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For Additional Information Contact:
Stuart Drown
Executive Director
(916) 445-2125

Commission Urges Immediate Action on Corrections Crisis

The Little Hoover Commission on Thursday urged reforms to California's correctional system to improve public safety and prevent a costly takeover by the federal courts.

In its report, *Solving California's Corrections Crisis: Time is Running Out*, the Commission said that California's correctional system is failing in its primary mission to protect public safety. The Commission recommended that the Governor and Legislature take immediate action to solve the overcrowding crisis and improve management of the correctional population or turn the system over to an independent entity that will.

The Commission said that if policy-makers are unable or unwilling to act, they should appoint an entity – modeled after the federal Base Closure and Realignment Commission – whose recommendations would become law unless rejected by the Governor or a two-thirds vote of the Legislature.

"California should not cede its sovereignty in this critical public policy area to the federal courts," Commission Chairman Michael E. Alpert said. "If the Governor and the Legislature cannot muster the political will to solve this crisis, they should appoint an independent entity that can and will."

The correctional crisis has been decades in the making, but time is running out for the State to solve it. The severe overcrowding in prisons has led to court filings in three ongoing federal cases alleging violations of the constitutional rights of inmates. Lawyers for inmates have asked the courts to establish a panel of federal judges to manage the prison population. A federal judge has warned that California has until June 2007 to show signs of improvement or risk additional federal intervention.

The courts already oversee inmate mental health, disability act compliance, parolee due process rights and most aspects of the State's juvenile justice system. A federal court has appointed a receiver over the inmate medical care system with unlimited authority to tap California tax coffers to make the system constitutional.

The Commission acknowledged that the Governor's recent corrections proposals and reforms introduced by the Legislature are steps in the right direction. But it also cautioned that proposals have been made before only to fail upon implementation.

The Commission said that the problem does not need further study and that the solutions are known, thanks to nearly two decades of work by expert groups and the Commission itself. The Commission laid responsibility squarely in the hands of California's Governor and Legislature to move beyond rhetoric and muster the political will to embrace and enact those solutions, including fixing the parole system, expanding prison educational, vocational and drug treatment programs and reallocating resources to community-based punishments for low-level offenders. A top priority, the Commission said, should be to resume control of the prison medical system.

The Commission also recommended that the State re-invent its parole system to focus on the most serious offenders and recommended eliminating post-release supervision for low-level offenders with no history of violence.

In 2003, the Commission declared California's parole system a billion dollar failure because 70 percent of all released offenders are returned to prison within three years, many on technical violations. The Commission found that California was out of sync with the rest of the nation in its policies of placing virtually every offender on parole and then using the most expensive sanction – a return to prison – when parolees fail to comply with the terms of their parole.

In the report released today, the Commission also concluded that California lacks a coherent criminal justice sentencing policy and any accountability for the impact of sentencing laws on public safety and public resources.

In 1976, the California Legislature enacted the Determinate Sentencing Act. The law brought much-needed certainty and uniformity to sentencing, but also unintended public safety consequences, including prison overcrowding and mandatory release every year of thousands of ill-prepared and dangerous offenders into California communities.

The Commission concluded that years of "tough on crime" politics have warped the intent of determinate sentencing beyond recognition. The result is a haphazard jumble of sentencing laws enacted incrementally over three decades with no thought to their cumulative impact.

"These laws have not been tough on crime, but they have been tough on taxpayers," Alpert said. "The reality is that each year thousands of hardened criminals are released without regard to the danger they present to an unsuspecting public. And the cost for this dangerous system will reach $10 billion this year."

The Commission recommended that the State begin a comprehensive evaluation of its sentencing system by establishing an independent sentencing commission with the authority to develop sentencing guidelines that become law unless rejected by a majority vote of the Legislature. The Commission said California should learn from states with effective sentencing commissions, such as Virginia and North Carolina.

"Critics who suggest that a sentencing commission is a code word for shorter sentences are misinformed," Alpert said. "Other states have used sentencing commissions to lengthen sentences for the most dangerous criminals, to expand community-based punishment for certain offenders and to bring fiscal responsibility to criminal justice policies."

The Commission asserted that the Supreme Court ruling on January 22, 2007 that found California's determinate sentencing law unconstitutional provides one more impetus for an independent commission to conduct a systematic review of California's sentencing laws and propose long-term solutions.

The Little Hoover Commission is a bipartisan and independent state agency charged with recommending ways to increase the efficiency and effectiveness of state programs. The Commission's recommendations are sent to the Governor and the Legislature. To obtain a copy of the report, *Solving the Corrections Crisis: Time is Running Out,* contact the Commission or visit its Web site: www.lhc.ca.gov/lhc.html.