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# Schwarzenegger seeks sentencing review as key to prison reform

**By Don Thompson**

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**SACRAMENTO** – Gov. Arnold Schwarzenegger said Thursday he will seek a review of California's prison sentencing guidelines, a politically risky undertaking that is part of a wide-ranging plan to address the state's burgeoning prison crisis.

The governor also is proposing an \$11 billion building program to add space for thousands of additional inmates and changes to the state parole system.

Schwarzenegger characterized the state's prisons as in crisis and “in deep need of reform.”

“My administration inherited a system that was dangerously overcrowded, poorly managed and out of control,” he said during a Capitol news conference to release his plan. “Now we are at the point where if we don't clean up the mess, the federal court is going to do the job for us. As governor, I cannot let that happen.”

His proposals come as pressure is mounting on the administration to fix a system widely seen as dysfunctional and dangerous to both inmates and guards.

Federal courts have taken authority over many aspects of prison operations, from inmate health care to treatment of the mentally ill. Judges have threatened to reach into the state treasury if lawmakers fail to fix the problems.



Associated Press

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Last week, a federal judge gave the administration a June deadline to ease crowding that is aggravating violence, suicides and poor inmate health care. If it fails to meet it, the courts could order inmates to be released early or cap the prison population.

“Either we do it or the federal courts are going to step in and do it,” said Sen. George Runner of Lancaster, the Senate's Republican Caucus chairman.

But he said many conservatives are concerned about Schwarzenegger's call to create a commission to review sentencing. Legislative Republicans generally favor longer sentences, not shorter ones, said Runner, who appeared with the governor at the news conference.

“We must not weaken California's sentencing laws, which will lead to the release of felons before they have paid their debt to society,” Assembly Minority Leader Mike Villines, R-Clovis, said in a statement.

Schwarzenegger proposed a 17-member commission that would include four legislators, the attorney general, the corrections secretary, a judge and representatives of law enforcement and crime victims' groups. They would serve four-year terms.

Commissioners would spend their first year examining whether California's mandatory three-year parole period could be safely shortened for some ex-convicts.

Critics questioned whether the commission would be capable of proposing significant reform because it will not have authority to make changes in the law and its membership tilts heavily toward police, prosecutors and victims' relatives.

California has ignored previous sentencing reform reports and doesn't need another study group, said Rose Braz, a spokeswoman for Californians United for a Responsible Budget. The coalition of 40 prison reform groups sees Schwarzenegger's plan as nothing more than another “building extravaganza” that does nothing to ease crowding immediately, Braz said.

Senate Majority Leader Gloria Romero, D-Los Angeles, said sentencing and parole reform should be part of any prison construction package. If some inmates are allowed to leave prison earlier, sentences for other crimes could get lengthier, she said.

“This is where the debate does get tough,” Romero told reporters.

Another pillar of Schwarzenegger's reform effort is creating more space for state prison inmates and those being housed in county jails.

The prison system is designed for about 100,000 inmates but houses 174,000. Many convicts

are being held longer at county jails, overwhelming that system, as well.

Schwarzenegger already has implemented an emergency plan to transfer nearly 2,300 inmates to private prisons in other states. He now wants to add 28,000 beds at state prisons and 50,000 at the county level.

His proposal includes \$4.4 billion for state prison construction and \$4.4 billion in borrowing to help counties build jails and juvenile facilities. Counties would put up \$1.1 billion in matching funds to add a projected 50,000 local beds.

Some inmates who currently go to state prisons would fill half the local cells.

Another \$1 billion would go toward accommodating some 10,000 sick and mentally ill inmates, meeting the demand of a federal court-appointed receiver.

Schwarzenegger proposed \$6 billion in new prison construction during a special legislative session last summer, but lawmakers adjourned without acting on his plan.

Responding to a reporter's question, Schwarzenegger said the money for the building program would come from a variety of sources, including the annual state budget and lease revenue bonds. Such bonds do not require voter approval and typically sell at higher interest rates than general obligation bonds.

He said it was better for the state to propose its own spending plan rather than waiting for the courts to impose reforms and take money from the general fund to implement them. That would take money from education and health care, Schwarzenegger said.

“That's not what we want,” he said.

The budget the governor presents in January also will include hundreds of millions of dollars to track criminals on probation and sex offenders on parole.

During his re-election bid, Schwarzenegger supported the state's three-strikes law for repeat offenders and Proposition 83. The initiative, known as Jessica's Law, was approved overwhelmingly by voters and will increase sentences and parole terms for violent and habitual sex offenders.

On Thursday, Schwarzenegger said he would not favor a softening of the three-strikes law.

The governor announced his prison-reform plan a day after two former corrections secretaries testified in federal court. Both said they quit last spring because they felt pressure from top Schwarzenegger aides to trim reform plans as a way to curry favor with the prison guards

union, the California Correctional Peace Officers Association.

Former acting corrections secretary Jeanne Woodford testified that she wanted to attempt sentencing reform then but was told it might affect the governor's re-election chances. Voters re-elected Schwarzenegger Nov. 7.


Asked Thursday whether her testimony was accurate, Schwarzenegger said "No," before steering the conversation back to his prison-reform plan: "I think we're way beyond that," he said.

The prison guards union supports a sentencing commission and the governor's call for funding jail, medical and mental health beds, spokesman Lance Corcoran said Thursday. He called Schwarzenegger's earlier building plan "a Band-Aid approach to a long-term problem."

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