

Public Safety (VI): Page 4/Issue 165

CDCR—

Offenders With Sentences of Three Years or Less Serve Locally

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Background:

- The Governor's May Revision proposes to require that certain non-violent, non-serious, non-sex offenders who are sentenced to three years or less in state prison serve their sentence in a county jail. This would generate about \$244 million in savings. Beginning in 2011-12, about one-half of the state's prior fiscal year savings would be provided to counties in a public safety block grant.
- Both the Senate and the Assembly approved the Governor's level of savings. However, the Senate modified the proposed trailer bill language to restrict the Governor's proposal to only certain drug and property offenders.

LAO Compromise:

- While the Governor's proposal merits consideration, we have identified several concerns with it, including that (1) county jails are not designed to hold offenders for longer than one year, (2) the block grant payments could overlap with a separate state-funded program for probation, and (3) the block grant payments would not begin until 2011-12, one year after the change takes effect.
- As an alternative to address some of these issues, the Legislature could instead make "wobblers"—crimes that can be sentenced as either felonies or misdemeanors—punishable as misdemeanors only for offenders with no current or prior violent, serious, or sex registrant crimes. Approximately 9,300 offenders—in effect, a subset of those included in the Governor's proposal—would serve a maximum of one year in county jail and/or probation, instead of state prison. This would generate about \$215 million of savings in 2010-11 and about \$394 million upon full implementation.
- Provide counties with a portion of the state's annual prison savings to support the shifted responsibilities. This funding could be used to support various county agencies, including sheriffs, probation, and drug and alcohol treatment programs. For 2010-11, we recommend providing counties with one-quarter (or \$54 million) of the state savings. In future years, an increasing percentage of state savings (up to half) could be provided to counties.

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- Our proposed compromise would result in net state savings of \$161 million in 2010-11.
- Adopt measures that could potentially result in as much as \$82 million in additional state savings in 2010-11.

Additional Options for Savings in Corrections:

- ***Restore General Felon Parole Ratios to 2008-09 Levels (\$65 Million)***. As part of the 2009-10 budget package, the California Department of Corrections and Rehabilitation (CDCR) reduced its parole agent caseload ratio for general felon parolees from 70:1 to 48:1. This change was related to certain other changes in the parole system, including the department's plan to place approximately 34,000 parolees on banked caseloads (or "summary parole"). The change was intended to allow CDCR to provide enhanced supervision on a smaller parole population. However, the department has only placed about 19,000 offenders on summary parole and projects that this number will decline to less than 10,000 parolees. As a result, the Legislature could reconsider the parole ratio change and achieve roughly \$65 million in savings starting in 2010-11, particularly given the state's severe fiscal shortfall.
- ***Eliminate Civil Narcotics Addicts Civil Commitment Program (\$11 Million)***. Roughly 900 offenders currently in the Civil Narcotics Addicts Civil Commitment Program could be placed in a residential drug treatment or a drug court program, instead of state prison. This would save about \$11 million in prison operating costs in 2010-11, increasing to \$22 million upon full implementation. The Legislature could require that federal Byrne/Justice Assistance Grant funds be used to support drug courts programs to accommodate the shifted population.
- ***Release Certain Non-Violent, Elderly Inmates Early (\$6 Million)***. Inmates over age 55 generally present less of a risk to reoffend, yet they cost two to three times as much to incarcerate as the average inmate. Releasing such inmates who have no serious or violent crimes would save about \$6 million annually in 2010-11.