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Dems push sentence panel

With prisons bulging and a June deadline to do something, party leaders introduce a bill to form a commission to set guidelines

By Andy Furillo - Bee Capitol Bureau

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Democratic leaders in the state Senate took their first step toward regulating the flow of inmates into California's dangerously jampacked prison system Thursday by introducing a bill to create a sentencing commission.

The proposal contained virtually no details, but the Senate Democrats said they favored a commission with "teeth" -- a departure from the model already sketched out by Gov. Arnold Schwarzenegger that seeks only to research and analyze California's sentencing system and recommend possible changes.

Even though the Democratic version of a commission remains a virtually empty canvas, it came under harsh attack Thursday from legislative Republicans. They believe their party rivals are primed to try to release an untold number of already sentenced inmates ahead of schedule -- an accusation dismissed by the Democrats.

Senate Bill 110 by Sen. Gloria Romero, D-Los Angeles, for now is only a two-sentence proposal that calls for "an independent, balanced and nonpartisan sentencing commission." The agency would compile and analyze data on the state's correctional and criminal justice systems and "develop and implement a comprehensive sentencing structure" focused on "correctional laws, policies and practices."

Romero was joined by state Senate President Pro Tem Don Perata, D-Oakland, at a Capitol news conference in introducing the bill. Neither Romero nor Perata provided details on what the commission would actually do, but they said the panel would be modeled on those already operating in other states that have established guidelines reserving scarce prison space for the most dangerous convicted felons.

"What they've done is developed sentencing policies to incarcerate people who need to be incarcerated and developed creative ways of sanctioning people who may not need to be incarcerated," said Kara Dansky, executive director of the Stanford Criminal Justice Center, who attended the press conference along with Romero and Perata.

The California Department of Corrections and Rehabilitation is housing some 173,000 inmates in prison space designed for about half that many, leading to legal actions calling for a statewide inmate population cap. U.S. District Court Judge Lawrence Karlton in Sacramento

gave the state until June to come up with a plan to resolve the overpopulation emergency. Otherwise, Karlton said, he would take the first steps toward creating an inmate population cap.

Perata said a commission would communicate to the courts that the state is making a good-faith effort to deal with its population problem, a move that he said would buy some time.

"If we don't do anything, they're going to bury us," Perata said of the federal courts in an interview.

Romero said she appreciates that Schwarzenegger "has embraced after much discussion the idea of creating a sentencing commission." But she said the proposals laid out by the governor "are not enough," because they are calling for a panel that would only be advisory in nature.

"If it doesn't have teeth, if it's not accountable, it will end up as another record that goes by the wayside," Romero said, standing next to a 3-foot-high stack of reports on sentencing reform dating back 30 years.

Schwarzenegger spokesman Aaron McLear said the Republican governor "has been very clear in his commitment to comprehensive prison reform" and that he "looks forward to working with the Legislature on this important issue." McLear said that a sentencing overhaul in California "needs to be part of a broader, comprehensive solution." Schwarzenegger has proposed a \$10.9 billion construction package, mostly funded by lease revenue bonds, to increase jail and prison capacity in the state by 83,000 beds.

As for the Republicans, Assemblyman Todd Spitzer of Orange said that Romero and the Democrats want the commission to give them political cover in case the sentencing changes they favor wind up putting offenders on the street who would then go on to wreak havoc.

"You have to have politics involved," Spitzer said. "It's the only thing that keeps legislators on the straight and narrow."

Romero denied that the commission would lead to early releases. Instead, she said, it promises to give the state a more comprehensive approach to creating public safety.

"We have a real opportunity and responsibility to not just be tough on crime, but to be smart on crime," Romero said.

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