

# AB 109 CAN FUND DRUG TREATMENT RATHER THAN BLOATED LAW ENFORCEMENT BUREAUCRACIES



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Report

## Introduction

Assembly Bill (AB) 109, one of the largest criminal justice disbursements in the nation, allocates billions annually to California's 58 counties for providing services, treatment, and supervision to people with low-level offenses (AB 109, 2011). For nearly 15 years, counties have funneled these dollars directly into law enforcement's coffers (CJCJ, 2024). Yet, as California finds itself on the brink of an economic crisis and contemplates the unfunded requirements of last year's Prop 36, AB 109 funds could offer a solution (La, 2025; Prop 36, 2024).

Also known as Public Safety Realignment, AB 109 was designed to address the crisis of its moment. In 2011, California prisons were dangerously overcrowded, subjecting approximately 150,000 incarcerated people (DOJ, 2012) to inhumane and unconstitutional treatment. An average of one person died every week as a result of poor healthcare and living conditions in state prisons (Plata v. Schwarzenegger, 2009). The U.S. Supreme Court's opinion in *Brown v. Plata* found that California had violated the Eighth Amendment and directed the state to cut its prison population (*Brown v. Plata*, 2011). California's AB 109, passed just months after the decision, quickly addressed overcrowding by shifting responsibility for thousands of people with non-serious, nonviolent, and non-sexual offenses from the state prison system into county-run jails and probation departments (CJCJ, 2012).

The legislature compensated local governments for this new arrangement by allocating funds to counties each year through the sales tax and vehicle license fees. In turn, counties would rely on existing committees—their Community Corrections Partnerships (CCPs), which included representatives from probation, the sheriff's department, and behavioral health agencies, among others—to create a spending plan for the new influx of AB 109 dollars.

This model remains in effect today, with counties now receiving approximately \$2 billion in AB 109 funds per year,<sup>1</sup> which is the equivalent of almost 1% of the state's General Fund (DOF, 2025).<sup>2</sup>

Despite this massive investment, counties show little transparency in their AB 109 spending. The available data show that counties allocate 67% of their AB 109 funds to law enforcement, including sheriffs, probation, and police (BSCC, 2024). Law enforcement continues to receive large annual disbursements despite there being 20% fewer people in jail and half as many on probation compared to 2011 (BSCC, 2025; DOJ, 2025).

Meanwhile, California urgently needs new funding to support people with low-level drug offense convictions. In November 2024, California voters approved Proposition 36 (Prop 36), which could incarcerate thousands more Californians by allowing certain drug and theft crimes to be charged as felonies (CSJ, 2025). The proposition also created "treatment mandated felonies," which judges can use to place people with repeated drug offenses into involuntary treatment (Prop 36, 2024). California does not yet have the infrastructure to provide such mandated drug treatment. There simply are not enough treatment beds to meet California's current

<sup>1</sup> Counties receive different funding amounts based on a formula that considers each county's population and total number of people with low-level felony convictions. In FY 2023-24, Los Angeles County received the largest allocation (approximately half a billion dollars), while Modoc County received the smallest (approximately half a million dollars).

<sup>2</sup> Unlike grant programs that rely on General Fund support, AB 109's tax- and fee-sourced funds are relatively insulated from the uncertainties of the budgeting process.

demand or Prop 36’s expanded requirements for care (DHCS, 2022; LAO, 2025). AB 109 could answer this need, given that the funding over invests in law enforcement and is overdue for reform.

