004	Prop. 1A: would restrict the state's authority over local finances	102,500	Support	Passed
2004	Prop. 72: required large and medium employers to provide specified health care coverage to employees	10,000	Support	Failed
2005	Prop. 79: Mandatory Prescription Drug Discounts	20,000	Support	Failed
2005	Prop. 77: Re-districting	50,000	Oppose	Failed
2005	Prop. 75: Regulation of public employee union dues in political campaigns	432,931	Oppose	Failed
2005	Prop. 76: state spending cap for public school funding	247,931	Oppose	Failed
2006	Prop. 83: Jessica's Law – broadened definition of sex offenses and increased penalties	50,000	Support	Passed
2008	Prop. 94, 95, 96, 97: Amend Indian Gaming Compact	5,000	Support	Passed
2008	Prop. 5: Increased funding and oversight for individualized treatment and rehab programs for non-violent drug offenders and reduced criminal consequences	56,000	Oppose	Failed
2008	Prop. 6: Criminal Penalties and Laws Public Safety Funding	31,000	Support	Failed
2008	Prop. 9: Marsy's Law – requires notification to victim and victim input into criminal justice process	3,000	Support	Passed
2009	Prop. 1A, B, C, D, E, F: Various state funding allocations	100,000	Support	Failed*
2010	Prop. 26: Increases legislative vote requirement for state levies and charges	50,000	Oppose	Passed
2010	Prop. 19: Legalize and tax marijuana	5,000	Oppose	Failed
2010	Prop. 22: prohibits the state from taking funds used for transportation or local gov't projects and services	50,000	Support	Passed
2010	Prop. 25: Changes legislative vote requirement to pass budget with a simple majority. Retains 2/3 vote for taxes.	25,000	Support	Passed

*Prop. 1A, B, C, D, and E failed; Prop. 1F passed, capping elected officials salaries during budget deficit years.

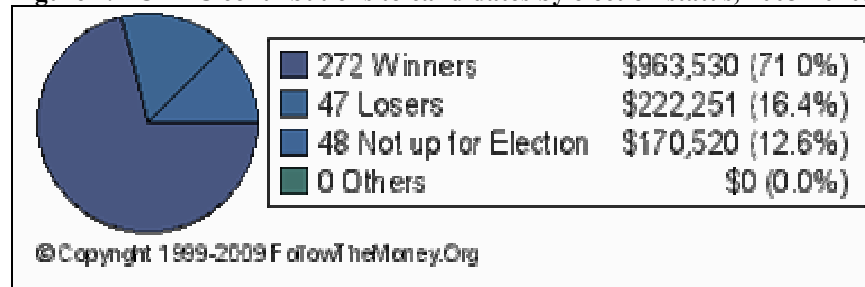
Source: Follow the Money, 2011.

A clue to understanding PORAC's lobbying success is reflected in their other political contributions. During 2003-2010, PORAC contributed \$1,356,301 among 219 political candidates, over 43% of which went to members of the California Democratic Party (Follow the Money, 2011). This might seem counter-intuitive since the Democratic Party traditionally emphasizes prevention, education, and rehabilitation rather than the tough-on-crime sentencing measures PORAC has historically supported. However, the Justice Policy Institute noted a similar political campaign strategy employed by private prison companies and concluded,

Private prison companies have developed a strategic method of political giving and are less interested in political party, values or philosophy than in access to policymakers. According to the Institute on Money in State Politics, private prison companies support incumbents who win elections, regardless of party. Access to power, clearly, is more important than supporting particular political beliefs (JPI, 2011, p.18).

A review of PORAC’s contributions to candidates indicates the same philosophy. From 2003 to 2010, PORAC contributed 71% of its total campaign finances to winning campaigns (see Figure 1) thus aligning itself with key policymakers in the California legislature.

Figure 1. PORAC contributions to candidates by election status, 2003-2010.



Source: Follow the Money, 2011.

