



OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF TULARE

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Remember the familiar quote; “necessity is the mother of invention”? We see the truth in that saying in nearly every aspect of our lives; from the cell phones we use to the cars we drive.

It is also indicative of the laws we pass as voters. For years victims of crime and their loved ones have developed and rallied behind legislation such as the Victims’ Bill of Rights (Proposition 8, 1982), Marsy’s Law (Prop 9, 2008), Megan’s Law (1996), the Three Strikes Law (AB 971, 1994), the Gang Violence and Juvenile Crime Prevention Act (Prop 21, 1998) in order to prevent more crime, appropriately punish the guilty, and protect the innocent. It was a necessity to pass these laws because clearly in each instance, California was lacking in her commitment to protect her citizens.

Imbedded in the legal terminology of propositions and laws are the names of victims. The storied history of many of these laws involves their family, friends, and communities fighting to ensure the atrocity of violent crime they experienced never happens to someone else. Crime victims are consistent in fighting for justice on behalf of their loved one and they are also consistent in their desire to not have that crime not happen to other people.

While these “pro victim” laws still exist, they have been diluted, chipped away at, and in some cases gutted. Recently in California, crime victims were let down first through legislation (AB109, Prison Realignment) then via a ballot initiative (Prop 47, The Safe Neighborhood and Schools Act). “Realignment” meant freedom for many inmates and “Safe Neighborhoods and Schools” actually meant a reduction in penalties for many crimes.

What I would view as a positive ramification of these pro-victim laws was an *increase* in the populations of our jails and state prisons. However, this created a financial stress on our State. Unfortunately the only option on the table to tackle this problem was to release criminals from incarceration. AB109 Prison Realignment legislation was passed (over the opposition of our local legislators). As a direct result, the population in our local jails (in Tulare County and across California) exploded. What happened next? The ballot initiative process was used to pass Prop 47 which re-classified many felonies as misdemeanors and thus reduce jail sentences.

By decriminalizing bad actions and reducing punishments, we certainly end up with space in our prisons and jails, but where does that leave the victims of crime? As a society are we expected to absorb and tolerate a certain amount of bad acts, which were once felonies, but are now misdemeanors, in order to save money and reduce overcrowding? What level of crime do we as society wish to tolerate as we experiment with releasing non-violent offenders out into our communities? What are you willing to have stolen, violated, abused, and hurt in this effort?

This debate might just be decided on the ballots if another incorrectly titled initiative shows up on our ballots. The Public Safety and Rehabilitation Act of 2016 will again swing open the prison gates to convicted criminals and restrict District Attorneys ability to try minors as adults, but only if it survives the initial challenges by District Attorneys across our State and if the Governor is able to get the requisite amount of petition signatures. If it does, here is the question to ask: “is this proposed law in the best interest of victims and their families?”

Whether it is this initiative, or another erroneously named initiative, I want you to read it thoroughly and then ask yourself, will it help victims and their families? Will it prevent crime? Please stand with the District Attorneys across this State in supporting crime victims by reading and analyzing very carefully any proposed initiative involving crime. We owe crime victims at least that much.

Tim Ward  
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