

**AB-2882 California Community Corrections Performance Incentives.** (2023-2024)

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CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

**ASSEMBLY BILL****NO. 2882****Introduced by Assembly Member McCarty****February 15, 2024**

An act to amend Sections 1230, 1230.1, and 6027 of, and to add Section 1230.2 to, the Penal Code, relating to criminal procedure.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2882, as introduced, McCarty. California Community Corrections Performance Incentives.

Existing law authorizes each county to establish a Community Corrections Performance Incentives Fund to receive moneys for the implementation of a community corrections program to provide supervision and rehabilitative services for adult felony offenders subject to local supervision. Existing law requires the program to be developed and implemented by probation and advised by a local Community Corrections Partnership. Existing law requires the partnership to be comprised of specified members, including, among others, a representative from a community-based organization with experience in successfully providing rehabilitative services to persons who have been convicted of a criminal offense.

This bill would add a representative of a community-based organization with experience in successfully providing behavioral health treatment services to persons who have been convicted of a criminal offense, and a representative of a Medi-Cal managed care plan that provides the Enhanced Care Management benefit, to the membership of the partnership.

Existing law requires each county local Community Corrections Partnership to recommend a local plan to the county board of supervisors, and requires the board to accept or reject the plan. Existing law requires the plan to be voted on by an executive committee of each county's partnership consisting of, among others, one department representative from the head of the county department of social services, the head of the county department of mental health, or the head of the county alcohol and substance abuse programs.

This bill would instead require the committee to consist of all 3 of the departments mentioned above and would require the department head to have the number of votes equivalent to the number of departments they represent. The bill would require the plan to, among other things, include quantifiable goals for improving the community corrections system, as specified. The bill would require the local partnership to submit the accepted

plan annually to the Board of State and Community Corrections.

This bill would require each county to submit the County Community Corrections Outcomes, Accountability, and Transparency report annually to the Board of State and Community Corrections that includes, among other things, the number of people who have a serious mental illness or substance use disorder who are connected to community-based treatment and support upon release from jail or completion of community supervision. The bill would require each county's board of supervisors to verify that the report is complete and accurate before it is submitted to the board. Because this bill would expand the duties for certain local officials, it would impose a state-mandated local program.

Existing law requires the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, including, but not limited to, prevention, intervention, suppression, supervision, and incapacitation, as they relate to both adult corrections, juvenile justice, and gang problems. Existing law requires the board to collect and analyze available data regarding the implementation of the local plans and other outcome-based measures.

This bill would require the board to create the Community Corrections Outcomes, Accountability, and Transparency dashboard that displays the county's goals mentioned above and the spending and outcomes data reported in the County Community Corrections Outcomes, Accountability, and Transparency report. The bill would require the dashboard to be accessible through the board's internet website.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** Section 1230 of the Penal Code is amended to read:

**1230.** (a) Each county is hereby authorized to establish in each county treasury a Community Corrections Performance Incentives Fund (CCPIF), to receive all amounts allocated to that county for purposes of implementing this chapter.

(b) Notwithstanding any other law, in any fiscal year for which a county receives moneys to be expended for the implementation of this chapter, the moneys, including any interest, shall be made available to the CPO of that county, within 30 days of the deposit of those moneys into the fund, for the implementation of the community corrections program authorized by this chapter.

~~(1)~~

~~(c)~~ **(1)** The community corrections program shall be developed and implemented by probation and advised by a local Community Corrections Partnership.

(2) The local Community Corrections Partnership shall be chaired by the CPO and comprised of the following membership:

(A) The presiding judge of the superior court, or ~~his or her~~ **their** designee.

(B) A county supervisor or the chief administrative officer for the county or a designee of the board of supervisors.

(C) The district attorney.

(D) The public defender.

(E) The sheriff.

(F) A chief of police.

(G) The head of the county department of social services.

(H) The head of the county department of mental health.

(I) The head of the county department of employment.

(J) The head of the county alcohol and substance abuse programs.

(K) The head of the county office of education.

(L) A representative from a community-based organization with experience in successfully providing rehabilitative services to persons who have been convicted of a criminal offense.

(M) An individual who represents the interests of victims.

