



# Beyond the General Fund:

Expanding County Funding  
Strategies for Public Defense



**Office of the State  
Public Defender**

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## Introduction

Beyond what each county generates in local taxes for its general fund, the state distributes significant dollars to California counties through multiple funding streams designated for public safety, youth, and behavioral health services. Historically, counties have distributed these funds to law enforcement, prosecution, and other public safety actors without always engaging in equal consideration for public defense. This guide provides a description of several state funding sources and revenue streams available to California counties that can be utilized to establish, expand, and strengthen public defense systems.

Intended for county supervisors, administrators, executive officers, and public defense leaders, this guide highlights potential funding sources outside of local general fund dollars and provides insight and examples from California counties already putting these dollars toward public defense to provide vital services to their communities.



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## AB 109

Assembly Bill 109, also known as the 2011 Public Safety Realignment Act, shifted responsibility for custody and supervision of non-violent and non-serious offenders from the state to the counties. AB 109, or realignment funds, are distributed to the counties to serve this population and can be used for efforts to reduce recidivism through rehabilitative programming, support, and supervision.<sup>1</sup>

### How much is available?

The state disburses approximately \$2 billion a year, with each county receiving varying amounts based on population.<sup>2</sup>

### How is it disbursed?

Each county's Community Corrections Partnership (CCP) committee is responsible for planning and implementing realignment strategies under AB 109, including how to allocate realignment funds.<sup>3</sup> By statute, the Community Corrections Partnership must include the public defender.<sup>4</sup>

### How can it be used for indigent defense?

Realignment funds can be utilized for all services and programming that support the target population (non-serious and non-violent offenders) and reduce recidivism. Thus AB 109 funds can be directed to public defender offices to fund specialized units serving the realigned population; attorney or staff positions focused on connecting the target population to treatment, employment, and resources; and public defense programs that prevent recidivism and reduce system involvement. Examples include:

- Contra Costa County allocated \$1,250,000 of its AB 109 funds to the Public Defender for its Holistic Intervention Partnership. These funds allowed the Contra Costa Public Defender to provide multidisciplinary case management and navigation services to clients, assisting with access to housing, health, transportation, and legal services.<sup>5</sup>
- In 2024, San Benito County directed \$500,000 of its AB 109 allotment to fund indigent defense services within the county.<sup>6</sup>

1. See, e.g., Maureen Washburn and Grecia Resendez. AB 109 Can Fund Drug Treatment Rather Than Bloated Law Enforcement Bureaucracies, Center on Juvenile and Criminal Justice (April 2025), found [here](#).

2. For information on individual county distributions, see Center on Juvenile and Criminal Justice dashboard, found [here](#).

3. Pen. Code § 1230.

4. Pen. Code § 1230.

5. 2011 Public Safety Realignment Act: Tenth Annual Report on the Implementation of Community Corrections Partnership Plans (July 2022), pp. 77-78, found [here](#).

6. Josue Monroy. County Approves Public Defender Contract. San Benito Link (April 18, 2024), found [here](#).



## Opioid Settlement Money

Lawsuits against pharmaceutical manufacturers and distributors involved in creating the opioid crisis have yielded billions of dollars in settlement money for states and localities impacted by the crisis.<sup>7</sup>

### How much is available?

California will receive billions of dollars in opioid settlement money over the next 20 years.<sup>8</sup> In the first half of 2025, \$44.8 million in opioid settlement funds were distributed across the state. A list of disbursements made to different California cities and counties can be found on the DHCS website.<sup>9</sup>

### How is it disbursed?

Counties have flexibility in determining how to allocate these funds for opioid remediation purposes.<sup>10</sup> Some California counties have committees dedicated to determining how opioid funds should be allocated. All counties are required to track and annually report use of funds.

### How can it be used for indigent defense?

The funds must be used for opioid-related treatment, recovery, and prevention.<sup>11</sup> Funded programs may include resources and staffing to assist system involved individuals get connected to and supported in treatment and recovery.<sup>12</sup> Public defenders are a critical and highly effective point of access for the target population due to the confidential nature of the attorney-client relationship.

Equipped public defense staff can timely identify substance use disorders and efficiently connect impacted individuals to treatment and ongoing support. Public defense intervention teams can also divert substance abuse-driven matters out of the criminal system and into treatment modalities where they belong.

