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PRESS RELEASE

For Immediate Release

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Re: CDAA Opposition to Corrections
Budget Package

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District Attorneys Voice Strong Opposition to Corrections Budget Package

(Sacramento, CA) – Today, the California District Attorneys Association (CDAA) dispatched letters to Governor Arnold Schwarzenegger and the members of the California State Legislature to express its opposition to the proposals that attempt to achieve \$1.2 billion in savings within the budget of the California Department of Corrections and Rehabilitation (CDCR) that the Legislature plans to consider tomorrow.

Specifically, CDAA criticized the plan inasmuch as it would reduce certain crimes from alternate felony/misdemeanors (wobblers) to straight misdemeanors and create a sentencing commission that would make changes to the state's sentencing laws. Prosecutors further expressed their dissatisfaction that the policy amendments would be permanent despite the temporary nature of the state's fiscal crisis and the plan's potential impacts on the operation of the Three Strikes law. According to Stanislaus County District Attorney Birgit Fladager, "Here's just one example of the various problems with the current proposal: Modesto and the surrounding area has been ground zero for auto theft for the past several years. We have finally been making an impact and the rates are decreasing. The current proposal includes a requirement that cars be worth \$2,500 before the offense could be charged as a felony. I'd expect to see a spike in auto theft as a result. Why not steal a car if the consequences are the same as shoplifting?"

The proposal that the Legislature has planned to vote on tomorrow would convert the crimes of receiving stolen property, writing bad checks, and petty theft with a prior from wobblers to misdemeanors. According to the letter, "In addition to our principled concern about the underlying policy of these sentence reductions, we have previously noted that changing wobblers to misdemeanors carries a host of related consequences that will subvert prosecutorial efforts in numerous ways. For these offenses, we will lose the longer statute of limitations carried by felony crimes, the ability to obtain search warrants, and the ability to evaluate and charge offenders based not only on their present offense but upon consideration of whether they have prior serious or violent convictions."

Additionally, the plan in its current form would create a sentencing commission. The letter states, “We are greatly concerned about the Legislature delegating crucial policy-making decisions on criminal sentences to an unelected, unaccountable body, albeit one with a majority of members appointed by you as our current Governor. We are concerned that this proposal, which will allow majority recommendations to become law unless affirmatively overruled by a majority of both Legislative houses and well as the Governor, will undermine substantial improvements to California sentencing law made over the last 30 years allowing victims to have meaningful input into the sentencing process and providing a measure of truthfulness and accountability in felony sentencing. We firmly believe that such a proposal is deserving of a full opportunity for review by the Legislature and the public.”

While the district attorneys are acutely aware of the desire to achieve the savings assumed in the July budget amendments, CDAA is adamant that fiscal considerations cannot be the driving force behind permanent public policy decisions that will jeopardize California’s citizens. According to CDAA President Gary Lieberstein, “We have offered several suggestions while at the negotiating table for the past several months. While we remain available for further discussion with the Governor and the Legislature, we must respond to the proposal now before us and have no choice but to oppose it as presented.”

The California District Attorneys Association represents 57 elected district attorneys, 12 prosecuting city attorneys, and more than 2,500 deputy district attorneys, deputy city attorneys, and deputy attorneys general statewide. The Association provides legislative advocacy, training programs, and publications for its members toward the goal of promoting justice by enhancing prosecutorial excellence.

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