*(N) A representative of a community-based organization with experience in successfully providing behavioral health treatment services to persons who have been convicted of a criminal offense.*

*(O) A representative of a Medi-Cal managed care plan, as defined in subdivision (j) of Section 14184.101 of the Welfare and Institutions Code, which provides the Enhanced Care Management benefit.*

~~(3)~~

*(d)* Funds allocated to probation pursuant to this act shall be used to provide supervision and rehabilitative services for adult felony offenders subject to local supervision, and shall be spent on evidence-based community corrections practices and programs, as defined in subdivision (d) of Section 1229, which may include, but are not limited to, the following:

~~(A)~~

*(1)* Implementing and expanding evidence-based risk and needs assessments.

~~(B)~~

*(2)* Implementing and expanding intermediate sanctions that include, but are not limited to, electronic monitoring, mandatory community service, home detention, day reporting, restorative justice programs, work furlough programs, and incarceration in county jail for up to 90 days.

~~(C)~~

*(3)* Providing more intensive local supervision.

~~(D)~~

*(4)* Expanding the availability of evidence-based rehabilitation programs including, but not limited to, drug and alcohol treatment, mental health treatment, anger management, cognitive behavior programs, and job training and employment services.

~~(E)~~

*(5)* Evaluating the effectiveness of rehabilitation and supervision programs and ensuring program fidelity.

~~(4)~~

*(e)* Notwithstanding any other law, the CPO shall have discretion to spend funds on any of the above practices and programs consistent with this act but, at a minimum, shall devote at least 5 percent of all funding received to evaluate the effectiveness of those programs and practices implemented with the funds provided pursuant to this chapter. A CPO may petition the Judicial Council to have this restriction waived, and the Judicial Council shall have the authority to grant such a petition, if the CPO can demonstrate that the department is already devoting sufficient funds to the evaluation of these programs and practices.

~~(5)~~

*(f)* Each probation department receiving funds under this chapter shall maintain a complete and accurate accounting of all funds received pursuant to this chapter.

**SEC. 2.** Section 1230.1 of the Penal Code is amended to read:

**1230.1.** (a) Each county local Community Corrections Partnership established pursuant to subdivision (b) of Section 1230 shall recommend a local plan to the county board of supervisors for the implementation of the 2011 public safety realignment.

(b) The plan shall be voted on by an executive committee of each county's Community Corrections Partnership consisting of the chief probation officer of the county as chair, a chief of police, the sheriff, the District Attorney, the Public Defender, the presiding judge of the superior court, or ~~his or her designee, and one department representative listed in either subparagraph (G), (H), or (I) of paragraph (2) of subdivision (b) of Section 1230, as designated by the county board of supervisors for purposes related to the development and presentation of the plan:~~ *their designee, the head of the county department of social services, the head of the county department of mental health, and the head of the county alcohol and substance abuse programs. In counties where one or more of the departments for social services, mental health, or alcohol and substance abuse programs are consolidated, the department head shall have the number of votes equivalent to the number of departments they represent.*

(c) (1) The plan shall be deemed accepted by the county board of supervisors unless the board rejects the plan by a vote of four-fifths of the board, in which case the plan goes back to the Community Corrections Partnership for further consideration.

*(2) (A) The local Community Corrections Partnership shall submit the accepted plan annually to the Board of State and Community Corrections.*

*(B) Each county's board of supervisors shall attest that the plan has been accepted and is accurate before it is submitted to the board.*

(d) Consistent with local needs and resources, the plan ~~may~~ *shall* include recommendations to maximize the effective investment of criminal justice resources in evidence-based correctional sanctions and programs, including, but not limited to, day reporting centers, drug courts, residential multiservice centers, ~~mental behavioral~~ *behavioral* health treatment programs, electronic and GPS monitoring programs, victim restitution programs, counseling programs, community service programs, educational programs, ~~and work training programs;~~ *programs, and housing services.*

*(e) The plan shall include an analysis and recommendations of how criminal justice resources may be spent as matching funds for other sources, including, but not limited to, Medi-Cal federal financial participation.*

*(f) (1) The plan shall include quantifiable goals for improving the community corrections system, including, but not limited to, all of the following:*

