

County supervisors urge ‘no’ vote on Proposition 57

By **Anne Ternus-Bellamy** From page B4 | September 30, 2016

WOODLAND — Yolo County supervisors are urging a no vote on Proposition 57, also known as the “Public Safety and Rehabilitation Act of 2016,” because, they said, the November ballot measure will allow violent offenders to be released back into the community and increase the burden on local governments.

Supervisors voted 3-0 to take an “oppose” position on the ballot measure Tuesday with Supervisor Matt Rexroad of Woodland recusing himself and Supervisor Oscar Villegas of West Sacramento abstaining.

Proposition 57 changes the state constitution to increase the number of inmates eligible for early parole consideration.

And while ballot language for the measure says Prop. 57 allows parole consideration only for people convicted of nonviolent felonies, Yolo County District Attorney Jeff Reisig told supervisors Tuesday that the list of offenses that will be eligible for early parole under the measure includes assault with a deadly weapon; battery with serious bodily injury; solicitation to commit murder; domestic violence; inflicting corporal injury on a child; first-degree burglary; rape, sodomy or oral copulation on an unconscious person; human trafficking involving a minor; hate crimes; arson of forest land; assault with a deadly weapon on a peace officer; active participation in a street gang; and exploding a destructive device with intent to injure.

“All of those offenses would be eligible for early parole consideration,” Reisig said.

Supervisor Jim Provenza of Davis agreed, saying, “This opens the way for violent offenders to be released into the community by a parole board with no accountability to anyone. It’s purported to apply just to nonviolent crimes but that’s based on a misunderstanding of the law. Under this, you can include violent felons in the people eligible for early parole.”

Provenza was joined by fellow Supervisor Don Saylor of Davis and Supervisor Duane Chamberlain of the rural 5th District in urging voters to oppose the measure.

In a presentation to the board, Reisig offered three examples of how Prop. 57 would change the outcome of sentencing for certain violent crimes.

In one scenario, he said, a defendant convicted of three counts of residential burglary with a prior rape by force conviction currently would receive a sentence of 22 years and four months. Under Prop. 57, Reisig said, “he would be eligible for parole after six years.”

In another scenario, a defendant convicted of assault with a deadly weapon using a knife along with enhancements for a gang crime, who had a prior robbery conviction and another

prior serious felony, currently would face 18 years in prison. Under Prop. 57, Reisig said, he would be eligible for parole after four years.

Finally, he said, someone convicted of raping a college student by using an intoxicating substance who had prior convictions for rape and a residential burglary would now receive 25 years to life. Under Prop. 57, he would be eligible for parole after eight years.

Under current law, Reisig said, all of those offenders would serve 85 percent of their sentence prior to becoming eligible for parole.

The state would see a net savings of “tens of millions of dollars annually,” according to the Secretary of State’s voter guide, thanks to reductions in state prison populations with more inmates being released sooner. Counties, however, would see increased costs — “likely a few million dollars annually.”

The state has been under a U.S. Supreme Court order to reduce its prison population since 2011 and has been able to do so thanks to two laws passed in the past five years.

AB 109, also known as realignment, transferred responsibility for supervising certain non-serious, non-violent and non-sexual felony offenders from state prisons to county jails and probation. Proposition 47, passed by voters in 2014, reduced to misdemeanors certain drug possession and property crimes.

The cost of both laws already has fallen hardest on local governments, Provenza said, and Prop. 57 will only make it worse.

“We keep getting dumped on,” he said Tuesday. “We keep getting more responsibilities without a way to pay for them. We started out with AB 109, with some funding, not enough, and we’ve been working with good faith to try to bring down recidivism and provide relief for the state and I think we’ve had some success.

“Then Prop. 47 came along and we’ve had an increase in some ... crime rates, we have a lot more people in the community we have to deal with (and) adding this on could start to break the system.

“(The state) can’t keep flooding communities with additional offenders and then expect us to provide the reform that we’re trying to accomplish.”

Saylor agreed with Provenza’s assessment, saying, “While the goal of reducing incarceration is an important one for us to continue to pursue, I believe it’s a responsible act to pause on additional criminal justice reform while we figure it all out. I think it’s reasonable for our board to take an opposed position.”

One caveat from Alex Tengolics, legislative and government affairs specialist with the county administrator’s office, is a possible unintended consequence of defeating the measure.

The state, he noted, is under a court order to reduce its prison population.

“This measure seeks to assist in doing so,” Tengolics told supervisors. “If this measure does not pass and subsequently the state prison populations do not decline sufficiently, the federal court could appoint a custodian who unilaterally could release prisoners.”

However, according to Provenza, Prop. 57 isn’t much different.

“There is no accountability built into this constitutional amendment,” he said. “It lets the unelected parole board decide who to release.”

“I strongly think we should oppose this. It’s not good and it’s not reform.”

Saylor and Chamberlain agreed. Rexroad has recused himself from all discussion and votes related to November ballot initiatives because of his consulting firm’s involvement with several of them. Villegas has abstained from votes on ballot initiatives.

— Reach Anne Ternus-Bellamy at aternus@davisenterprise.net or 530-747-8051. Follow her on Twitter at [@ATernusBellamy](https://twitter.com/ATernusBellamy)