

November 19, 2007

Hon. Edmund G. Brown Jr.
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Krystal Paris
Initiative Coordinator

Dear Attorney General Brown:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative cited as the "Public Safety Through Prisoner Rehabilitation Act of 2008" (A.G. File No. 07-0070).

Proposal

This measure would make several changes to existing state law and policies relating to the operations of the state prison system.

First, it would require that the California Department of Corrections and Rehabilitation (CDCR) provide education and substance abuse treatment programs to all state inmates who wish to participate. Less than 40 percent of the inmate population is currently enrolled in at least one of these programs.

Second, this measure changes the rules relating to family visits at state prisons. Family visits are overnight visits between inmates and family members that take place in special facilities for these purposes on prison grounds. Under this measure, certain inmates who are currently barred by state regulations from participating in family visiting would be allowed to participate in such visits. This includes inmates sentenced to life terms in prison, those convicted of certain sex crimes, and those who committed certain rules violations in the past year while in prison. The measure would also restrict family visiting to those inmates who have a high school degree or its equivalent and who agree to random drug testing.

Third, inmates participating in family visiting would be required to pay a \$25 fee per visit. The state revenue generated by this fee could only be used for maintenance and repair of family visiting facilities. The CDCR does not currently charge inmates a fee for participating in the family visiting program.

Fiscal Effect

The provisions of this measure would result in additional state operating costs and offsetting operational savings, as well as one-time capital outlay costs and some new revenues to the state.

Operating Cost Increases. Increased state costs would result from the provisions in this measure to expand educational and substance abuse programs, conduct random drug tests, and provide General Educational Development (GED) testing. Additional costs could possibly also result from the provision to expand family visiting services. Altogether, these costs could range between several tens of millions and a few hundreds of millions of dollars annually. The exact magnitude of these costs would depend on several factors, particularly the number of inmates who wished to participate in education and substance abuse programs (including aftercare while on parole) and the number of inmates eligible for and interested in participating in the family visiting program.

Operational Savings. To the extent that additional inmates participated in education and substance abuse programs under this measure, there would likely be significant offsetting state savings to the cost of prison operations. These savings would result because successful rehabilitation programs are likely to result in fewer offenders returning to state prison for violations committed after their release to parole. The magnitude of these savings is unknown and would depend on several factors, including the number of additional inmates participating in these programs, as well as the success of the implemented programs at reducing recidivism rates. These savings could potentially more than offset the increased operating costs resulting from this measure for expanding education and substance abuse programs.

Capital Outlay Costs. This measure is likely to result in one-time state costs of between several tens of millions and several hundreds of millions of dollars to construct and renovate inmate visiting, education, and substance abuse treatment facilities at state prisons. Additional space would be needed in order to provide these programs and services to the increased number of inmates likely to request them under this measure. The exact magnitude of these costs is unknown and would depend on the amount of new facility space constructed for these correctional programs.

Revenues. The measure's provision requiring inmates to pay a \$25 fee to participate in family visits would generate new revenues likely to be less than \$1 million dollars annually. This revenue could only be used for maintenance and repair of family visiting facilities, and would partially offset General Fund expenditures currently being made for this purpose.

Summary of Fiscal Effect

The measure would have the following fiscal effects:

- Annual state prison operating costs that would range between several tens of millions and a few hundreds of millions of dollars annually, primarily to expand inmate educational and substance abuse programs. These costs could be more than offset by state savings due to reductions in the prison population resulting from expanding these programs.
- One-time capital outlay costs of between several tens of millions and several hundreds of millions of dollars to construct and renovate prison visiting, education, and substance abuse treatment facilities.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Michael C. Genest
Director of Finance