*(A) Reducing the daily jail population.*

*(B) Reducing jail bookings.*

*(C) Reducing the average length of jail stay.*

*(D) Increasing postrelease connections to community-based behavioral health services for persons with a serious mental illness or substance use disorder.*

*(E) Reducing rates of recidivism.*

*(2) County goals shall include specific targets for reducing disparities for populations disproportionately represented in the community corrections system, including, but not limited to, individuals with a serious mental illness or substance use disorder, Black, Indigenous, people of color, and LGBTQ+ people.*

**SEC. 3.** Section 1230.2 is added to the Penal Code, to read:

**1230.2.** (a) (1) Each county shall submit the County Community Corrections Outcomes, Accountability, and Transparency report annually to the Board of State and Community Corrections (BSCC).

(2) The report shall be submitted in a form, manner, and in accordance with timelines prescribed by the BSCC.

(b) The report shall include all of the following data and information:

(1) The county's annual allocation of state and federal public safety funds, including for behavioral health care, by category.

(2) The county's annual expenditure of state and federal public safety funds, including for behavioral health care, by category.

- (3) The amounts of annual and cumulative unspent state and federal public safety funds, including funds in a reserve account, by category.
  - (4) The county's annual expenditure of county general funds and other funds, by category, on public safety, including for behavioral health care.
  - (5) All administrative costs associated with community corrections, by category.
  - (6) All contracted services, including behavioral health services, and the cost of those contracted services, by category.
  - (7) The number of behavioral health calls for services received by 911 dispatch.
  - (8) The number of jail bookings, including the number of people who screened positive for a serious mental illness or substance use disorder according to a validated behavioral health screening conducted when booked into jail, and the number of people who were confirmed as having serious mental illness or substance use disorder through a clinical assessment at the jail or as a result of data matching with state or local behavioral health systems.
  - (9) Length of jail stay.
  - (10) The number of people who have a serious mental illness or substance use disorder who are connected to community-based treatment and support upon release from jail or completion of community supervision, by release type.
  - (11) The number of people enrolled in Medi-Cal prior to release from jail or completion of community supervision, by release type.
  - (12) The number of people who have a serious mental illness or substance use disorder on community supervision, by release type.
  - (13) The number of persons who are convicted of a new felony or misdemeanor committed within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction.
- (c) Each county's board of supervisors shall verify that the report is complete and accurate before it is submitted to the BSCC.

**SEC. 4.** Section 6027 of the Penal Code is amended to read:

**6027.** (a) It shall be the duty of the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, including, but not limited to, prevention, intervention, suppression, supervision, and incapacitation, as they relate to both adult corrections, juvenile justice, and gang problems. The board shall seek to collect and make publicly available up-to-date data and information reflecting the impact of state and community correctional, juvenile justice, and gang-related policies and practices enacted in the state, as well as information and data concerning promising and evidence-based practices from other jurisdictions.

(b) Consistent with subdivision (c) of Section 6024, the board shall also:

- (1) Develop recommendations for the improvement of criminal justice and delinquency and gang prevention activity throughout the state.
- (2) Identify, promote, and provide technical assistance relating to evidence-based programs, practices, and promising and innovative projects consistent with the mission of the board.
- (3) Develop definitions of key terms, including, but not limited to, "recidivism," "average daily population," "treatment program completion rates," and any other terms deemed relevant in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based practices, promising evidence-based practices, and evidence-based programs. In developing these definitions, the board shall consult with the following stakeholders and experts:
  - (A) A county supervisor or county administrative officer, selected after conferring with the California State Association of Counties.
  - (B) A county sheriff, selected after conferring with the California State Sheriffs' Association.

(C) A chief probation officer, selected after conferring with the Chief Probation Officers of California.

(D) A district attorney, selected after conferring with the California District Attorneys Association.

(E) A public defender, selected after conferring with the California Public Defenders Association.

(F) The Secretary of the Department of Corrections and Rehabilitation.

(G) A representative from the ~~Administrative Office of the Courts~~, *Judicial Council*.

(H) A representative from a nonpartisan, nonprofit policy institute with experience and involvement in research and data relating to California's criminal justice system.

(I) A representative from a nonprofit agency providing comprehensive reentry services.