For example, PORAC has given contributions to both Gilbert Cedillo (Dem-45) and Nancy Skinner (Dem-14), both of whom now sit on the California State Assembly Committee on Public Safety. In addition PORAC contributed to

the campaigns of Ron Calderon (Dem-30) and Joel Anderson (Rep-36), both of whom now sit on the Senate Standing Committee on Public Safety (Follow the Money, 2011). Developing strong connections with key criminal justice policymakers through funding their campaigns provides PORAC with leverage to strengthen the impact of its lobbying efforts.

In addition to PORAC’s strong political affiliations and direct contributions to ballot measures, it maximizes its advantage in the lobbying arena through independent spending. In California, corporations and labor unions are allowed to spend unlimited amounts of money from their treasury funds to independently advocate for or against candidates and ballot measures (Casey, 2011). PORAC was among the top ten independent spenders that also made direct contributions during 2005 to 2010 (Casey, 2011, Table 3).

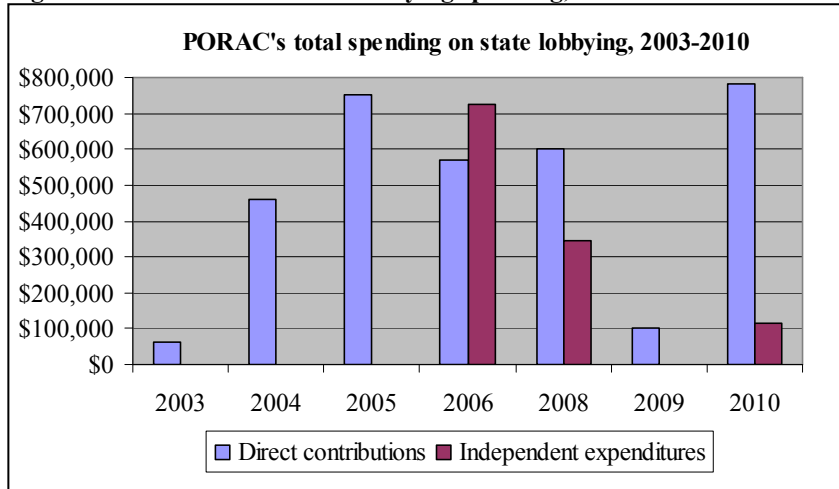
PORAC utilizes independent expenditures to bolster its contributions to particular candidates and propositions with significant success. For example, in 2006 it donated \$2,000 in direct contribution to support Gloria Negrete McLeod’s candidacy for the California Senate and an additional \$10,000 independently for the purpose of a voter guide in her support (Follow the Money, 2011; Casey, 2011, p.14). Six other labor organizations that represent public employees also contributed independently to support Senator McLeod, providing her with the greatest amount of independent spending support than any other legislative candidate in 2006 (Casey, 2011, p.14). Since Senator McLeod’s election to the California Senate, PORAC has made additional direct contributions to her candidacy amounting to \$6,000. Senator McLeod is the chair of the Senate Public Employment and Retirement Committee, which considers much of the legislation PORAC seeks to influence to protect and enhance employment benefits for its members.

An “**independent expenditure**” is an expenditure made in connection with a communication (e.g., a billboard, advertisement, mailing) that expressly advocates the nomination, election, or defeat of a clearly identified candidate, or the qualification, passage, or defeat of a clearly identified measure, but which is not made to, or at the behest of, the affected candidate or committee (Secretary of State, 2009).

By forging relationships with key policymakers in the areas that PORAC intends to influence, it gains valuable access to a legislative forum that is otherwise difficult to penetrate. In addition to independent spending on political candidates, PORAC has made independent expenditures on

California ballot measures. In fact, of the thirteen propositions PORAC made independent expenditures on, 10 resulted in an outcome congruent with PORAC's position on the measure (Follow the Money, 2011). In addition, PORAC made direct contributions to seven of the thirteen propositions, including four related to criminal justice: Propositions 5, 6 and 9 (2008); and Proposition 19 (2010) (see Table 1. and discussion below).