Opioid settlement funds cannot be used for law enforcement activities pertaining to criminal investigation or prosecution, general government spending, or to supplant any previously existing funded activities.<sup>13</sup> However, it may be used for public defense and a number of Public Defender offices in California have successfully advocated for allocation of opioid funds to their offices for innovative new programs and staff positions to assist with rehabilitative services for their clients. Examples include:

- In 2025, San Diego County allocated approximately \$400,000 in opioid settlement money to the Public Defender to fund a social

7. California Department of Health Care Services. California Opioid Settlements, found [here](#).

8. To date, California has received settlements totaling nearly \$4 billion, to be paid over the next 18 years. See Opioid Settlement Tracker, found [here](#).

9. California Department of Health Care Services. List of Payments, found [here](#).

10. See, e.g., Behavioral Health Information Notice, Allowable Uses and Reporting Requirements (July 11, 2023), found [here](#).

11. *Id.*

12. Office of the State Public Defender. Using Opioid Funding in County Public Defense Systems, found [here](#).

13. Behavioral Health Information Notice, Allowable Uses and Reporting Requirements (July 11, 2023), p. 7, found [here](#).

## Opioid Settlement Money

### How can it be used for indigent defense? (continued)

worker and three licensed mental health clinicians dedicated to clients at different stages: pretrial, trial, and collaborative court.

- In fiscal year 2023-2024, Ventura County awarded its Public Defender \$70,428 from its settlement fund to hire a community services coordinator to assess client's needs and connect them with treatment programs.<sup>14</sup>
- Sacramento County allocated \$391,633 in settlement funds to services for people "at various stages within the criminal justice system including pre-arrest, pre-arrangement [sic], pre-trial diversion."<sup>15</sup>



## Prop 172 Sales Tax

In 1994, Proposition 172 established a half-cent sales tax to fund local public safety services, providing billions of revenue dollars to counties.<sup>16</sup>

The enabling statute of Prop. 172 requires the funds to be distributed among "public safety services,"<sup>17</sup> which includes public defense.<sup>18</sup> While the statute expressly identifies some eligible departments, such as district attorney offices, it also notes that this list is not exhaustive.<sup>19</sup>

### How much is available?

In calendar year 2025, this revenue source generated \$4,740,432,520 for California counties. Each individual county's current and recent historical remittances can be found on the State Controller's website.<sup>20</sup>

### How is it disbursed?

The county board of supervisors has the authority to decide how Prop. 172 funding is allocated amongst public safety departments within its county. Many boards have formed committees to advise on allocation of the funds, but ultimately the board of supervisors must ensure proper use of these funds.

### How can it be used for indigent defense?

Aside from the requirement that the funds be used for local public safety services - which includes public defense/indigent defense services, there are no further restrictions on local use of Prop 172 funds. The money can be used for salaries, services, or equipment in the same way general fund dollars can be spent. Investing Prop 172 funds to appropriately staff and resource public defense offices

14. California Department of Health Care Services. California Opioid Settlements Expenditure Reporting Form, Ventura County FY 23-24 (Sept. 24, 2024), p. 3, found [here](#).

15. California Department of Health Care Services. California Opioid Settlements Expenditure Reporting Form, Sacramento County FY 23-24 (Feb. 28, 2025), pp. 3-4, found [here](#).

16. Office of the State Public Defender. Unequal Scales: California's Investment Disparity Between Prosecution and Public Defense (May 2025), p. 7, found [here](#).

17. Gov. Code § 30052, subd. (a).

18. See e.g., Contra Costa County. Auditor-Controller Contra Costa County, AB2788 (Chapter 866/94) Maintenance of Effort Certification Form (Apr. 15, 2025), p. 2, found [here](#). [Contra Costa County includes the following departments as public safety services: Public Defender, District Attorney, Health Detention-Inmates, Sheriff (including Coroner), and Probation.]

