

Excerpts from District Attorney Steve Cooley's testimony before the  
Joint Legislative Committee Budget Hearing -- Feb. 4, 2011

“...Let me state my position regarding the public safety aspect of the government's realignment plan. What it basically does is shift responsibility for delineated felons and parolees to local jurisdictions. I can guarantee you that it will jeopardize public safety.”

“...The fact of the matter is we process 60,000 felonies a year here in Los Angeles County and 42,000 of those convicted felons do not go to state prison. The words used by the judge at the probation and sentence hearing are ‘proceedings suspended’ ...you’re placed on probation, or ‘state prison suspended, you’re placed on probation.’ Only 18,000 go to state prison system based upon their felony conviction and I can assure you, they’ve earned it. They’ve earned it with their criminal conduct or because of their previous criminal history. The judge makes that determination and they do so very soberly, very thoughtfully and according to specific rules set forth in Sentencing Rules for Superior Court Judges.”

“...The fallacy of this realignment is the terms and the definition of the terms that are being used. I can assure you, ‘non violent offenders’ as

defined does not fall within Penal Code Section 667.5, 'non serious offenders' as defined does not fall within the definition of 1192.7 of the California Penal Code, and "not being a sex offender" as defined by 290 of the Penal Code does not equal 'low level offender.' This is a fallacy.

Whoever came up with this didn't read the statutes: 667.5, 1192.7 and 290 they are enhancements --- enhancement provisions written to more seriously punish recidivist criminals for the most serious and violent offenses and certain sex offenders...Those statutes were not written to define 'low level offenders.'

"...Our County jail system is overcrowded. We're under a consent decree...We don't have any room in our County jail system. You're suggesting putting 8,000 into our system. It doesn't equate...

"It is a mistake, a huge mistake to try and define 'low level offenders' by relying upon three Penal Statutes that were designed to punish recidivist felons for serious conduct. That's a mistake. You should not use those Penal Codes to define 'low level.'...My suggestions are...to define a 'low level offender,' anyone sentenced to time in prison of let's say 24 months. Some judge has made the determination based upon the offense, the criminal

record history of the particular defendant that their kind of ‘low level’ under the terms of the determinate sentence law and according to the Sentencing Rules for Superior Court Judges. Let the judge make that decision of the actual sentence to be imposed.

“...If some of these ideas, these alternate incarceration methods for felons are good enough for L.A. County to impose and execute, why aren’t they good enough for the Department of Corrections and Rehabilitation? Why don’t they get more aggressive when it comes to these low level offenders and use home detention, use electronic monitoring, use GPS, use work furloughs, use fire camps. Why can’t they do that? They expect us to do it, why can’t they do it? Why can’t they assume responsibility for these convicted felons who have earned their way into state prison according to the Penal Code and according to the sober judgment of a judge, after it has been evidenced adduced as to the nature of the offense and the person’s criminal history. That’s how we punish people or should. That’s how we achieve proportionality and uniformity, and deterrence, and punishment which we are told to pursue by the California Penal Code.

“...Our sentencing law is driving the lowest crime rate in 60 years. Our sentencing law could be fine tuned in some regards. However, essentially as a whole, it works, it’s fair, it’s a process that arrives at an arguably accurate solution according to rules we can all rely on. The fact that 42,000 individuals convicted of felonies, just in Los Angeles County do not go to prison is significant. Some judge is making a decision, ‘you’re probatable, probation is best for you,’ but it’s that state prison hanging over that individual’s head that causes him or her to pay restitution, to fulfill the terms and conditions of probation, to go to that rehab program, to stay off of drugs. That’s why some people do come out of the process a lot better because they fear the potential of state prison. You take away that potential you’re essentially destroying a system that’s working quiet effectively for many people. “