Figure 2. PORAC's total state lobbying spending, 2003-2010



Source: Follow the Money, 2011.

Independent spending can buttress direct contribution and lobbying efforts to ensure that particular ballot measures or candidates are successful. PORAC's spending on state lobbying has varied through 2003-2010, and it appears that PORAC generally utilizes direct contributions; only relying upon independent expenditures during important election years or for pivotal legislation.

Another source of political leverage that PORAC can draw on is its lobbying firm, Aaron Read & Associates LLC. In addition to PORAC, the firm represents other organizations lobbying efforts including:

- American Fraternal Alliance
 - California Association of Highway Patrolmen
 - California Grand Casino
 - California Hospital Association
 - California Public Securities Association
 - Retired Public Employees Association
 - San Bernardino County Safety Employees' Benefit Association
 - San Francisco Police Officers Association
 - State Coalition of Probation Organizations
- (Secretary of State, 2011).

Read & Associates' current clientele demonstrates the benefit of employing a lobbying firm. By representing many organizations, lobbying firms can specialize in particular areas of legislation and aggregate funding to lobby on particular bills. For example, when Read & Associates lobby for state employee retirement benefits they represent not just the membership of PORAC, but the combined membership of PORAC, California Association of Highway Patrolmen, Retired Public Employees Association and so forth, creating a collective voice for thousands of members and utilizing the combined funds provided by those organizations. Read & Associates build on the common interests of its clients to develop an increased presence in California's political dialogue.

Criminal Justice Agenda

PORAC's criminal justice agenda is strongly evidenced by their lobbying in this area. Six examples of criminal justice legislation from 2003 to 2010 demonstrate PORAC's predilection towards punitive incarceration-focused policy, and away from locally-based treatment and recidivism-reduction models of care. These are (*see* Table 1.): Prop. 66 (2004); Prop. 83 (2006); Prop. 5 (2008); Prop. 6 (2008); Prop. 9 (2008); and Prop. 19 (2010), and will be discussed in more detail below.

Prop. 66 (2004): Revision of the Three Strikes Law

This Proposition would have redefined violent and serious felonies and would have required increased sentences under three strikes only when the current conviction was for a serious or violent felony (SmartVoter, 2004).

Since 1994, when California's "Three Strikes" Law was enacted, state incarceration rates have dramatically increased contributing to California's current prison crisis (CJCJ, 2011, p.2-3). As of December 2010, almost 50,000 Californians were incarcerated for third strikes at an average cost of \$46,700 per inmate per year (CJCJ, 2011, p.3). In addition, both direct county comparisons and statewide correlational analysis show that California's three strikes law has had no demonstrable effect on violent crime levels or trends (CJCJ, 2011, p.2). According to the Legislative Analyst's Office (LAO), Proposition 66 would have saved the state several hundred million dollars annually, primarily in the prison system (LAO, 2004). A field poll conducted weeks before the vote showed that Californians were in overwhelming support of the proposition (Field, 2004).

PORAC contributed \$25,000 to the opposition committee and vehemently opposed the Proposition (Follow the Money, 2011). According to a San Francisco Chronicle article,

A last-minute advertising blitz featuring Gov. Arnold Schwarzenegger successfully shifted debate on the proposition from images of drug addicts and petty thieves serving unfairly harsh prison sentences to hardened criminals receiving get-out-of-jail-free passes...(Martin, 2004).

The proposition failed by 52.7% against to 47.3% for (SmartVoter, 2004).

Prop. 83 (2006): Jessica's Law

This Proposition broadened the definition of certain sex offenses to allow for more court commitments to state mental health facilities, and increased sentences and parole terms for sex offenders. It also created greater monitoring of sex offenders through GPS and stricter restrictions on the residency of sex offenders (SmartVoter, 2006).

