

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/sensible-sentencing-for-a-safer-california>

### Public Facing Advocacy Writing

In late 2007, on the heels of a blistering report from the Little Hoover Commissionan independent California state oversight agencythe federal courts found that prison overcrowding is the cause of unconstitutional levels of health and mental health care in California prisons and mandated that the state reduce its prison population. In its report, the Commission recommended changing parole policies, supervising more offenders locally, implementing evidence-based programs that treat underlying criminogenic needs such as mental health and substance use disorders, and as it has recommended for the past two decadesestablishing an independent sentencing commission to evaluate Californias labyrinth of sentencing laws and to develop guidelines for coherent and equitable sentencing.

The state, however, did not share the Little Hoover Commissions sense of urgency, waiting until 2011 to take its first serious step toward resolving the problem by implementing public safety realignmentshifting responsibility and funding for many low-level felons from state to local supervision. That move, however important, was still not enough to stop the trajectory of prison population growth in California. In February 2014, the federal courts granted California one final two-year reprieve to reduce prison overcrowding. But this is Californias last chance to fix its system before the federal court takes control: If the state does not meet population reduction benchmarks, the federal court will start releasing prisoners. The first interim benchmark is just over a month away.

Not long after the federal courts granted the state the two-year reprieve, the Little Hoover Commission issued a new report, [Sensible Sentencing for a Safer California](#), that updates its 2007 work on corrections and sentencing reform. In this recent report, the Commission urged policymakers to use the two-year reprieve to make the long-term changes that elected officials have lacked the will to implement in the past.

At a Sacramento public hearing held before the release of the 2014 report, [Peggy McGarry](#), director of Veras Center on Sentencing and Corrections, testified that California has arrived at a moment of opportunity for comprehensive sentencing reform. She said that California and many other states seem to be stuck in a 1970s-era punishment-based system that drains resources from education and health care to fund incarceration.

If we now know that we can influence and impact behavioral outcomes for most offenders with appropriate assessments and targeted interventions, why would we continue to create or maintain sentencing policies that are based on a punishment only model and spend huge amounts of money on sending so many people to prison and keeping them there for long periods of time? McGarry said.

The Commission urged policymakers to amend Californias penal code to expand the purpose of incarceration from punishment alone to also include reduced recidivism and successful community integration, as well as establish a Criminal Justice Information Center that would collect data on sentencing and best practices and provide recommendations on opportunities to improve sentencing and public safety.

Californias leaders failed to deal with overcrowding and lost control of our prisons to federal courts, said then-Little Hoover Commission Chairman Jonathan Shapiro on the day the report was issued. California taxes pay for the multi-billion dollar prison system. Californians should decide who is incarcerated, why, and for how long. Its long past time for Californians to debate and decide what kind of prisons they want and can afford.

*Carole DElia is executive director of Californias Little Hoover Commission. The Commission is a bipartisan and independent state agency charged with recommending ways to improve the efficiency and effectiveness of state programs. The Commissions recommendations are submitted to Californias governor and legislature for their consideration and action.*

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