19. Gov. Code § 30052, subd. (b).

20. State Controller's Office. Half-Percent Sales Tax for Public Safety, FY 25-26, found [here](#).

**Prop 172  
Sales Tax**

**How can it  
be used for  
indigent  
defense?**  
(continued)

not only supports effective representation and protects constituents' constitutional rights; investment of these flexible dollars in public defense can ensure that vulnerable individuals gain access to treatment, diversion, and expungement opportunities that reduce recidivism and build long-term community safety.<sup>21</sup>

- Many California counties allocate Prop. 172 dollars to fund their county's institutional public defender office, including Contra Costa,<sup>22</sup> Napa,<sup>23</sup> San Joaquin,<sup>24</sup> Santa Barbara,<sup>25</sup> and Ventura.<sup>26</sup>



## **MHSA/BHSA Funds**

The Mental Health Services Act (MHSA) of 2004 instituted a 1 percent tax from Californians whose income is greater than \$1 million dollars. The State Controller's Office distributes funds to counties to create and implement systems of care for people with the most significant mental health needs. Starting in July 2026, these funds may also be used for treatment and housing of individuals with substance use disorder under the renamed Behavioral Health Services Act (BHSA).<sup>27</sup>

### **How much is available?**

Since 2004, the MHSA has generated roughly \$31 billion in revenue, averaging over \$1 billion a year.<sup>28</sup> Each county's monthly allocation and past allocations are available on the California Commission for Behavioral Health website.<sup>29</sup>

### **How is it disbursed?**

Counties receive a monthly BHSA allocation from the State Controller's Office based on the prior month's tax collection. Counties must create and report a three-year expenditure plan based on community input. Each county's three-year plan can be found on the Department of Health Care Services website.<sup>30</sup> The funds are typically allocated to county departments, community-based organizations, and other providers such as clinics and hospitals.

21. Vera Institute. Diversion Programs are a Smart, Sustainable Investment in Public Safety (April 28, 2022), found [here](#); Partners for Justice, What Really Lowers Crime (June 2022), found [here](#).

22. Contra Costa County. Auditor-Controller, AB2788 (Chapter 866/94) Maintenance of Effort Certification Form (Apr. 15, 2025), pp. 2-3, found [here](#).

23. Napa County, Adopted Budget FY 25-26, p. 134, found [here](#).

24. San Joaquin County. Adopted Budget FY 25-26, Proposition 172 AB 2788 Maintenance of Effort, found [here](#).

25. Santa Barbara County. Adopted Budget FY 23-24, p. 56, found [here](#).

26. Ventura County. Adopted Budget FY 24-25, p. 157, found [here](#).

27. California Department of Health Care Services. Behavioral Health Services Act, found [here](#).

28. Steinberg Institute. Five Things You Need to Know About the Mental Health Services Act (November 9, 2022), found [here](#).

29. California Commission for Behavioral Health. BHSA Monthly Allocation Dashboard, found [here](#).

30. California Department of Health Care Services. MHSA County Plans and Updates, found [here](#).

## MHSA/BHSA Funds

### How can it be used for indigent defense? (continued)

## How can it be used for indigent defense?

MHSA funding has five components,<sup>31</sup> many of which could assist public defender clients with needs related to mental health and substance use disorders. The unfortunate high rate of mental illness among system-involved individuals throughout California<sup>32</sup> creates a powerful opportunity to fund social workers, mental health clinicians, investigators, and dedicated attorneys within a public defender office. Defenders can access these funds to staff collaborative courts such as behavioral health, mental health, and drug courts, and hire in-house social workers and client support personnel to serve clients within the target population.

- Several counties have multi-agency partnerships that involve the public defender in implementation of MHSA goals because of the public defender's unique access and ability to serve the target population.<sup>33</sup>
- San Diego County explicitly uses MHSA funds to place licensed clinicians, housing navigators, and substance use navigators in their public defender office.<sup>34</sup>



## JJCPA, JJRBG, and YOBG

Three streams of state funding aim to reduce crime and delinquency among at-risk and system-involved youth: the Juvenile Justice Crime Prevention Act (JJCPA) focused on prevention interventions for at-risk youth; the Youthful Offender Block Grant (YOBG) targeting rehabilitation and prevention services for system-involved youth; and the Juvenile Justice Realignment Block Grant (JJRBG) serving the realigned youth population previously served by the Department of Juvenile Justice (DJJ).<sup>35</sup>

## How much is available?

Through the JJCPA and YOBG funding streams, California distributes \$342.5 million annually to counties to support youth within the juvenile justice system and those at risk of system involvement.<sup>36</sup> Additionally, the state disburses \$211 million annually in JJRBG funds to the counties; individual county allocations are available on the State Controller's website.<sup>37</sup>

31. (1) Community Services & Supports: direct services for youth with serious emotional disturbance and adults with serious mental illness as defined in Welf. & Inst. Code § 5600; (2) Prevention & Early Intervention: programs aimed at prevention of mental illness and early intervention; (3) Innovation: pilot programs/ practices and inter-agency collaboration; (4) Capital Facilities & Technological Needs: infrastructure investments to support the behavioral health system; (5) Workforce Education & Training: development of the workforce in public mental health (training, education pathways, incentives).

