

Interest Groups and Criminal Justice Policy

**Sacramento's K-Street Lobbyists:
The criminal justice inner circle**

by

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Introduction

Each year, California spends in the region of ten billion dollars maintaining a prison system that has grown more than five-fold over the past forty years. In the early 1970s, when incarceration rates began rising around the country, approximately 28,000 Californians were in prison, and the state's prison system was seen as a national showcase.¹ By the late 1970s the number of inmates had fallen again, to approximately 23,000. Then it began an upward trend that continued uninterrupted into the middle of the first decade of the 21st century (State of California Department of Justice, 2011).

By the early 2000's California was imprisoning 170,000 residents and the system was now seen to be one of the most dysfunctional in the country. In no area of the criminal justice system was the change more profound than in the arena of drug sentencing: in 1970 approximately five per 100,000 Californians were incarcerated in state prisons on drug convictions; by the late 1990's, that number had increased to over 50.² In the past decade, the inmate population has waxed and waned, but even today, over 160,000 Californians are still prisoners of the state, with another 100,000-plus on parole.³

None of this is financially easy.⁴ Incarceration costs an average of \$44,688 per inmate per year. By many measures, much of that money is simply wasted: California has one of the worst recidivism rates in the country; its juvenile system, which is one of the most expensive in the country, is in such shambles that the state has moved to minimize the number of youth admitted into its institutions; and the prisons themselves are now so overcrowded and dangerous that the Federal court system has stepped in and ordered the state to cut its prison population by 30,000 inmates to avoid subjecting prisoners to the cruel and unusual conditions of confinement that result from overcrowding.⁵

The increased incarceration numbers – both raw numbers and the incarceration rate as a percentage of the population – have been generated by a series of tough-on-crime laws, around drug offenses, gang offenses, and repeat offenders in particular. Disproportionately, the increases in incarceration have affected African-American and Latino communities, and

¹ For a comprehensive overview of national incarceration rate increases, see Justice Policy Institute. (2000). The punishing decade: Prison and jail estimates at the millennium at http://www.justicepolicy.org/images/upload/00-05_rep_punishingdecade_ac.pdf

² For data from 1970, see Human Relations Agency Department of Corrections Research Division. (1971). California prisoners 1970 and 1971: Summary statistics of felon prisoners and parolees at http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/CalPris/CALPRISd1970_71.pdf. For a complete archive documenting changes in California's inmate population over the years, see http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/CalPrisArchive.html

³ For the most comprehensive overview of California's prisoner numbers and demographics, through 2009, see California Department of Corrections and Rehabilitation (CDCR) Offender Information Services Branch. (2010). California prisoners and parolees 2009 at http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Annual/CalPris/CALPRISd2009.pdf

⁴ To understand the changes in California spending priorities vis-à-vis criminal justice system institutions, see State of California Department of Justice's Criminal Justice Expenditures, 1967/68-2007/08 at <http://ag.ca.gov/cjsc/glance/cht9.php>

⁵ For the Supreme Court's reasoning, see <http://www.supremecourt.gov/opinions/10pdf/09-1233.pdf>

impoverished individuals and communities (Mauer and King, 2007). According to Joseph Hayes of the Public Policy Institute of California, while only 6 percent of the population as a whole is African-American, they constitute 29% of the prison population; the product of an extraordinary 5,525 per 100,000 incarceration rate amongst African-American males in California (Hayes, 2011). Nearly forty percent of prisoners in the state are Latino, and the incarceration rate for Latino males is over 1,100 per 100,000 (Bailey and Hayes, 2006). Approximately 65 percent of state prisoners come from Southern California, with impoverished communities such as Los Angeles' Compton and South Central serving as primary points of entry into this enormous system (Bailey and Hayes, 2006).

Both driving the decades long changes in incarceration rates and severity of the sentences handed out, and also seeking to take advantage of them, is a network of special interest groups, professional associations, and Sacramento-based lobbyists. Groups such as the California Correctional Peace Officers' Association (CCPOA); the Police Chiefs Association; the Sheriffs Association; the District Attorneys Association (CDA); Crime Victims United (CVU); and the Peace Officers Research Association of California (PORAC) – which puts out policy papers and other materials advocating for particular criminal justice changes – have spent millions of dollars over the years influencing elections, lobbying for and against specific policies, and, endorsing and donating to candidates who offer them favorable employment contracts and the chance to expand their membership roles.