(4) Receive and disburse federal funds, and perform all necessary and appropriate services in the performance of its duties as established by federal acts.

(5) Develop comprehensive, unified, and orderly procedures to ensure that applications for grants are processed fairly, efficiently, and in a manner consistent with the mission of the board.

(6) Identify delinquency and gang intervention and prevention grants that have the same or similar program purpose, are allocated to the same entities, serve the same target populations, and have the same desired outcomes for the purpose of consolidating grant funds and programs and moving toward a unified single delinquency intervention and prevention grant application process in adherence with all applicable federal guidelines and mandates.

(7) Cooperate with and render technical assistance to the Legislature, state agencies, units of general local government, combinations of those units, or other public or private agencies, organizations, or institutions in matters relating to criminal justice and delinquency prevention.

(8) Develop incentives for units of local government to develop comprehensive regional partnerships whereby adjacent jurisdictions pool grant funds in order to deliver services, such as job training and employment opportunities, to a broader target population, including at-promise youth, and maximize the impact of state funds at the local level.

(9) Conduct evaluation studies of the programs and activities assisted by the federal acts.

(10) Identify and evaluate state, local, and federal gang and youth violence suppression, intervention, and prevention programs and strategies, along with funding for those efforts. The board shall assess and make recommendations for the coordination of the state's programs, strategies, and funding that address gang and youth violence in a manner that maximizes the effectiveness and coordination of those programs, strategies, and resources. By January 1, 2014, the board shall develop funding allocation policies to ensure that within three years no less than 70 percent of funding for gang and youth violence suppression, intervention, and prevention programs and strategies is used in programs that utilize promising and proven evidence-based principles and practices. The board shall communicate with local agencies and programs in an effort to promote the best evidence-based principles and practices for addressing gang and youth violence through suppression, intervention, and prevention.

~~(11)~~

~~(c)~~ The board shall collect from each county the plan submitted pursuant to Section 1230.1 within two months of adoption by the county boards of supervisors. Commencing January 1, 2013, and annually thereafter, the board shall collect and analyze available data regarding the implementation of the local plans and other outcome-based measures, as defined by the board in consultation with the ~~Administrative Office of the Courts~~, *Judicial Council* the Chief Probation Officers of California, and the California State Sheriffs' Association. By July 1, 2013, and annually thereafter, the board shall provide to the Governor and the Legislature a report on the implementation of the plans described above.

~~(12)~~

~~(d)~~ Commencing on and after July 1, 2012, the board, in consultation with the ~~Administrative Office of the Courts~~, *Judicial Council*, the California State Association of Counties, the California State Sheriffs' Association, and the Chief Probation Officers of California, shall support the development and implementation of first phase baseline and ongoing data collection instruments to reflect the local impact of Chapter 15 of the Statutes of 2011,

specifically related to dispositions for felony offenders and postrelease community supervision. The board shall make any data collected pursuant to this paragraph available on the board's internet website. It is the intent of the Legislature that the board promote collaboration and the reduction of duplication of data collection and reporting efforts where possible.

*(e) (1) The board shall create the Community Corrections Outcomes, Accountability, and Transparency dashboard that shall be accessible through the board's internet website. The dashboard shall display information including, but not limited to, both of the following:*

*(A) Each county's plans pursuant to subdivision (f) of Section 1230.1.*

*(B) The spending and outcomes data reported pursuant to Section 1230.2. Outcomes shall be displayed so that changes in rates can be compared year over year and between counties.*

*(2) The board shall ensure definitions, form, and manner of the data and information submitted pursuant to Sections 1230.1 and 1230.2 are consistent so that spending and outcomes data can be compared across counties.*

~~(e)~~

*(f) The board may do either of the following:*

*(1) Collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of criminal justice in the state.*

*(2) Perform other functions and duties as required by federal acts, rules, regulations, or guidelines in acting as the administrative office of the state planning agency for distribution of federal grants.*

~~(d)Nothing in this~~

*(g) This chapter shall not be construed to include, in the provisions set forth in this section, funds already designated to the Local Revenue Fund 2011 pursuant to Section 30025 of the Government Code.*

**SEC. 5.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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CORRECTIONS:

Text—Pages 6, 7, and 8.

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