



May 5, 2010

The Honorable Jerry Brown  
State Capitol, Suite 1173  
Sacramento, CA 95814

Dear Governor Brown,

The ACLU of California is working to obtain significant reform of California criminal justice and sentencing policies, and especially to reduce the excessive levels of incarceration and the associated costs to Californians. Along with our coalition partners in this effort, the Drug Policy Alliance and the Ella Baker Center for Human Rights, we commissioned a recent poll of likely California voters to gauge public opinion about these issues, and specifically about a straightforward sentencing reform idea: reducing the penalty for drug possession from a felony to a misdemeanor. The results of this public opinion research were remarkable. Solid majorities of Republicans, Democrats and Independents from every corner of the state believe that too many people are imprisoned and that penalties for minor offenses are too harsh. Nearly three-quarters (72%) of likely voters support reducing the penalty for simple possession of a small amount of drugs for personal use—including 40% who believe possession of a small amount of illegal drugs for personal use should be considered an infraction, *with no imprisonment at all*. Moreover, drug law sentencing reform is now a voting issue for many Californians; by nearly a three-to-one margin, voters are more likely to vote for a state representative who supports this reform.

It is in this context that we respectfully request that you include two simple sentencing reforms in your May Revise budget that would save California taxpayers hundreds of millions of dollars annually. These reforms would help to make your realignment plan work by making it less costly while promoting public safety:

**Sentencing Reform #1: Make possession of small amounts of drugs a misdemeanor instead of a felony.** Over 9,000 people are locked up in state prison today for these offenses at a cost to taxpayers of hundreds of millions of dollars per year, with sentences as long as three years.

**Sentencing Reform #2: Make low-level, non-violent property offenses misdemeanors instead of felonies.** When charged as a felony, these offenses carry sentences as long as three years in state prison. Changing low-level, non-violent property offenses to misdemeanors would result in significant savings.

Since felonies involve higher court costs and result in lengthier periods of incarceration, the cost savings from these reforms would be substantial. These savings would make implementation of your realignment plan less costly, allowing local authorities to use the money saved to fund rehabilitation, drug treatment, and other proven strategies for reducing crime.

These sentencing reforms will help to preserve scarce dollars for education, health care and social services. And it will mean that California will stop spending unnecessary millions incarcerating people for lengthy periods who pose no threat to public safety.

Many states, including Texas, have recently made significant cuts to their prison systems by choosing not to incarcerate people convicted of low-level drug or property offenses. Texas' crime rate has dropped nearly 13% and it has saved over \$2 billion.

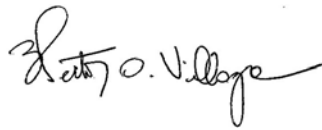
There is tremendous bipartisan support across California voters for being smart on crime by reducing over-incarceration of adults and young people for low-level, non-violent property offenses, promoting rehabilitation, and preserving incarceration for serious crimes.

At this difficult juncture in our state's history, we ask you to continue to move California in a smarter, safer direction, starting with these reforms.

Sincerely,

A handwritten signature in black ink that reads "Abdi Soltani".

Abdi Soltani  
Executive Director, ACLU of Northern California

A handwritten signature in black ink that reads "Hector Villagra".

Hector Villagra  
Executive Director, ACLU of Southern California

A handwritten signature in blue ink that reads "Kevin Keenan".

Kevin Keenan  
Executive Director, ACLU of San Diego and Imperial Counties

CC: Honorable Darrell Steinberg  
Honorable John Perez