This report highlights how this conservative criminal justice lobby helped shape California policy in the recent past, and how it is trying to adapt to the new economic and political realities so as to continue exercising a powerful role in the future.

The Conservative Criminal Justice Lobby

Over four decades, this network has cemented its role within California's political process, influencing elections and helping craft legislation. Generally on prison-related issues, the conservative criminal justice lobby allows the CCPOA, the prison guards' union, to take the lead; on sentencing issues, the California District Attorneys Association (CDA) gets priority.⁶ For the CCPOA, policy stances are honed during bi-annual legislative committee meetings at which board members push specific policies. Once they have developed legislative ideas, they then identify sympathetic legislators to sponsor the bill.

“Let's say it's a workers' comp issue and they want to start in the Senate,” explains CCPOA lobbyist Ryan Sherman. “They'll find a legislator who's a leading person on that issue in that chamber. You're going to want somebody who's well respected by their peers, who's knowledgeable and competent and can speak on the issue.”⁷

Of course, it helps to have other criminal justice organizations on board too.

⁶ The information about which lobby groups take the lead on various themes comes from a series of conversations the author had with lobbyists representing some of the criminal justice interest groups.

⁷ Author interview with Ryan Sherman, August 15, 2011.

Their lobbyists will meet to discuss ideas over lunch or drinks at Sacramento political haunts such as Chops restaurant, Esquire bar and grill, the Broiler, Virgo's and a handful of other meeting-spots near the Capitol. They will eat, drink, and strategize. Sometimes they will draft letters that they will then mail to legislators on a given issue; they will talk about political races; and discuss upcoming committee hearings on bills.

While these lobbyists do not rank as high on the totem pole as those from big pharmaceutical and oil companies, and the largest public sector unions, they are nevertheless, extremely influential. Crossing the conservative criminal justice lobby opens a politician up to the charge that he or she is "soft on crime," a charge hard to refute in an era in which politicians have to communicate with audiences largely in sound bites.

The influence of the conservative criminal justice lobby is both visible, in terms of endorsements proffered or withheld and independent expenditures laid out by political action committees; and it is also covert, wielded through carefully cultivating staffers who, far from the spotlight, help shape legislation and decide how politicians will vote on legislation. In an era of term-limits, in which politicians no longer have the time or inclination to develop specific policy-area expertise, this network has come to occupy a vital behind-the-scenes position, working with long-time committee staffers and counsel to craft bills that legislators themselves often do not fully understand. Too often, the result has been good for these special interests but bad for the integrity and transparency of the public policy process.

Now, with California in fiscal crisis, and with a newly drawn state electoral map combined with the Open Primary reform, the old rules are changing. Faced with systemic budget problems, the state is looking for ways to trim its fiscal obligations. Given the size of the correctional budget, inevitably some of its dollars are now seen as ripe for cutting. Governor Brown signed AB 109 in April 2011, moving responsibility for an array of low level offenders and parolees from the state to local jurisdictions. Money allocated from a newly established community corrections grant program is partially funding this change.⁸ In addition, non-violent female offenders who have dependent children are being diverted into non-custodial sentences; and in many counties District Attorney's are being more selective in seeking Three Strikes sentences for repeat offenders.

At the same time, legislative districts have been redrawn with an eye to make them more politically competitive. The Open Primary reform pits members of different parties against each other in the primaries and allows the top two contenders to compete in the general election, even if both of them belong to the same party. This could result in more moderate, middle-ground politicians coming to Sacramento. For lobbyists, this poses a challenge: instead of focusing resources on a few figures in a few key competitive races, they will likely have to spread their largess more widely, both in the newly competitive primaries and in the restructured general elections. If, as is widely expected, the reforms reinvigorate the political middle in California politics, both liberal and conservative lobbies will be left scrambling to find votes for their pet policy reforms. How that will play out is posing a challenge to the K Street lobbying

⁸ For the complete text of AB 109, *see* <http://e-lobbyist.com/gaits/text/351968>
For the governor's press release, on signing this bill, *see* <http://gov.ca.gov/news.php?id=16964>

community; the network of paid lobbyists with offices in the immediate vicinity of California's Capitol building.