AB 109 funding does not reflect California’s changing criminal justice priorities and lacks basic transparency. Our analysis of the latest AB 109 spending data for Fiscal Year (FY) 2023-24 finds:

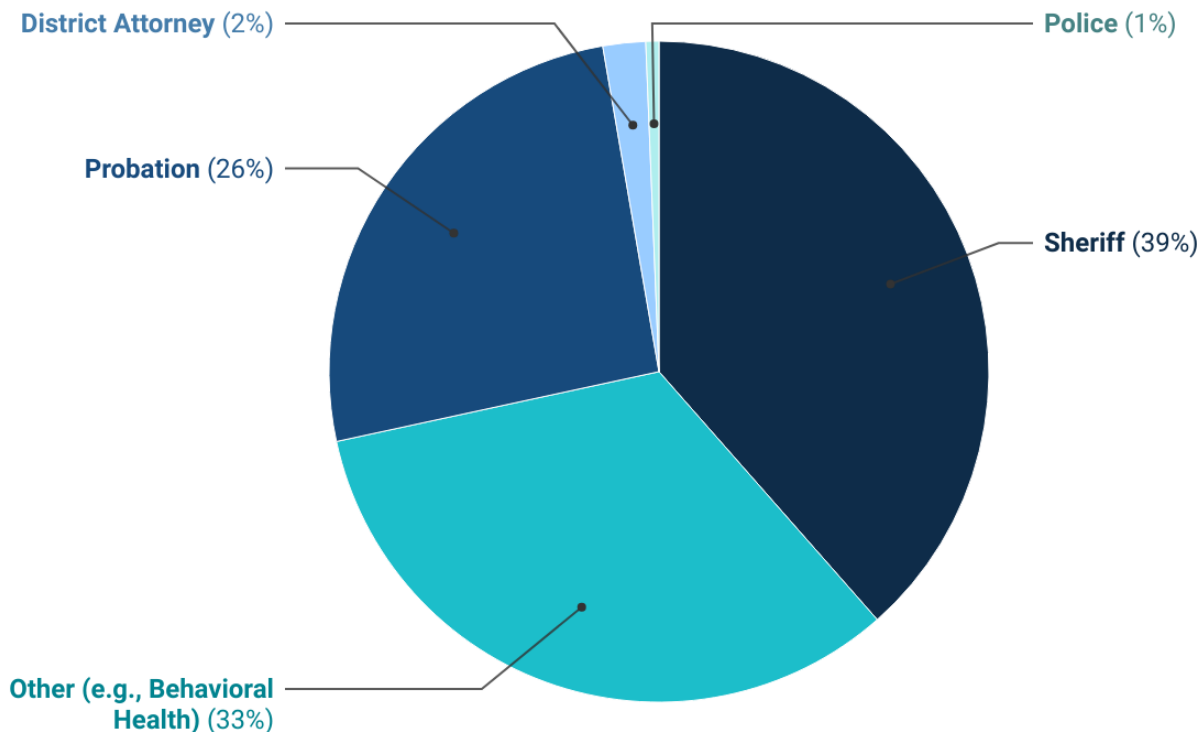
- Counties are now receiving approximately \$2 billion in AB 109 funds per year.
- Counties allocate 67% of their AB 109 funds to law enforcement, including sheriffs, probation, and police.
- Amid shrinking jail numbers, AB 109 spending on sheriffs and jails has increased by 5% since FY 2013-14.
- Tens of millions of AB 109 dollars go unspent every year, including approximately \$25 million allocated to contingency funds or reserves in FY 2023-24.
- Law enforcement dominates CCPs, the committees that decide how AB 109 funds are spent. More than half of CCPs are operating with vacancies, which reduces the diversity of perspectives on the committee.

## Findings

### 1. AB 109 spending does not align with current needs.

California’s counties distribute most of their AB 109 funding to law enforcement agencies. This includes almost 40% to sheriff’s departments, which typically operate county jails (Figure 1) (BSCC, 2024). The trend persists over more than a decade despite a 20% decline in jail populations since AB 109 took effect and a 30% decline since jail populations peaked in 2014 (Figure 2) (BSCC, 2025).

