



March 27, 2024

The Honorable Kevin McCarty
Chair, Assembly Public Safety Committee
1021 O Street, Suite 5610
Sacramento, CA 95814

**RE: AB 2882 (McCarty) - California Community Corrections Performance Incentives.
As introduced 2/15/2024 – OPPOSE
Set for hearing 4/2/2024 – Assembly Public Safety Committee**

Dear Assembly Member McCarty:

On behalf of the California State Association of Counties (CSAC), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC), we write to jointly express our respectful opposition to AB 2882. This measure would amend the composition of the local Community Corrections Partnership (CCP) and the CCP Executive Committee; specify new plan development and processing requirements at the local level; and add considerable new CCP data collection and reporting requirements.

The objective of AB 2882 appears to seek reprioritization of an existing community corrections revenue stream to address the behavioral health treatment needs of justice-involved individuals. However, we are concerned that the measure focuses on the oversight and planning associated with a single subaccount in isolation, without considering (1) that the justice-involved population realigned to counties pursuant to AB 109 in 2011 has many needs, including but not limited to behavioral health treatment needs, (2) other revenue sources brought to bear in supporting the populations in counties' care, and (3) other important policy changes that took place concurrent to 2011 Realignment, as well as more recent initiatives that fundamentally revise behavioral health funding and service delivery at the local level.

Our associations agree that the state and counties together must continue exploration of how best to improve behavioral health care for those in our communities, including justice-involved individuals. However, we have a number of specific concerns related to the approach contemplated in AB 2882.

- ***This measure inappropriately presumes that the Community Corrections Subaccount is the main fund source for the care and treatment of the county justice-involved population and that system-involved individuals have no other service needs beyond behavioral health treatment.*** While behavioral health treatment is a priority at the local level, by bringing this new data collection and reporting responsibility under the purview of the CCP, the changes contemplated in AB 2882 to the CCP structure appear to be based on the inaccurate assumption that the Community Corrections Subaccount is the main fund source to support the treatment needs of justice-involved individuals. If the intent of this measure is to develop a comprehensive picture of local behavioral health investments, the study would need to include the impact of the Affordable Care Act expansion on the justice-involved population, other behavioral health-related programs and funding in 2011 Realignment, other jail medical and mental health budget investments, local behavioral health funding gaps, the potential impacts of the justice-involved initiative of CalAIM, as well as the Behavioral Health Services Act enacted in Proposition 1 (2024). The isolated focus on the Community Corrections Subaccount inappropriately excludes a vast array of other local investments as well as complex and varied funding and policy developments that have come to pass since 2011. Furthermore, robust behavioral health treatment planning and collaboration, including public safety stakeholder engagement, is already included in the integrated plans specified in Proposition 1.
- ***Proposed changes to the CCP and CCP Executive Committee¹ do not align with assigned functions and could result in unintended consequences.*** There are distinct differences between the role and responsibilities of the CCP and its Executive Committee. AB 2882 appears to conflate the two bodies and their responsibilities. The full CCP has primary authority over the Community Corrections Performance Incentive Act (SB 678) implementation – an incentive-based program that shares state correctional savings with county probation departments associated with reductions in prison admissions from local felony supervision. The expertise of the proposed new CCP members does not appear to align with the original and primary responsibility of the CCP. Secondly, the expansion of the CCP Executive Committee appears to rebalance the composition away from a multi-agency public safety collaboration focused on community corrections to one that prioritizes behavioral health considerations. While these funds are often used to fund behavioral health treatment for justice-involved individuals, the composition and balance of the CCP Executive Committee was designed with the primary focus of 2011 Realignment in mind – public safety, a responsibility that resides primarily at the local government

¹ The CCP was created pursuant to the enactment of SB 678 (Ch. 608, Statutes of 2009), while the creation of the CCP Executive Committee was a feature added by AB 109 (Ch. 15, Statutes of 2011), as subsequently amended in AB 117 (Ch. 39, Statute of 2011), to develop a local community corrections plan.

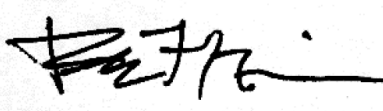
AB 2882 (McCarty) – CSAC, UCC, and RCRC Opposition
 March 27, 2024 | Page 3

level. Behavioral health services are a critically important component of addressing the needs of the justice-involved population, but only one aspect. Finally, it also is important to note that county behavioral health treatment planning occurs through other structured processes with local collaboration and with ultimate expenditure authority resting with the county Board of Supervisors.

- ***Higher levels of service associated with CCP responsibilities – including new plan requirements and reporting responsibilities – must be accompanied by an appropriation.*** Provisions in Proposition 30 (2012)² require the state to provide a new appropriation to support new and higher levels of service associated with programs and responsibilities realigned in 2011. Even though we believe that the proposed new plan elements as well as additional data collection and reporting requirements are unnecessary and inappropriate, if they were enacted, additional state funding would be required both for the specific plan elements amended into Penal Code section 1230.1 as well as data collection and reporting responsibilities in new Penal Code section 1230.2 before counties would be obligated to carry out these new functions.