In recent decades, law enforcement groups and criminal justice system lobbyists cultivated top go-to guys in Sacramento; John Lovell, Karen Panck, Nicholas Warner, and a handful of others became known in Sacramento for their effective lobbying.⁹ Generally they would target a few key legislators, oftentimes middle-ground Democrats, because they assumed that the GOP would en masse support law-and-order positions without needing much coaxing, and they also assumed that the progressive wing of the Democratic Party would be less susceptible to pressure from conservative criminal justice advocates. At the same time, they also went out of their way to cultivate a few Republicans such as George Runner, who made careers in Sacramento largely through pushing tough-on-crime legislation, and who could easily marshal their party around major policy positions.

As a result, a handful of key legislators were showered with campaign contributions and benefited hugely from independent expenditures. The intent of this politicking was partly to ensure the election of particular individuals. More generally, however, it was about tailoring the overall composition of the state legislature in a way that would both maximize the chances of conservative criminal justice legislation passing and also maximize the influence of criminal justice lobbies, both during committee hearings but, perhaps more importantly, in the broader lobbying arena throughout Sacramento. Thus, moderate Democratic legislators such as Lou Correa and Fabian Nunez routinely both received endorsements and benefited from independent expenditures by the constituent organizations comprising the conservative criminal justice lobby.¹⁰

Of particular importance to politicians climbing up the ladder in the 1990's and 2000's, were endorsements from the Police Chiefs Association. It was essentially the gold bar in law enforcement circles. That gave a lobbyist like John Lovell tremendous clout when pushing bills on behalf of his clients.

"A politician, by his very nature, is involved in an advertising campaign," says another lobbyist, who declined to be identified by name in this report. "And they're the product. Every politician wants the good housekeeping seal of approval. For a politician to claim 'I'm the choice of law enforcement,' that's very attractive."

At the gubernatorial level, the CCPOA in particular, used its huge fiscal clout to powerful effect. In the 1990's, it backed Republican Governor Pete Wilson; in the run up to the 2000 election, it shifted support to Democrat Gray Davis,¹¹ who was adamant that no one would run to the right

⁹ For lists of lobbyists and the organizations they represent in Sacramento, see <http://cal-access.ss.ca.gov/Lobbying/>

¹⁰ A Sacramento Bee editorial titled *Can Legislature bite the hand that feeds it?* at <http://www.prisontalk.com/forums/archive/index.php/t-59087.html> is a good overview of how the CCPOA bought a place at the political table through a strategic use of funds. It lists the organizations contributions to the political campaigns of legislators in the early 2000's.

¹¹ CJCJ's report California Prison Politics located at http://www.cjcj.org/files/cal_prison_politics.pdf details enormous CCPOA contributions to the Davis campaign from 1998 onward.

of him on criminal justice issues. True to his word, Governor Davis blocked any and all progressive criminal justice reforms, approved parole for virtually no lifers, and presided over large increases in criminal justice expenditures.¹²

When Governor Davis was recalled, for reasons entirely separate from his criminal justice stances, the CCPOA's influence faded somewhat. For a number of years, the group was in near-permanent battle with Governor Schwarzenegger. Yet while Governor Schwarzenegger began his time in office sympathetic to criminal justice system reforms, he rapidly realized such reforms could inflict a high cost on his governorship. After hiring onetime staffers for Governor Davis, such as Susan Kennedy, who became his chief of staff, he absorbed the lesson that conservative criminal justice stances tend to pay electoral dividends.

By the fall of 2004, Governor Schwarzenegger had aligned with millionaire Henry Nicholas III and the CCPOA, contributing money from his political war chest to oppose an initiative that would have reformed three strikes by limiting its application to violent offenders (Mathews, 2004). In the last weeks of the campaign, with Governor Schwarzenegger, the CCPOA, and Henry Nicholas paying for extensive "vote-no" advertisements, support for Proposition 66 eroded. On Election Day, it was defeated (Ballotpedia, 2011). Today, over 8,500 inmates in California are serving third-strike sentences, more than half of them for property crimes, drug crimes, and other non-violent offenses (Legislative Analyst's Office, 2005; Center on Juvenile and Criminal Justice, 2011). Over the coming decades, that reality will cost the state billions of dollars in additional incarceration costs, and in spiraling medical costs for an aging inmate population.

