

 **NOSSAMAN** LLP | Memorandum

TO: The Honorable Aisha Wahab, Chair
Senate Public Safety Committee

FROM: Nossaman LLP on behalf of the Monterey County Board of Supervisors

DATE: June 14, 2024

RE: **AB 2882 (McCarty) California Community Correction Performance Incentives–
OPPOSE**

The County of Monterey must respectfully oppose Assembly Bill (AB) by Assemblymember Kevin McCarty. This legislation proposes significant changes and redirects vital public safety planning in response to new duties and populations shifted to the counties pursuant to Public Safety Realignment.

The enactment of AB 109 in 2011 represented a historic shift in criminal justice responsibilities from the State to local counties. This was done against the backdrop of a ruling by the U.S. 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.

AB 2882 impedes these efforts by redirecting and destabilizing the collaborative systems that have been key to supporting the realigned responsibilities. 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 the work to serve this population safely and effectively.

It is also critical to address the misconception 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.

Behavioral health needs have been a critical component and integrated into the multifaceted approach of the CCPs. These partnerships have been essential in coordinating local responses that balance rehabilitation with public safety. Furthermore, additional funding and resources have been allocated for these purposes since the modifications to the Affordable Care Act, which directly support the behavioral health and substance use disorder needs of our justice-involved 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.

Repurposing the CCPs, as suggested in AB 2882, along with recasting plan requirements and requiring new reporting responsibilities, does not represent an integration of services but rather a significant redirection that could compromise public safety by narrowing the focus to singular aspects of the realigned responsibilities. Repurposing the local planning process will have the impact of subordinating

Memorandum
June 14, 2024
Page 2

public safety to only one of the many needs of the realigned population. This would not only disrupt the balanced approach currently employed but also exacerbates public safety concerns.

For these reasons, the County of Monterey opposes AB 2882. Should you have any questions, please feel free to contact the County of Monterey's Public Policy Advisor, Ashley Walker of Nossaman LLP at 916-442-8888.

Sincerely,



Ashley Walker
Nossaman LLP

CC: Hon. Kevin McCarty, Author, California State Assembly
Members, Senate Public Safety Committee
Consultant, Senate Public Safety Committee
Hon. Dawn Addis, 30th Assembly District
Hon. Anna Caballero, 14th Senate District, Author
Hon. John Laird, 17th Senate District
Hon. Speaker Robert Rivas, 29th Assembly District
California State Association of Counties (CSAC)
Rural County Representatives of California (RCRC)