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‘Three Strikes of Injustice’

By KELLY DUANE de la VEGA and KATIE GALLOWAY

In 1994, California voters passed the harshest three-strikes law in the country. Soon after, stories began to emerge about people receiving life sentences for petty crimes such as stealing a pair of gloves or a slice of pizza. Such cases challenged the commonly held belief that the law applied only to violent criminals.

Our interest in this issue deepened when we read the results of a 2010 report, shared with us by the Three Strikes Project at Stanford Law School. The study showed that more than 4,000 inmates in California are serving life sentences for nonviolent offenses under the three-strikes law. While it is possible that some of the inmates may be eligible for parole after 25 years, a majority face the prospect of decades of prison time. Many of these stiff sentences struck us as egregious.

Although judges have sentencing discretion in a very narrow band of three-strikes cases, the reality is that judges almost universally consider themselves bound under California law to impose a life sentence for a third felony offense, no matter how minor.

When we began working on this Op-Doc, as well as other short-format videos profiling nonviolent “three strikers” and their families, a portrait quickly emerged of Californians struggling with extreme poverty whose lives — in the words of one woman we interviewed — “can just be thrown away.” We also learned that the law is disproportionately applied to minorities, the mentally ill and the poor.

The case of Shane Taylor, the subject of this video, is common in many ways, but also unusual in that his judge and prosecutor have gone on record saying that his sentence is unfair and should be modified. Under current law, revising a sentence after it has been imposed is nearly impossible.

On Nov. 6, voters in California will decide whether to adopt Proposition 36, a ballot initiative that would reform the most draconian aspects of the law — and, in our view, restore the original intent of voters, which was to lock away violent career criminals for life, without unjustly throwing away the lives of small-time, nonviolent offenders like Mr. Taylor. Like most Californians, we believe that the punishment should fit the crime. We’re encouraged that polls show broad public support for the measure.

[Kelly Duane de la Vega](#) and [Katie Galloway](#) received the best documentary screenplay award this year from the Writers Guild of America, West, and the Gotham Independent Film Award for best documentary last year, for their film [“Better This World.”](#) Funding for the production of this video was raised in part by David W. Mills, a Stanford law professor who supports Proposition 36 and has advocated reform of California’s three-strikes law.