The governor also backed off some moderate reforms of the parole system that had drawn hostile advertisements from the CCPOA and victims' rights groups. Yet despite the uneasy rapprochement Schwarzenegger negotiated with the CCPOA, the union never felt that he was fully in their camp. They did not trust him in contract negotiations and were concerned that he might partially privatize the prison system. In 2010, they strongly opposed Meg Whitman, the candidate the GOP had nominated to succeed Governor Schwarzenegger, who was overtly sympathetic to the notion of privatizing portions of the state prison system. Like other public sector unions, in 2010 the CCPOA cast its lot with the Democrats. In the governor's race, they courted candidate Jerry Brown, putting millions of dollars into his election effort – and receiving the nod that if elected, Governor Brown would push for a contract with the guards' union that preserved the union's role in helping shape management decisions about how prisons would be run and that did not eat into hard-won benefits programs for rank and file members (Greenhut, 2011).

Contract provisions, as Governor Brown understood all too well, are the crown jewels for the CCPOA and other law enforcement associations. Sweeten contract provisions, and a lot of money suddenly starts flowing from these associations into sympathetic politicians' campaigns.

It was quite a turn-around for Governor Brown, who had aroused the wrath of conservative criminal justice lobbies in his earlier gubernatorial incarnation, from 1975 to 1983, for his

¹² For a longer discussion of the CCPOA's expenditures over the past several decades, see CJCJ's working paper on this at http://www.cjcj.org/files/California_Criminal_Justice_Interest_Group_Overview_A_working_paper.pdf

opposition to the death penalty and his nomination of liberal-minded judges such as Rose Bird to the state's Supreme Court. In large part, it was a turn-around Governor Brown had earned through tilting in a more conservative direction on criminal justice policy while mayor of Oakland and then state Attorney General in the 1990's and 2000's.

Yet it was not just about policy. The CCPOA had come to actively dislike and distrust Meg Whitman. In part their support for Brown was a slap at the Republican as much as it was an endorsement of the Democrat. It was in some ways, similar to their intervention in high profile state senate races, going back to the early 1990's and through to the 2010 electoral cycle: for example, the year Brown was elected governor they moved strongly against senate Democrat Anna Caballero. Caballero had aroused the union's anger by supporting furloughs for the CCPOA until they agreed to a new contract. In response, the organization broke with other trade unions who were fighting hard on Caballero's behalf, and spent over \$200,000 supporting her opponent, Republican Anthony Cannella, in 2010 (Smith, 2011). Cannella won the key swing seat, helping to prevent the Democrats from gaining a super-majority in the Senate that would have allowed them to pass budgets and raise taxes without GOP votes. At least in part because of this, California's budget process stalemated for months after the election, and already-severe cuts to state programs were made worse by an absence of new revenue.

CCPOA's influence was also felt via secondary groups such as Crime Victims United (CVU). Headed by Harriet Solarno and propped up with CCPOA funds, CVU began routinely liaising with the governor's office during the tough-on-crime decades, and also began running influential political ads that could make the difference between victory and defeat for a candidate. CVU pressure was pivotal in pushing politicians to support Three Strikes in the early 1990's; in marshaling opposition to reform of three strikes in 2004; in toughening up in-prison conditions – California used to have some of the country's best prison libraries, for example; now the library are in disrepair. Its inmates used to have considerable access to college programs; that access has been curtailed – and expanding the use of secure housing units; and in opposing both drug law reforms and early release provisions over the decades.

In many ways, all of this profoundly benefited the CCPOA. As the system grew, the number of peace officers grew, as did CCPOA membership. In turn, especially during the years in which the union was led by Don Novey, it used much of its additional revenues from membership dues to support politicians who were "tough-on-crime" and supportive of generous CCPOA contract provisions, and to lobby for policies that led to more prisons.

This did not just involve cultivating the top political figures in the state. Lower down the totem pole, these groups supported legislators such as Fabian Núñez, Lou Correa, Bonnie Garcia – a go-to legislator whose husband was a police officer and who took very conservative positions on criminal justice issues -- Ellen Corvak, Ron Calderon, and ex-correctional officer Rudy Bermudez. These legislators routinely saw CCPOA and other law enforcement groups' independent expenditure dollars flow their way come election time. Afterwards on committees, they would reliably cast votes congruent with CCPOA priorities. Public Safety Committee chairs such as Jose Solario, Gloria Romero, and Elaine Alquist, cultivated close relationships both with the CCPOA and also with victims' rights groups.

While that did not mean they always sided with the CCPOA, it did mean the organization had a ready opening to state its case to these legislators and, perhaps more importantly in an era of term limits and high legislator-turnover, their staffers; these behind-the-scenes aides and counsels had the power to make or break legislation, and the top lobbyists knew it.

