



GOVERNOR'S PROPOSED 2010-11 BUDGET: COUNTIES RESPOND

Recipe for Chaos: Shift of Responsibility for Felons to County Jails

The Governor is proposing to modify sentencing practices by allowing offenders convicted of specified non-serious, nonviolent, non-sex felonies to be incarcerated for up to one year and one day in local jails. The state would achieve savings of \$291.6 million as a result. Crimes eligible under this proposal include auto theft, check fraud, grand theft, drug possession, grand theft, petty theft with a prior, possession for sale, receiving stolen property and theft with felony prior.

Why does this matter to counties? Currently, 32 county jails are operating under either a court- or self-imposed population cap. Further, approximately 200,000 county jail inmates are released early every year. The Governor's proposal to shift certain felons to county jails would further exacerbate overcrowding at the local level. While the state would benefit from cost savings and reduced prison populations, this proposal would wreak chaos in our county criminal justice systems, making population management of county jails more complex, pushing more county jail systems to the breaking point, forcing counties to release more offenders early with no services and supports to aid in the transition from detention back into the community, and impacting a range of county service departments from probation to mental health and drug and alcohol treatment. The Governor's proposal estimates that approximately 12,600 offenders would serve out felony sentences of up to 366 days in a county jail during 2010-11.

The state can't escape its obligation. The state appears to be relying on a theory that the mandate exemption regarding the creation of a new crime or changing the definition of a crime would allow them to shift the detention responsibility for felons to counties without triggering a violation of Proposition 1A (2004). Counties are not convinced that this theory will stand up given that the function of housing felons is one presently carried out by the state and the act of pushing down that responsibility to counties is indeed a cost shift, because it would require the counties to provide a new or higher level of service. As a practical matter, the shift of this population will result in nothing more than a push of offenders back into our communities. And with no transition plan or targeted treatment to create a smooth reentry, the proposal will only exacerbate the persistent cycle of recidivism that plagues our state. Further, it will do nothing in the short- or long-term to reverse the cycle of reoffending or to alleviate the unsustainable population levels in our state and local detention facilities.

Systemic reform needed. Counties oppose this approach unequivocally. Real solutions will result from comprehensive reform. CSAC's corrections reform policy acknowledges that "local and state corrections systems are interconnected, [and that] true reform must consider the advantage — if not necessity — of investing in local programs and services to help the state reduce the rate of growth in the prison population."

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