Proposition 83 made California's sex offender laws the toughest in the nation by enhancing punishment and control measures across a wider spectrum of offenders. The broadly defined bill did not differentiate between risk of recidivating levels, and did not specify if it applied

retroactively, despite limited resources and staffing available for its implementation. Similar residency restrictions for sex offenders had been tried and failed in other states because they often forced registered offenders into homelessness, creating among other things, a more arduous task for already overloaded police to monitor. The California Correctional Peace Officers Association (CCPOA) President, Mike Jimenez, retracted his support for Proposition 83 in the weeks before the vote because the residency restrictions would create too many complications to achieve public safety (CJCJ, 2006).

PORAC contributed \$50,000 to the support committee promoting Prop. 83 (Follow the Money, 2011). The Proposition passed by 70% for to 29% against (SmartVoter, 2006).

Prop. 5 (2008): Nonviolent Offender Rehabilitation Act (NORA)

This Proposition would have increased funding to \$460 million annually to improve and expand treatment programs for nonviolent drug offenders and reduced the courts ability to incarcerate offenders for certain non-violent drug crimes or parole violations (SmartVoter, 2008).

The Proposition was intended to safely reduce prison overcrowding, which had been strongly exacerbated by California's war on drugs approach, targeting drug users rather than the supply chain (CJCJ, 2010a, p.2). It would have created drug treatment programs for youth and expanded on voter-approved Proposition 36 (2000), providing treatment and close supervision for nonviolent drug offenders (SmartVoter, 2008). The "Yes on 5" campaign was supported by many policy groups, mental health organizations, and community leaders, while the opposition was led by law enforcement and correctional agencies, and several former California governors (Teji, 2011). In fact the opposition and support campaigns had significantly different approaches to their lobbying efforts:

The opponents of Prop. 5 not only maximized on their celebrity allies, but also their political connections. Their anti-prop 5 commercial included Senator Feinstein and featured quotes from prominent newspapers calling Prop. 5 the "get out of jail free card" and imploring the public to "say no to drug dealers."

...In comparison, the vote yes on prop 5 commercial, focused on what the proposition would do – give treatment to young addicts, rehabilitate non-violent offenders, improve public safety, and save taxpayer dollars (Teji, 2011).

PORAC contributed \$56,000 to the opposition committee and \$87,500 of independent expenditures for radio time and mailers opposing the proposition (Follow the Money, 2011). The Proposition failed by 59.6% against to 40.4% for (SmartVoter, 2008).

Prop. 6 (2008): Criminal Penalties and Laws Public Safety Funding

This Proposition would have required new state spending of \$965 million to operate prisons and parole systems. It would have also created multiple new crimes and increased penalties for gang-related crimes. Prop. 6 proposed to eliminate bail for illegal immigrants charged with violent or

gang-related felonies, and change the evidence rules to allow for use of certain hearsay statements as evidence (SmartVoter, 2008a; Follow the Money, 2011a).

Prop. 6 proposed to divert billion of dollars from schools, healthcare, and firefighters to fund surveillance, arrest, and incarceration in California (CJCJ, 2008). The proposition required spending half a billion dollars on new prison construction at a time when California already spent four times more per prisoner than per public school student, and made over 50 changes to criminal law which would have resulted in increased sentencing and incarceration even though prisons were at 198% capacity (CJCJ, 2008). The proposition would have also facilitated the prosecution of more youth as adults, despite an increasing decline in juvenile felony rates since 1955, and would have eliminated some of the current funding for mental health and drug treatment without providing alternatives (CJCJ, 2008).

PORAC contributed \$31,000 to the Prop. 6 support committee and \$187,500 of independent expenditures for radio time and mailers in support of the proposition (Follow the Money, 2011). The Proposition failed by 69.2% against to 30.8% for (SmartVoter, 2008a).

Prop. 9 (2008): Marcy's Law

This Proposition requires notification to the victim and an opportunity for input during phases of the criminal justice process, including bail, pleas, sentencing, and parole. It also established victim safety as a consideration for determining bail or release on parole. In addition, it reduced the number of parole hearings entitled to prisoners (SmartVoter, 2008b).

