

Opinion: Change in law could let Garrido out

By Vern Pierson

In 1972, Phillip Garrido drugged and raped a 14 year old girl in Contra Costa County. In June 1976 in South Lake Tahoe, Garrido talked his 19 year old victim into his car, then handcuffed her and raped her. On Nov. 22, 1976, at approximately 6:30pm in South Lake Tahoe he talked his 25 year old victim into giving him a ride and put a handcuff on one of her wrists. Luckily, she jumped out of the car, alerting neighbors, and escaped. One hour later that same day in South Lake Tahoe, Garrido talked another victim into his car, kidnapped her, took her to a storage shed in Reno and sexually assaulted her. In 1977, Garrido was sentenced to 50 years in prison for that crime.



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In 1988, Garrido was released early from prison after only serving 11 years of his 50-year sentence. The parole board noted at the time that Garrido could be certified “as not contributing to menace to health, safety and morals of society.”

A few months later, Garrido visited his last victim who was still working up in South Lake Tahoe – telling her “it’s been 11 years since I had a drink.” The victim was shocked to find that he was released from prison 39 years early and

immediately reported it to Garrido's parole Agent – who responded by noting in his file “to subject [Phillip Garrido] to electronic monitoring would be too much of a hassle based on the hysteria, or concerns of the victim”

From 1988 until 1991, Phillip Garrido stalked children at parks and neighborhoods ... just waiting for his chance.

On June 10, 1991, he found his next victim – 11 year old Jaycee Lee Dugard – who was kidnapped from Meyers and taken to Antioch, where she was sexually assaulted and imprisoned for the next 18 years.

On Aug. 26, 2009, Jaycee was finally discovered. Two days later, Garrido was charged with multiple felony counts of kidnap and rape. On June 2, 2011, Garrido pleaded guilty and was sentenced to 431 years in prison to life. Under the law in 2011, this meant that Garrido was ineligible for parole until 2440 – 431 years from the date he was arrested.

However, on May 25, the El Dorado County District Attorney's Office was given notice by the California Department of Corrections and Rehabilitation (CDCR) that Garrido is now eligible for parole on Aug. 26, 2034.

How is this possible?

It is possible due to the misguided efforts of Gov. Jerry Brown and the California Legislature along with their apparent desire to release more and more prisoners back to the streets of our communities. The little known law that allows Garrido to reduce his sentence by 406 years is called the Elderly Parole Program. Thus, Garrido could be back on the streets of California after only serving 18 more years of a 431 to life sentence. The efforts of Brown and the Legislature are not limited to only helping provide for the early release of offenders like Garrido.

Further, this November, Proposition 57 will be on the

California ballot. Brown has noted in his support of the initiative that it “invests in proven public safety strategies that work” and “saves taxpayers dollars by reducing wasteful spending within our corrections system” and “keeps the most dangerous offenders locked up.” The proposed law can be found **online**.

The California District Attorneys Association, which strongly opposes the bill, noted in its analysis of the initiative, that it would drastically change California sentencing laws by ignoring sentencing enhancements for use of a deadly weapon, gang crimes, prior prison terms, and would reduce prison time for those who committed multiple crimes and allow broad authority to release murderers and rapists early. The CDAA analysis also finds that Proposition 57 would significantly undermine more than four decades of criminal justice laws and policies approved by California voters that were designed to enhance public safety and protect the rights of crime victims.

The CDAA analysis states, “The proposal conflicts with other constitutional and legislative provisions, including the use of enhancements mandated by the Victims’ Bill of Rights (Proposition 8), the truth-in-sentencing provisions of Marsy’s Law, the treatment of serious juvenile offenders provided in Proposition 21, the human trafficking laws, and the Three Strikes law.”

We urge the citizens of California to look beyond the title of the proposed law and see what it actually says and means. Read the law. It will, under either sides analysis, lead to the early release of prisoners. Early release of violent criminals from prison has proven to be a bad idea time and again. As George Santayana said, “Those who cannot remember the past are condemned to repeat it.”

Vern Pierson is the district attorney for El Dorado County.