**Figure 1. AB 109 allocations by department type**

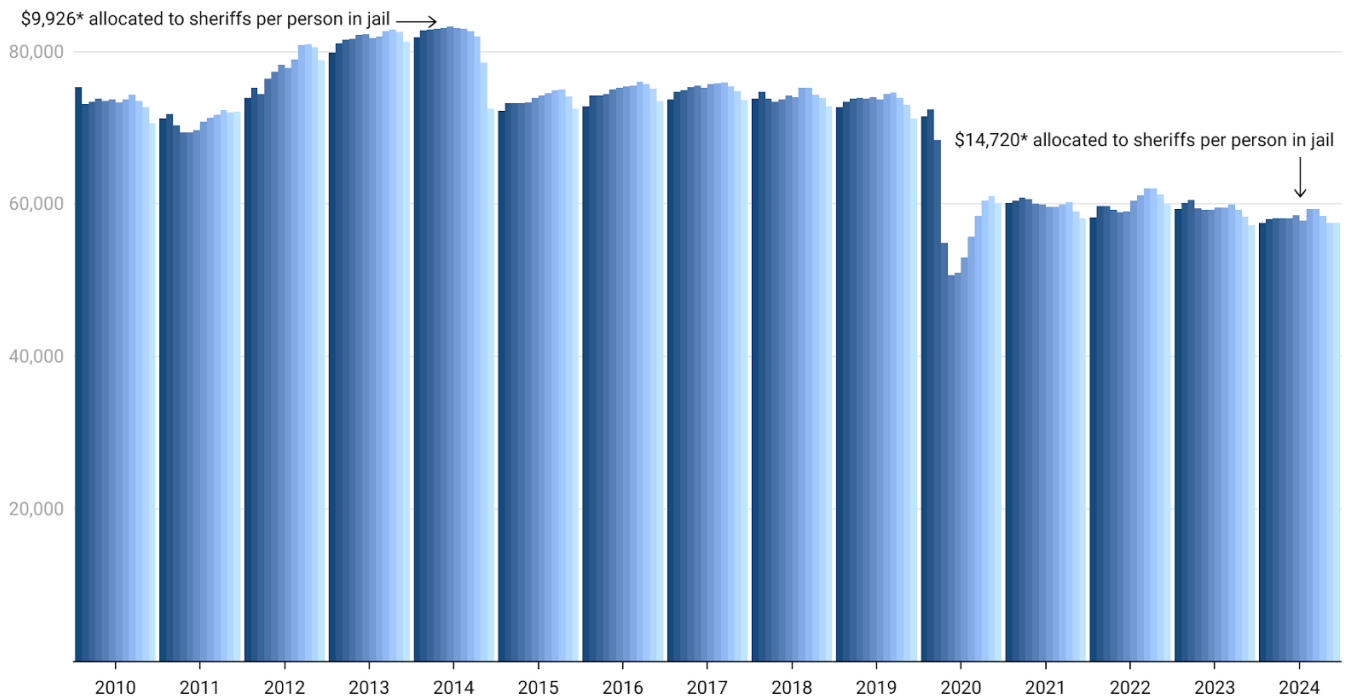


Source: BSCC, 2024.

Amid shrinking jail numbers, AB 109 spending on sheriffs and jails actually increased by 5% since FY 2013-14 (adjusted for inflation) (BSCC, 2015; 2024; CPI, 2025). In FY 2013-14, sheriffs and jails received the equivalent of nearly \$10,000 of AB 109 funding (in 2025 dollars) for every person held in their jails. In FY 2023-24, this

figure had risen to almost \$15,000 of AB 109 funding (in 2025 dollars) per person jailed (BSCC, 2015; 2024; CPI, 2025).<sup>3,4</sup>

**Figure 2. Average statewide jail population, by month, January 2010 - December 2024**



Source: BSCC, 2025; 2025a. \* In 2025 dollars.

