



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 Committee<sup>1</sup> 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

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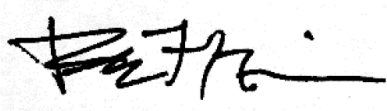
<sup>1</sup> The CCP was created pursuant to the enactment of SB 678 (Ch. 608, Statutes of 2009), while the creation of the CCP Executive Committee was a feature added by AB 109 (Ch. 15, Statutes of 2011), as subsequently amended in AB 117 (Ch. 39, Statute of 2011), to develop a local community corrections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

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)<sup>2</sup> 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

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<sup>2</sup> 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."