32. See, e.g., Vera Institute. California: State of Incarceration, found [here](#).

33. Alameda County Mental Health Services Act FY 23-24 found [here](#); Sacramento County Mental Health Services Act FY 24-25 and 25-26, found [here](#); Los Angeles County MHSA Annual Update FY 25-26, found [here](#).

34. California Health Policy Strategies. Embedding Mental Health Clinicians in Public Defender Offices: A Potential CalAIM Strategy for Reducing the Mentally Ill Inmate Population in Jails (June, 2022), p. 4, found [here](#).

35. Gov. Code § 30061, Welf. & Inst. Code §§ 1961, 1995. See also Juvenile Justice Crime Prevention Act and the Youthful Offender Block Grant Program, found [here](#); California Youth Defender Center. Funding Futures: Understanding DJJ Realignment Funding (JJRBG) (November 6, 2025), found [here](#).

36. Office of Youth and Community Restoration. Juvenile Justice Crime Prevention Act & Youthful Offender Block Grant Summary Report (2026), found [here](#); Board of State and Community Corrections.

Juvenile Justice Crime Prevention Act and Youthful Offender Block Grant Program Annual Reports to the Legislature, found [here](#); State Controller's Office. Youthful Offender Block Grant Allocations, found [here](#).

37. State Controller's Office. Juvenile Justice Realignment Block Grant, found [here](#); Pacific Juvenile Defender Center. SB 823 Fact Sheet, found [here](#).

## How is it disbursed?

Counties are required to establish a Juvenile Justice Coordinating Council (JJCC) to develop a Comprehensive Multiagency Juvenile Justice Plan (CMJJP), the vehicle through which JJCPA funds are directed.<sup>38</sup> In addition to the CMJJP, each county must annually report its plan for use of YOBG funds.<sup>39</sup> By statute, the Juvenile Justice Coordinating Council must include the public defender and representatives from nonprofit community-based organizations providing services to youth.<sup>40</sup>

JJRBG funds require the county to convene a subcommittee of its JJCC to develop a plan for housing and serving the realigned youth population.<sup>41</sup> The board of supervisors must consider the subcommittee's plan when making JJRBG allocations.<sup>42</sup> Notably, JJRBG explicitly prohibits local agencies whose primary responsibility is prosecution or arrest from receiving JJRBG funds.<sup>43</sup>

## How can it be used for indigent defense?

Public defenders, resource attorneys, and social workers can be funded through these dollars to support system-involved youth by connecting them to needed services and reducing or preventing future involvement in the system. Research demonstrates that holistic defense models are effective at reducing incarceration and providing clients with needed supports.<sup>44</sup> This can be particularly true in the juvenile context where the confidential attorney-client relationship allows at-risk youth to openly discuss their needs and challenges without fear of punishment or judgement.<sup>45</sup> Holistic juvenile defense teams can then utilize this insight into a youth's needs to address underlying causes of system involvement.

Low-risk youth – part of the target population for these funds – have better outcomes when diverted away from unnecessary probation supervision; excessive probation contact may have a net-widening effect that increases recidivism.<sup>46</sup> Such findings emphasize the efficacy of investing JJCPA and YOBG funds in juvenile defense teams that can secure diversion, connect kids with treatment and educational supports to keep them in school, and present mitigation to prevent unnecessary or harmful detention or supervision.<sup>47</sup>

In providing JJRBG funds for youth realigned from DJJ, the Legislature outlined specific targets, including reducing transfer of youth to adult court, reducing youth confinement, and increasing

38. Welf. & Inst. Code § 749.22; Gov. Code § 30061.

39. Welf. & Inst. Code § 1961; Gov. Code § 30061.

40. Welf. & Inst. Code § 749.22; Gov. Code § 30061.

41. Welf. & Inst. Code § 1995.

42. Welf. & Inst. Code § 1991.

43. Welf. & Inst. Code § 1991, subd. (a).

44. Center on Juvenile and Criminal Justice. *Equitable Defense: Holistic Defense for Court-Appointed Counsel Cases* (February, 2024), pp. 3-4, found [here](#) [citing positive effects of utilizing public defense social workers in both adult and juvenile cases].