“The lobbyists and senior staff at the Capitol are kind of the keepers of the knowledge,” says Ryan Sherman, lobbyist for the CCPOA. “They’re the ones with the history, the knowledge of what’s been tried before. That’s probably not the best way to handle public policy in the state, where the outside interest groups are the experts. The imbalance is not in favor of the people who have been elected by voters.”¹³

In cultivating good relationships with staffers, lobbyists for groups such as the CCPOA ensured that the organizations they represented would always receive a hearing. Through effective lobbying over a span of decades they had developed, in some ways, privileged access to the system. For as with any other issue and any other lobbying relationship, the culture of mutual aid prevails.

“You try to build relationships with every opinion-maker,” says John Lovell. The sixty-six-year-old Lovell, who has represented the Police Chiefs in Sacramento for nearly twenty years, is the doyenne of law enforcement lobbyists in town. Along with lobbyist Karen Panck, who represents the parole and probation associations, and with Nick Warner, lobbyist for the sheriffs’ association, he is as responsible as anyone in the capital for the shifting mores around crime and punishment over recent decades. Sitting on a black leather swivel chair in his cluttered fifth floor office near the capital, Lovell explains the tricks of his trade.

“You build up your rolodex,” he says, “you get face and name recognition with as many people as possible. You try to do it in ways that are most easily handled by the individual staffer or legislator. Some like memos, some emails, some just like to talk it through. It varies from person to person. It’s not rocket science, it’s relationships.”¹⁴

As in most states during the tough-on-crime decades, the business of making criminal justice policy became increasingly influenced by advocacy groups, law enforcement associations and unions, and lobbyists. The interplay of changing public attitudes around crime and punishment and changing political priorities in Sacramento has given these groups a powerful opportunity to reshape crime and punishment policies and institutions statewide. As a result of these changes, California went from having one of the country’s most progressive prison systems, with a strong emphasis on rehabilitation, with renowned prison libraries and innovative drug treatment and job training programs, to having a grievously overcrowded, violent system. Increasingly prison administrators came to rely on expensive secure housing units, that kept thousands of prisoners in isolation cells, and that fed into a revolving door system in which prisoners were bounced from prison to parole and back into prison again with depressing regularity.

¹³ Author interview with Ryan Sherman, August 15, 2011.

¹⁴ Author interview with John Lovell, August 30, 2011.

From the 1980's onward, it became increasingly easy to pass supposedly tough-on-crime legislation in California. In recent years, as the collateral costs associated with this movement have become all-too-clear, progressive criminal justice groups have pushed for reform. Yet, on the whole it has proven difficult to unravel this web of laws, even when legislators are faced with evidence of their high cost, their inefficiency, and, in some cases clear malfunctioning – as when very low-level offenders receive three strikes sentences that end up costing the state hundreds of thousands of dollars, per inmate over the course of those inmates' lifetimes.

Bills such as SB 490, a 2011 legislative proposal that would have replaced California's expensive death penalty, with a life-without-parole punishment for those convicted of capital crimes, have gone down to defeat despite the fiscally sound principles behind them. At the same time, legislation that would have offered minors sentenced to life without parole a resentencing opportunity decades into their sentence did not get enough votes to pass out of the Assembly. It went down to defeat in August 2011 ("California sb9 defeated," 2011). That said, some reforms have gotten through recently as well: most notably two needle exchange bills; AB 604 sponsored by Assemblyman Nancy Skinner, allows the Department of Public Health to facilitate the implementation of needle exchange programs in areas of the state where there was deemed to be a high risk of HIV, Hepatitis and other blood borne diseases being transmitted (Skinner, no date), and SB 41, allows Californians to buy a certain number of needles from pharmacies without a prescription. The bills were strongly opposed by the Police Chiefs, the sheriffs and other conservative groups, but the legislature passed and the governor signed both bills in October 2011. Public health advocates managed to convince enough legislators that the laws would significantly decrease the spread of HIV and Hepatitis C in the drug using community (Smith, 2011).

Yet, despite the power of conservative criminal justice groups in Sacramento, the system is now clearly at a tipping point. In February 2009, a panel of federal judges ruled that conditions in the overcrowded system had become so egregious that they violated the constitution's prohibition on cruel and unusual punishments. The state had tried to pre-empt a court-mandated release program by passing AB 900, a sprawling prison-building and treatment bill, that was designed to pre-empt federal intervention (although it passed over the last few years it has been somewhat overtaken by events: first by the fiscal crisis and now by the new emphasis on realignment).