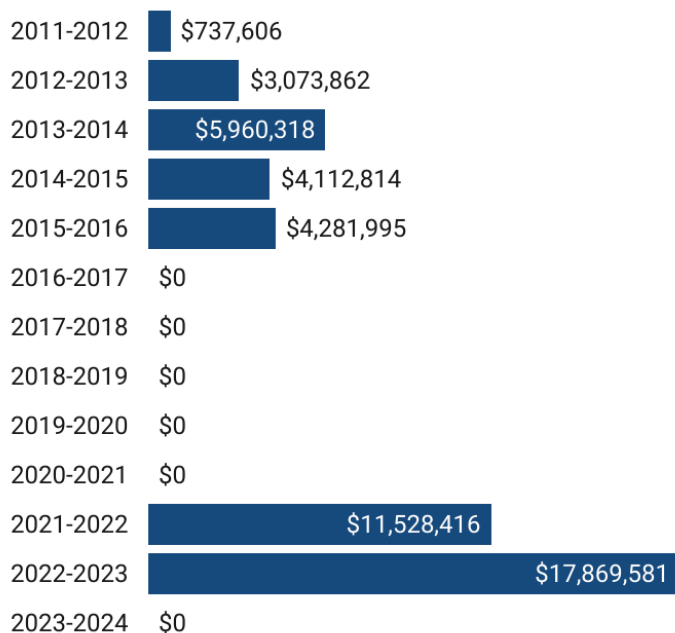
Tens of millions of AB 109 dollars go unspent every year. These funds were intended to serve people with low-level offenses, but are being held in contingency funds (a type of rainy-day account), for years at a time. Counties can set aside AB 109 funds for future use without requirements on when they must be spent or how they will be tracked. After over a decade of funding, we do not know how large some counties’ contingency funds have grown.

In FY 2023-24, counties allocated \$25 million to contingency funds or reserves (BSCC, 2024). This corresponds with our analysis of past years when contingency fund allocations consistently totaled tens of millions of dollars (BSCC, 2025a). Taking Riverside County as an example, we can see the extent to which AB 109 funds are being withheld from communities’ current needs. Riverside County’s contingency fund contributions have totaled almost \$50 million since AB 109’s inaugural year, FY 2011-12 (BSCC, 2025a). It is unclear how Riverside County is using these tens of millions of dollars or if the county is even spending down these reserves.

<sup>3</sup> This excludes Amador, Alpine, and Siskiyou counties due to missing or unclear spending categories.

<sup>4</sup> While not all sheriff’s department funding through AB 109 is spent on incarceration, most counties’ annual reports fail to distinguish between funds used to defray jail expenses and those spent on non-incarceration programs through the sheriff’s department.

**Figure 3. Riverside County contingency fund contributions, FY 2011-12 to FY 2023-24**



Source:

BSCC, 2025.

## 2. AB 109 funding is plagued by a lack of transparency

In addition to unspent funds, relaxed reporting requirements have allowed counties to self-report spending as they see fit. As a result, the public is left in the dark about how counties spend these funds. Californians can only understand these critical statewide trends by comparing county spending allocations. But, counties vary widely in their self-reporting, making cross-county analysis extremely difficult. For example, County A may group many services under one category (e.g. Behavioral Health), while County B separates them into multiple categories (e.g. Health Services, Public Health, and Mental Health). In this example county A uses a larger term to group multiple services together, while county B is more specific thereby splitting the group down even further. This creates numerous categories across counties and prevents substantive analysis. Comparing county spending allocations and trends is critical for the public to get a statewide overview.

The only consistent reporting is in the law enforcement category. As mentioned above, law enforcement receives most AB 109 funding (Figure 1). However, some county law enforcement agencies use outside contractors for services, including community nonprofits. Community reentry services for individuals leaving incarceration serve the vision of AB 109. Unfortunately, current state guidelines do not require counties to report how agencies contract out to service providers. Standardizing reporting requirements for these funds statewide would allow the public to spot counties that use AB 109 funds most effectively. Standardized reporting would also expose the mismanagement of funds, such as funding programs that contradict the intentions of AB 109.<sup>5</sup>

AB 109 falls short compared with California's other major justice-related funding streams. Such comparable funds include the Proposition 47 Grant Program, the California Violence Intervention and Prevention Program (CalVIP), and the Juvenile Justice Crime Prevention Act and Youthful Offender Block Grant Program (JJCPA/YOBG<sup>6</sup>). The Proposition 47 Grant Program, JJCPA/YOBG, and CalVIP are all substantial statewide grants distributed annually to jurisdictions and organizations. Their disbursements total hundreds of millions annually, but are much less than AB 109's billions. Nevertheless, these non-AB 109 grants are more transparent. The grants have more clearly defined data requirements. This creates greater transparency and understanding of

<sup>5</sup> For example, Contra Costa County has given \$6.5 million to its Police Chiefs Association since FY 2013-14. The county provides no clear explanation of how these funds are used (BSCC, 2025a).

