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**Alameda County**  
**Supervisor Keith Carson, Fifth District**

For Immediate Release

September 13, 2010

## Opinion-Editorial

### What Happened to the Separation of Powers?

By Alameda County Supervisor Keith Carson

The tone of the State budget stalemate seems appropriate for the coldest summer on record in over 20 years. While we have unfortunately become accustomed to budgets passing in September or October instead of at the beginning of the fiscal year, this year one disastrous proposal surfaced that flies in the face of the separation of powers. In short, counties would be incentivized to keep those convicted of certain crimes in local custody. The problem is the incentive is not driven by what is in the best interest of the community or justice; it's all about the money.

Certain crimes are called "wobblers," meaning they can be charged as a felony or a misdemeanor. If convicted of the felony, the person goes to state prison; if the person is convicted of the misdemeanor, they stay in the county. The proposal is that counties are given a chunk of money called a block grant. If the person is charged and convicted of the felony, the county sends \$23,000 of their block grant money to the state to cover the cost of incarceration. If the person is charged and convicted of a misdemeanor, we keep the money to cover the cost of incarceration or programming. It is important to note that the cost of keeping someone in North County or Santa Rita is about \$28,000. So Alameda County gets ripped off there as well, similar to the way we have been shortchanged on barbeque weather this summer.

While it all stinks, the State Legislature is using the California budget catastrophe to influence the judicial process. This is an abomination of the democratic process. If the founding fathers could see this, they would blind themselves like Oedipus Rex. Not to mention the ego of the Legislature, assuming that judges will play ball. Most of the judges that I have come across don't like to be told how to make judicial decisions.

For those of us who watched this unfold, I can't say we are completely surprised. In the first proposal, the money "followed" the person. So if they were convicted of the misdemeanor, the state would send the money to counties; convicted of a felony, the money went to the state. In a revised proposal unveiled at a meeting with Pro-Tem Steinberg's staff and prominent members of law enforcement and others, the phrase "you pay" was dropped in a number of times; and finally the most recent proposal where counties get the block grant. Currently the proposal is stalled because it needs to be included in the overall budget and it looks like the Legislature will not pass a budget until after the November Election. In addition, the Governor has suggested he will leave the issues of dealing with California's fiscal crisis to the next administration. I would not be surprised if some version of this proposal makes it into this year's final budget package. The overall problem is that without the increased revenue, the legislature will find a way to impose further cuts that will turn up the heat on local government. And I am not talking about the temperature.

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*Alameda County Supervisor Keith Carson represents the Fifth District, which includes Albany, Berkeley, Emeryville, Piedmont, and parts of Oakland (North Oakland, Rockridge, Grand Lake, Fruitvale, and Dimond District neighborhoods).*