In May 2011, adding urgency to the need for reform, the U.S. Supreme Court upheld the early court ruling. As a result the state was ordered to reduce its prison population by more than 30,000 inmates over a three-year period. At the same time, the state's financial condition has deteriorated to the point that even previously untouchable parts of the general fund budget, such as the money allocated to the California Department of Corrections and Rehabilitation are now being cut back. Taken together, these changing legal and economic circumstances have forced the state to embark on some of the biggest criminal justice system changes in a generation.¹⁵

Over the coming years, as a result of the passage of AB 109, upwards of 30,000 non-violent inmates will be removed from state to county monitoring, upon their completion of their

¹⁵ For a longer discussion of recent changes in state prison populations, and falling prisoner numbers in many states around the country, see http://www.ppic.org/main/publication_show.asp?i=702. For a discussion of California's changing incarceration priorities, see http://www.lao.ca.gov/reports/2010/crim/prison_pop/prison_pop_012510.pdf.

sentence; or will not be sent to prison in the first place, and will instead be housed either in local jails or in community alternatives to incarceration. Whole categories of prisoners, including non-violent offenders who are the primary care givers for their children, will, under SB 1266, be let out of prison under supervised release programs. Thousands of other non-violent offenders, including those with low-end drug convictions, will also be removed from state jurisdiction (SB 1266, 2010). The ultimate goal is to reduce California's annual correctional expenditures by somewhere in the region of two billion dollars.

While the sheriffs association, CDAA, the CCPOA and other constituents of the conservative criminal justice lobby network in Sacramento have opposed all or parts of the realignment process, what is most notable is that their opposition has been so muted. With the exception of the victims' rights groups, none of them has expended much political capital opposing the changes; nor have they thrown money into high profile advertising campaigns in opposition. Instead, they have recognized that the combination of federal court intervention and deteriorating state finances have made inevitable the onset of significant reforms. While they have testified in committee hearings about some of the risks of large scale releases from state prisons, they have also come to the table to negotiate; both the sheriffs and probation, for example, have lobbied hard to have some of the money that will not be flowing into state corrections diverted their way instead, at times coming into open conflict with each other as to what the state's spending priorities ought to be. The CCPOA has concentrated more on preventing layoffs of officers and ensuring that correctional staff reductions are achieved through not replacing retiring officers, than it has on opposing the principle of realignment itself. In fact, in many ways, the CCPOA, under the leadership of Mike Jimenez, has moved toward a more progressive stance on a number of key policies. Its leadership supports sentencing reform, has concluded that the state cannot build its way out of its prison crisis, and has supported moves to reduce the number of youth heading into state youth institutions. On other issues, however, such as death penalty reform, the organization's positions remain unchanged.

Conclusion

Criminal justice system lobbyists do not always win, but they do know how to make politicians uncomfortable when they lose. They help shape public perceptions and over decades they have helped craft legislation. Now, as California gears up for a major change in 2012, in how its electoral system functions, the organizations that constitute the state's criminal justice infrastructure are racing to work out how to play the new game.

For John Lovell the changes open up opportunities. "What life is about is managing change," he explains. "When I came up [to Sacramento], there were no term limits at all, so the texture was slightly different. I view all change as opportunity."¹⁶ For the CCPOA's Ryan Sherman however, the new model presents more risks. He thinks it will force the CCPOA to spread its independent expenditures more widely, putting smaller amounts into more races. "We're going to see how that changes the playing field, because nobody knows. It's never been tried in California before."¹⁷

¹⁶ Author interview with John Lovell, August 30, 2011.

¹⁷ Author interview with Ryan Sherman, August 15, 2011.

What will happen in 2012 and subsequent electoral cycles is as yet unknown. But given past history, it is a far bet that the conservative criminal justice lobby will be seeking to shape outcomes over the next many months. Cast onto the defensive by the state's dismal fiscal situation, groups like the CCPOA and the Police Chiefs Association will use their still considerable clout to try to minimize the scale of change and control the direction of that change, first during the open primaries then during the revamped general election. "It'll be an opportunity, where my clients want to, to shape results in some of those seats," argues Lovell. "I view it as an opportunity."

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