

# Future Prison Population Uncertain

Will prison populations rise, fall or stay the same under California's new law abolishing the indeterminate sentence?

Nobody seems to know for sure.

At best, authorities close to the laborious two-year legislative drafting of the new law — which establishes largely fixed prison terms for most crimes and sets parole at one year — say it probably won't decrease the number of inmates in prison.

But some say it might increase the already climbing population even further.

The bill, which was backed by Gov. Brown (who is expected to sign it soon), abolishes the California Adult Authority (men's parole board) and the Women's Board of Terms and Paroles. Instead, the governor will appoint a nine-member Community Release Board which will include two Adult Authority members and two from the women's board as well as five others.

The bill is scheduled to take effect July 1, 1977. In the interim, speculation is rife about its impact on California's courts and prisons.

"Nonviolent offenders will serve less time," says Mike Salerno, a co-drafter of the bill and an associate consultant to the Senate Select

Committee on Penal Institutions. "Violent offenders will serve more. The total number of man-hours served will probably stay the same."

Corrections Director Jerry Enomoto says predictions about the effect of Senate Bill 42 ("SB 42" as the law is generally called) is "very speculative."

"With known and set sentences, the judiciary may send more people to prison," he added.

Everyone close to the bill says the judges are the key figures in how the bill affects prison populations. They will determine whether an individual will be sentenced to the "median" term fixed under the bill or whether there are extenuating circumstances which justify the minimum or maximum terms. In all cases, judges must give their reasons for a given sentence.

"There are a lot of profound possibilities," says attorney Michael Snedeker of the Prisoners Union. "In Los Angeles County, about five or six per cent of convicted felons go to state prison. In San Luis Obispo County, about 35 per cent . . . The bill is supposed to establish some uniformity . . ."

"The sentencing lengths are very long, and the bill doesn't address

whether judges can grant probation or sentence to state prison. Law enforcement, of course, had more say in the bill than we did.

"It's a more honest law than we had before. It will mean there will be fewer political prisoners — people who irritated a board member or a guard who put a note in (a prisoner's file) and caused him to be kept in prison for 10 or 20 years."

In addition to establishing reasonably set terms for most crimes, the bill requires review by the Community Release Board of persons in prison under the indeterminate sentencing law. That may conjure up images of huge numbers of felons being released into the streets; in fact, hardly anybody close to the subject believes that will happen.

"There are fairly large loopholes," says American Civil Liberties Union attorney Brent Barnhart. "It's nonsense to think the bill would let hordes of people out on the streets."

A major effect of the bill will be on the Adult Authority and the women's board and their staffs. They must now help make the complicated transition which, in effect, abolishes their current jobs. There will be some employment carryover into the new system, but nobody really knows how much.