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California State Senate

SENATOR
SCOTT WILK

TWENTY-FIRST SENATE DISTRICT



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BUDGET SUBCOMMITTEE #4

August 16, 2017

California Dept. of Corrections and Rehabilitation
ATTN: Regulation and Policy Management Branch
P.O. Box 942883
Sacramento, CA 94283-001

RE: Credit Earning and Parole Consideration Proposition 57 (NCR 17-05)

To whom it may concern:

I write to provide a number of thoughts regarding the proposed Proposition 57 regulations recently opened for public comment. It is no secret that areas of the high desert and Antelope Valley are plagued with crime, a situation exacerbated by early release measures passed by the Legislature and the voters. Prisoners are routinely paroled via a one way bus ticket to downtown Victorville, altering the face of our downtown and making it more dangerous. In the Antelope Valley, Officer Steve Owen, a family man and veteran of the police force was gunned down in cold blood last year by a parolee who should have been back in prison for violating his parole on numerous occasions. These policy changes have real consequences.

When CDCR considers how to implement Proposition 57, which changes many "nonviolent" felonies to misdemeanors, it should consider the full impact of these changes. A large portion of these offenders have committed dangerous criminal acts involving direct, physical violence against another person and/or have a current or prior sex offense, violent or serious crime on their criminal record. Given that this population is the target of the proposed regulations, I have concerns with the proposed narrow definition of "nonviolent" offender developed by the Department and believe that it does not support the constitutional mandate that CDCR's regulations "protect and enhance public safety."

The definition of a "nonviolent" offender as proposed in Sections 2449.1 and 3490 appears to allow an individual who was convicted of a "violent" offense to be considered a "nonviolent" offender for purposes of any remaining custody time, thereby making him eligible for parole. This is contrary to the will of voters and violates Proposition 57.

Moreover, it is noted in the proposed regulations that offenses to be excluded listed in Penal Code Section 667.5, "involve an act of physical violence." These types of crimes in the Penal Code involve an actual act or threat of violence against another person should be built into the regulations. Some examples of these types of crimes are felony corporal punishment or injury of a child, all forms of human trafficking, and assault with a deadly weapon on a peace officer or firefighter. These types of crimes are a growing problem in California and represent a threat to community safety.

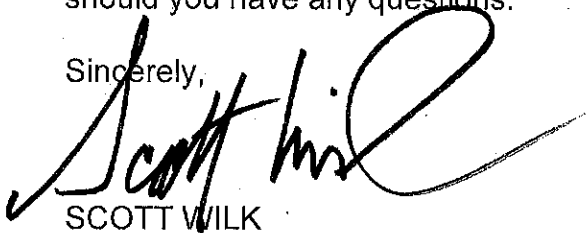
Additionally, I am concerned that limiting the exclusion to those convicted of a sex offense that currently requires registration pursuant to Penal Code Section 290 does not fully recognize the entirety of the Sex Offender Registration Act and could exclude offenders that register pursuant to other sections of law.

Lastly, the limited timeframes for comment and protections available to victims or next of kin is concerning. The current proposal allows only thirty days for notification and response and fails to provide any confidentiality or other response options for the victim or next of kin. This is woefully unfair to those who have suffered the trauma of crime, some of which may have involved threats, intimidation and violence. Given that this is a new process, many victims may not know that the individual that victimized them would be eligible for parole and could be released early. Providing them with only a week or two to overcome fear, understand the process, comprise thoughts and communicate with the hearing officer is inadequate and unjust.

Victims of crime must be given a significant role in parole proceedings, including providing them with a constitutional right to have their voice heard. Input and safety should be one of the most important considerations for any person making a parole decision. At a minimum, the timeframes for comment need to be increased to ninety days and the victim, or their next of kin, should have the ability to communicate in confidentiality with the hearing officer.

Thank you for your consideration of my concerns. Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Wilk". The signature is fluid and cursive, with a large loop at the end.

SCOTT WILK
Senator, 21st District