



Prison Population and Budget Reduction Package *July 2009*

The Administration has proposed the following budget reduction package in response to the state's fiscal crisis. It is estimated to save up to **\$1.2 billion** if adopted by the Legislature in time to be fully implemented in the 2009-10 fiscal year.

New Population and Budget Reduction Proposals – The following proposals provide an outline for a new administrative and legislative budget package designed to reduce population and associated costs depending on the details and timing of implementation. Through these proposals, the Administration aims to reduce Average Daily Population (ADP) by **19,000**, and costs by an estimated **\$400 million**:

- **Adjusting Property Crime Thresholds and/or Changing Crimes to Misdemeanors:**
The Administration proposes to change four misdemeanor/felonies, or “wobblers,” punishable by either imprisonment in state prison or in county jail, to straight misdemeanors. These crimes include two types of petty theft, receiving stolen property and writing bad checks. In addition, the Administration proposes updating the monetary threshold that determines whether the crime is a misdemeanor or felony from \$400 to \$2,500. For vehicle theft where there is no monetary threshold specified a \$2,500 threshold would be added. A summary of changes:
 - Writing Bad Checks.
 - Petty theft crimes (currently punishable as a felony if the person has a prior petty theft conviction; proposal would make all petty thefts punishable as misdemeanors).
 - Receiving stolen property crimes.
 - Grand theft crimes raised to \$2,500. Vehicle theft crimes establish \$2,500 threshold.
- **Alternative Custody Options for Lower-Risk Offenders*:** The Administration proposes alternative custody options for lower-risk offenders to reduce costs and strain on the state prison system. Certain offenders would be eligible to serve the last 12 months of their sentence under house arrest with GPS monitoring. House arrest may include placement in a residence, local program, hospital or treatment center. Detailed criteria will be established through the regulatory process, thereby taking full advantage of input by law enforcement, victims groups and other concerned citizens. Statutorily eligible inmates include:
 - Inmates with 12 months or less remaining to serve
 - Elderly inmates
 - Medically infirm inmates
- **Commutation of Select Deportable Criminal Aliens:** The California Constitution provides the Governor the authority to commute prison sentences. For inmates who have been convicted of two or more felonies, the Governor's commutation must be supported by the California Supreme Court. This plan involves those inmates who are currently serving prison sentences but who have been identified by federal Immigrations and Customs Enforcement officials for deportation from the United States upon their release from state prison. If their sentences were commuted, these inmates would be taken into federal

custody to be deported to their country of origin. The Governor and Secretary would review these on a case-by-case basis starting with lowest level offenders. The first group to be considered will be those inmates who have never committed a violent or sex offense and who have only felony in their entire adult criminal history.

Program Funding Reduction – The Administration is proposing to eliminate funding for some inmate and parole programs that are not court-ordered. These proposals are estimated to reduce costs by over **\$175 million**. Impacted programs include a range of rehabilitative services, such as substance abuse counseling, vocational training, and educational programs. However, the Department is taking several innovative approaches to mitigate the reduction in funding. For example, CDCR will utilize a validated risk/needs assessment tool to focus resources on the inmates with the greatest risk to recidivate. This tool will also allow CDCR to place the right inmate in the needed program for only the prescribed period of time. In addition, CDCR will utilize distance learning, inmate tutors and fully-licensed inmate substance abuse counselors to greatly reduce the cost of providing education and substance abuse counseling.

Previous Budget Reduction Proposals – In April CDCR developed legislative proposals to address an unallocated cut to the agency budget ordered in the 2009-10 Budget Act. They could reduce CDCR's Average Daily Population by **8,000** inmates through a shift of funds from parole supervision of low level offenders to those who are serious and violent, and other cost savings. The combination of the following general components are estimated to result in **\$410 million** in savings in 2009-10.

- **Risk-Based Parole Supervision and Lower Agent Caseloads***: Active parole supervision would be targeted to offenders with a serious or violent commitment history, sex offenders, and those assessed as high risk. The remaining offenders, largely low and moderate risk, nonviolent felons, would be placed on administrative or "banked" parole, but would continue to be subject to warrantless search and seizure by local police. CDCR will reduce parole caseload ratios from 70-1 to 45-1. This will improve supervision and services for those with the highest risk of reoffending. There will also be additional parole resources directed toward Fugitive Apprehension Teams and gang suppression units, and an increase of GPS units on high risk parolees in order to increase supervision.
- **Staff Efficiencies through Elimination of Positions at DJJ and Headquarters**: The Division of Juvenile Justice (DJJ) will streamline and eliminate positions in 2009-10, with a comprehensive staffing analysis expected to allow for the elimination of more positions in coming budget years. Positions will also be reduced at CDCR headquarters in Sacramento through increasing efficiencies.
- **Positive Behavior and Rehabilitation Program Credit Enhancements***: Inmates who participate in and complete rehabilitation programs such as GED, college degrees, and vocational training, will be allowed to earn additional sentence credits. Credits will also be increased for discipline-free time served in county jail, during parole violations, or while waiting for programs to become available.
- **Using GPS as Alternative Sanction**: Parolees who commit certain parole violations will be eligible for placement on GPS supervision as an alternative to returning them to prison.

Additional Operational Savings – In addition to the new and previous budget and population reduction plans, the Administration will ask CDCR to come up with **\$100 million** in unspecified operational savings, along with **\$48 million** in savings by eliminating the Special Repairs Budget, **\$20 million** by shifting AB 900 funds to existing capital outlays and **\$50 million** in reductions to the contract medical budget.

** This proposal would require legislative action*