Supporters of Prop. 9 included correctional and law enforcement associations, Crime Victims United of California, and billionaire Henry Nicholas III, who reduced his active support of the campaign when he received a criminal indictment for drugs and securities offenses. Opposition to the proposition came from firefighters, teachers, religious leaders, human rights advocates, and many newspaper editorial boards across California (Ballotpedia, 2011). One of the main objections to Prop. 9 was the potential cost to taxpayers. The LAO estimated that the potential loss of state saving due to prison operation and increased county jail operating costs would amount to hundreds of millions of dollars annually, because the proposition restricted the early release of inmates to reduce facility overcrowding (LAO, 2008, p.3). In addition, opponents such as the California Teachers Association and the California Democratic Party believed that California Proposition 8, which was passed in 1982, already included many of the victim notification requirements contained in Prop. 9 (Ballotpedia, 2011).

PORAC contributed \$3,000 to the support committee and \$10,000 of independent expenditures for mailers in support of the proposition (Follow the Money, 2011). The Proposition passed by 53.8% for to 46.2% against (SmartVoter, 2008b).

Prop. 19 (2010): Legalize and Tax Marijuana

This Proposition would have allowed people 21 years or older to possess, cultivate, or transport marijuana for personal use. It would have allowed for the government to tax and regulate

marijuana as a commercial product, and prohibits people from possessing marijuana on school grounds, using in public, or smoking it while minors are present (SmartVoter, 2010).

California has been increasing its arrests, prosecution, and incarceration of non-violent drug offenders for nearly three decades, targeting the demand side of the drug war rather than the supply side (CJCJ, 2010a, p.2). This practice contributed significantly to the overcrowding in California's prisons, with nearly one fourth of all drug arrests in California for simple marijuana possession in 2010 (CJCJ, 2010a, p.3). The racial and geographical disparities in policing practices for marijuana possession have been extensively documented and demonstrated a departure from a coherent system of justice. Proposition 19 would have addressed the need for a more uniform approach to drug use in California, and allowed the criminal justice system to focus on the disturbing increase of death by overdose on harder drugs, that has been rising since the 1990s (CJCJ, 2010a, p.3).

PORAC contributed \$5,000 to the Prop. 19 opposition committee and spent \$25,000 independently on mailers opposing the proposition (Follow the Money, 2011). The Proposition failed by 53.5% against to 46.5% for (SmartVoter, 2010). Experts indicate the proposition failed because of a "lack of liberal enthusiasm" and the failure of younger voters to turn out for the vote (CJCJ, 2011a). Further, Prop. 19 opened the door for other marijuana legislation, such as Senate Bill 1449 that reduced simple marijuana possession to a citation for all ages (CJCJ, 2011a).

Conclusion

Over the course of 2003 to 2010, PORAC has spent \$3,322,164 on direct contributions, 41% of which was spent lobbying for or against California ballot measures (Follow the Money, 2011). While PORAC often lobbies to protect and enhance employment benefits for its members, it also has a distinct criminal justice policy agenda that is evident in the legislation it promotes and opposes. PORAC supports legislation that is highly incarceration-focused, requiring longer sentences, more stringent monitoring and surveillance, and increased restrictions and penalties across the system. It generally opposes legislation that promotes rehabilitation and treatment, community-based alternatives to incarceration, and revision of criminal offenses to target high-risk offenders and divert low-level offenders from the system.

Meanwhile, other traditionally tough-on-crime organizations, like the CCPOA, appear to be transitioning away from this punitive approach to California's criminal justice system, and embracing policy founded in quality research and known best practices (Teji, 2011a). Despite California's current prison and budget crisis, PORAC has not followed suit and continues to pursue inefficient policies that protect the employment needs of its membership rather than invest in policy rooted in data that effectively promote public safety.

Nevertheless PORAC is a powerful lobbying organization in California because it invests significant money into developing relationships with key policymakers and makes large contributions to ballot measure committees. In addition it also engages in independent spending to bolster its policy recommendations and gain favor with state candidates. If California wishes to pursue a humane and efficient criminal justice system it should remember that PORAC's lobbying agenda is not always congruent with this goal.

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