<sup>6</sup> The JJCPA and YOBG work together to create a comprehensive system of support for youth and those involved in the juvenile justice system. The grant programs aim to prevent crime and reduce recidivism.

how grantees use funds (Table 1). There are many examples of how to best standardize reporting data in order to track the effectiveness of the spending.

**Table 1. AB 109 reporting requirements vs. select criminal and juvenile justice grants**

	AB 109	Prop 47	JJCPA/YOBG	CalVIP
Grantees are required to submit information to the state	X	✓	✓	✓
Funded programs are rigorously evaluated by independent researchers	X	✓	X	X
Counties uniformly report spending data using the same categories and descriptions	X	X	✓	✓
The BSCC submits regular reports to the Legislature summarizing the program	✓	✓	✓	✓
The BSCC compiles data into a public dashboard	X	✓	X	✓

In addition to opaque spending and relaxed requirements, county law enforcement influence dominates CCPs, the committees that decide how AB 109 funds are spent. County chief probation officers chair all CCPs and receive hundreds of millions in AB 109 funds (BSCC, 2024; PEN § 1230). Other CCP members include county sheriffs, police chiefs, and district attorneys. Counties’ skewed investment of AB 109 funds reflects the membership of their CCPs. Absent diverse membership, CCPs will continue making inequitable funding decisions that weaken community safety. Only 45% of CCPs have complete membership. More than half of California counties have CCPs with vacancies, which violates legislative requirements (BSCC, 2024; PEN § 1230). These systemic gaps inhibit diversity on CCPs.

## Conclusion

In California today, every dollar counts. Following years of budget shortfalls and facing an uncertain economic future, state and local leaders must allocate this year’s tax dollars to the most critical needs. Prop 36’s strong support among voters made clear that, for many Californians, helping people struggling with addiction is one of those priorities. But paying for involuntary drug treatment will come at the expense of existing programs and services.

One such tradeoff is already taking place. Prop 47, a successful and rigorously studied grant program, is being used as a source of Prop 36 funds. Prop 47 grants, roughly one-twentieth the size of AB 109 funds, have meaningfully reduced recidivism by supporting treatment, housing, and employment services for vulnerable Californians (CJCJ, 2024a). Most of these services are being provided by community-based organizations. In January, Governor Newsom announced plans to reduce Prop 47 funding due to Prop 36’s expected impact on the prison population (LAO, 2025a). Now, the state’s Board of State and Community Corrections is accelerating the release of a new round of Prop 47 grants so that the funds can be used to support Prop 36’s implementation (BSCC, 2025b; 2025c). These changes could erode the progress made in communities across California after nearly 10 years of investment in prevention.

Why target a well-run \$100 million grant program when a \$2 billion one is ripe for reform? After nearly 15 years, AB 109 has failed to adapt to changing needs within counties. The large jail and probation populations AB 109 funds were designed to serve no longer exist. Instead, many more Californians need support in their communities—including support with addiction. Continuing to invest in the law enforcement status quo or failing to deploy funds altogether falls short of the intent of AB 109 and leaves communities without needed

resources. Moreover, by giving license to counties' opaque and inconsistent reporting, the state is masking both AB 109's successes and failures.

AB 109 aimed to “reinvest [California's] criminal justice resources to support community-based corrections programs and evidence-based practices that will achieve improved public safety” (AB 109, 2011). We know now with even greater certainty that public safety is built on prevention. Only through investments that break the cycles of addiction, homelessness, and incarceration can we continue shrinking our criminal justice system and maintaining safe communities.

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