45. *Id.* at p. 8 [“The most important thing with our social workers is that the duty of loyalty is to the client. They are not mandated reporters. Because of that, we tell our clients and family, ‘you are protected by the attorney-client privilege.’ Ours is a relationship of trust.”]

46. See, e.g., Annie E. Casey Foundation. *Transforming Juvenile Probation* (May 7, 2018), found [here](#).

47. Lynn Geurin et al. *Increasing Alternative Sentencing in the Juvenile Justice System Through a Partnership Between Public Defenders and Social Workers*, *Journal of Forensic Social Work* (2013), found [here](#) [youth with access to social workers were three times more likely to receive alternative sentences].

## JJCPA, JJRBG, and YOBG

### How can it be used for indigent defense? (continued)

community-based responses.<sup>48</sup> The representation and advocacy provided by public defenders, investigators, and social workers is what prevents youth from being unnecessarily confined, incarcerated, or transferred to the adult criminal system. At the same time, youth defense teams are uniquely positioned to advocate for and connect youth to community-based services. Thus, a well-resourced and staffed juvenile public defense unit is central to effectuating each of these JJRBG goals.

- Several California counties use JJCPA, JJRBG, and YOBG streams to fund juvenile staff and programming within the public defender office:
  - The Riverside County Public Defender office uses JJCPA funds for their juvenile justice and holistic advocacy program;<sup>49</sup>
  - The Santa Barbara County Public Defender has a social worker position funded by YOBG;<sup>50</sup> and,
  - The Yolo County Public Defender uses JJCPA funds for a mitigation specialist embedded in their office.<sup>51</sup>

## A Note about Specialized County Funding Streams

In addition to the state dollars discussed in this guide, counties across California employ specialized, local revenue generators in the form of “measures,” special taxes, cannabis taxes, discretionary set-asides, and funds associated with development projects. These dollars are sometimes called “community benefit funds,” “mitigation,” or “development funds,” and are routinely used to support public safety functions.

For example, Imperial County operates a Public Benefit Grant Program funded through development agreements with solar energy projects. Developers contribute funds that are allocated by the Board of Supervisors, with recommendations from an advisory committee, to support projects that provide a clear benefit to county residents. In 2026, Imperial County \$1,039,361.52 of these funds to the County District Attorney’s Office to fund post-bar law clerk positions.<sup>52</sup> Given the broad directive that the dollars be used to benefit county residents, such funds could also be leveraged to increase staffing, add client support services, or implement pilot programs within the local public defender office.

Humboldt County collects a half-cent local sales tax (Measure Z) to support public safety and essential county services. The Humboldt County Public Defender Office has used Measure Z funding to support two positions, increasing capacity and supporting better client outcomes.<sup>53</sup>

Local supplemental funding streams already exist in most counties and are actively supporting law enforcement, prosecutors, and probation. These same funds can be directed toward public defense and broader system improvements.

48. Id.; S.B. 823, 2019-2020 Reg. Sess. (Cal. 2020), Section 1(a)-(e).

49. Office of Youth and Community Restoration. Description of JJCPA / YOYG Funded Programs by County, 2024, p. 148, found [here](#).

50. Santa Barbara County. Recommended Budget FY 24-25, p. 179, found [here](#).

51. Office of Youth and Community Restoration. Description of JJCPA / YOYG Funded Programs by County (2024) p. 287, found [here](#).

52. Imperial County. Board of Supervisors meeting agenda (February 3, 2026), found [here](#).

53. Humboldt County. Adopted Budget FY 24-25, p. C-57, found [here](#).

## Conclusion

Though county allocation of state funds may become ossified over time, we hope this guide encourages county stakeholders to take another look at public safety, youth and behavioral health funding streams with an eye toward public defense.

A well-staffed, resourced, and supported public defender can create greater system efficiency, produce better justice outcomes, and reduce recidivism, benefiting not only their clients, but the entire community.

Recognizing this, some counties have used the funding streams identified in this guide to help fund, staff, and equip their public defense offices. Those examples and lessons can serve to assist other counties in making changes as well.

*The Indigent Defense Improvement Division at OSPD is available as a resource for counties seeking to strengthen their indigent defense systems. Please contact us for free technical assistance regarding public defense funding or any other indigent defense system issues: [capacitybuilding@ospd.ca.gov](mailto:capacitybuilding@ospd.ca.gov).*



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