For these reasons, CSAC, UCC, and RCRC must respectfully oppose this measure. We welcome an opportunity to more fully discuss the specific aspects of our position outlined above. Please feel free to contact Ryan Morimune at CSAC (rmorimune@counties.org), Elizabeth Espinosa at UCC (ehe@hbeadvocacy.com), or Sarah Dukett at RCRC (sdukett@rcrcnet.org) for any questions on our associations' perspectives. Thank you.

Sincerely,



Ryan Morimune
 Legislative Representative
 CSAC



Elizabeth Espinosa
 Legislative Representative
 UCC



Sarah Dukett
 Policy Advocate
 RCRC

cc: Members and Counsel, Assembly Public Safety Committee

² California Constitution Section 36(b)(4): "Legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation shall apply to local agencies only to the extent that the State provides annual funding for the cost increase. Local agencies shall not be obligated to provide programs or levels of service required by legislation, described in this subparagraph, above the level for which funding has been provided."



CHIEF PROBATION OFFICERS
OF CALIFORNIA

March 28, 2024

The Honorable Kevin McCarty
California State Assembly
1020 O Street, Suite 5610
Sacramento, CA 95814

Subject: AB 2882 – CPOC Oppose

Dear Assembly Member McCarty,

On behalf of the Chief Probation Officers of California (CPOC), we respectfully oppose AB 2882. The approach in the bill redirects vital public safety planning in response to new duties and populations shifted to the counties pursuant to Public Safety Realignment. We are concerned the bill upends the existing purpose and mission which is still a critical component to the public safety response in our communities due to the historic shift of population from state control to local control. The current framework breaks down silos and fosters collaboration to inform the important local planning framework that was developed as a direct response to the State transferring responsibility of a significant new public safety population to counties.

In 2011, Governor Brown signed AB 109 (Chapter 15, Statutes of 2011), which reflected a landmark shift in the State's approach to criminal justice through the transfer of criminal justice service delivery and responsibility to counties. This was done against the backdrop of a ruling by the US Supreme Court for the State to immediately drive down their population. The State, in a historic collaboration with the counties, had to develop a mechanism to avoid mass releases without regard to public safety. The result of that collaboration was a process that enabled local governments to plan for this shift in responsibility. Associated with this realigned responsibility was the investment of funding to counties to carry out the transfer of populations and duties. Shifting the responsibilities for the justice population that was previously handled by the state to local counties required not only a funding shift, but protections that would enable counties to support the necessary investments to minimize the public safety impact.

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Any roll back or impediments that threatens county operations under the guise of redirecting focus and/or resources away from the entities tasked with the responsibility of providing public safety is misguided, ill-advised and exacerbates public safety concerns.

Public safety realignment, by its very framework, was designed with the goal of supporting each county to develop responses to the new duties, specifically the impacted jail and probation populations. While it is true that the populations being shifted have behavioral health needs, it is inaccurate to assume that is the only need of our populations or that Realignment was done to singularly address the delivery of behavioral health treatment. The population in which the Community Corrections Partnership (CCP's) develop plans to support, require a multi-dimensional approach to meet a plethora of needs including jobs, housing, and education while also addressing criminogenic factors, safety risks, and court orders to balance accountability and rehabilitation. All these factors, in addition to behavioral health, impact our ability to supervise these populations safely and successfully.

Finally, it is inaccurate to assume that behavioral health needs are not already taken into account in CCP planning and resources and it is important to remember that funding for behavioral health needs of the justice population is not singularly contained within CCP funding. In fact, the state made changes to the Affordable Care Act (ACA) at the time and there are many other funding sources since, that have been identified for this population's behavioral health and substance use disorder needs. The very purpose of probation is to align all of the needs, not elevate one over another in order to take on the job that was previously handled by the state. The CCP plays a critical role in coordinating local responses to address these many factors that not only serve the Realigned population but do so with the equally important outcome of public safety. The expertise of probation as re-entry experts supports the balance of our public safety mission through individualized responses and services for our populations. Placing other initiatives into this process as contemplated in this bill, will by definition redirect attention from the original purpose of the CCP while ignoring all the other planning and funding sources intended specifically for behavioral health treatment.

Setting forth a new purpose of CCPs is not integration, it is redirection. Counties, specifically jails and probation, were given new populations to serve with the CCP being the corresponding mechanism to plan for these individuals through collaborative and locally responsive approaches. CCP's bridge across disciplines to plan for the successful and safe handling of these responsibilities and advise the Board of Supervisors. Repurposing this important planning process will have the impact of subordinating public safety to only one of the many needs of the realigned population.

For these reasons, we are opposed to AB 2882.

Sincerely,



Danielle Sanchez
Legislative Director

Cc: All Members and Consultants of the Assembly Public Safety Committee