

AMENDED IN SENATE APRIL 7, 2014

SENATE BILL

No. 1054

Introduced by Senator Steinberg

February 18, 2014

An act to add Article 4 (commencing with Section 6045) to Chapter 5 of Title 7 of Part 3 of the Penal Code, relating to mentally ill criminal offenders, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1054, as amended, Steinberg. Mentally ill offender crime reduction grants.

Existing law establishes 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, as specified. *Existing law establishes the Recidivism Reduction Fund, to be used, upon appropriation by the Legislature, for activities designed to reduce the state's prison population, including, but not limited to, reducing recidivism.*

This bill would require the board to administer and award mentally ill offender crime reduction grants on a competitive basis to counties that expand or establish a continuum of swift, certain, and graduated responses to reduce crime and criminal justice costs related to mentally ill offenders. The bill would require the board, ~~in consultation with the State Department of Health Care Services, to award grants that provide funding for 4 years~~ *board to establish minimum standards, funding schedules, and procedures for awarding grants.* This bill would appropriate \$50,000,000 from the ~~General Fund~~ *Recidivism Reduction Fund* in the 2014–15 fiscal year for the mentally ill offender crime

reduction grant program, and require that half of that amount be used for adult offenders and half for juvenile offenders.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) A share of the restored mentally ill offender crime reduction
4 grants, with the enactment of this act, will be dedicated to
5 improving mental health outcomes for children in the juvenile
6 justice system.

7 (b) While California’s youth crime rates are down overall in
8 California, our courts and juvenile justice facilities are brimming
9 with children and youth with a broad range of mental health
10 disorders and unmet treatment needs.

11 (c) In a 2005 “gap survey” of California probation chiefs, paving
12 the way for the subsequent realignment of the *Department of*
13 *Corrections and Rehabilitation*, Division of Juvenile Justice
14 population to local control, the chiefs identified juvenile mental
15 health cases as the most significant problem and service gap they
16 faced. In a later study, Chief Probation Officers of California
17 documented long stays and high costs related to the detention of
18 juveniles with mental health problems. State and national studies
19 confirm, again and again, extremely high rates of mental health
20 disorders among incarcerated youth, with prevalence exceeding
21 70 percent of juveniles in custody. Data from the Board of State
22 and Community Corrections in 2013 documents the fact that nearly
23 half of the daily 8,200 juveniles in custody or on electronic
24 monitoring in California have “open mental health cases.”

25 (d) When the mental health needs of young offenders are
26 ignored, these youth enter a high-risk zone of becoming chronic
27 adult offenders, committing further crimes, and filling up our
28 already crowded prisons and jails. This comes at a cost in public
29 safety, a cost to the probation, court, and corrections agencies who
30 must then deal expensively with the problem on a long-term basis
31 at the deep end of our jail and prison systems, and a cost to the
32 taxpayers.

1 (e) We know that early intervention in these youth mental health
2 cases is a key to success. The mentally ill offender crime reduction
3 grant program investment on the juvenile justice side is an
4 investment in crime prevention. The juvenile justice share of the
5 mentally ill offender crime reduction grants will support local
6 investment in proven best-practices, including early diagnoses,
7 family and community-based treatment models, specialized mental
8 health courts, and other collaborative models of intervention that
9 have proven to be successful. The goal, overall, is to break the link
10 between mental illness and crime as soon as possible, using
11 state-of-the-art assessment and intervention strategies. Early
12 recognition and treatment in these cases is also critical to our goal
13 of preventing the escalation of youth mental health disorders into
14 tragedies like the Sandy Hook ~~school~~ *Elementary School* shooting
15 that occurred in 2012.

16 (f) Modern science tells us that children are developmentally
17 different from adults. This finding has been embedded in decisions
18 of the United States Supreme Court in recent years, placing limits
19 on the death penalty and other punishments imposed on children.
20 In the foster care sector, important cases like the Katie A. litigation
21 recognize the need for more effective strategies and collaborative
22 efforts to address the mental health needs of children without
23 homes of their own.

24 (g) The good news is that science and evidence-based studies
25 point the way to interventions that can stop the cycle of mental
26 illness and crime early in these young lives. The new mentally ill
27 offender crime reduction grants will prioritize funding for local
28 assessments and interventions that promise to produce better youth
29 outcomes, to lower youth recidivism rates, and to reduce system
30 workloads and costs that result from failing to address the problem.

31 (h) Research indicates that a continuum of responses for
32 mentally ill offenders that includes prevention, intervention, and
33 incarceration can reduce crime, jail overcrowding, and criminal
34 justice costs.

35 (i) Therefore, it is the intent of the Legislature that grants be
36 provided to counties that develop and implement a comprehensive,
37 cost-effective plan to reduce the rate of crime and offenses
38 committed by persons with serious mental illness and reduce jail
39 overcrowding and local criminal justice costs related to mentally
40 ill offenders.

1 SEC. 2. Article 4 (commencing with Section 6045) is added
2 to Chapter 5 of Title 7 of Part 3 of the Penal Code, to read:

3
4 Article 4. Mentally Ill Offender Crime Reduction Grants
5

6 6045. The Board of State and Community Corrections shall
7 administer and award mentally ill offender crime reduction grants
8 on a competitive basis to counties that expand or establish a
9 continuum of swift, certain, and graduated responses to reduce
10 crime and criminal justice costs related to mentally ill offenders,
11 as defined in paragraph (1) of subdivision (b) and subdivision (c)
12 of Section 5600.3 of the Welfare and Institutions Code.

13 6045.2. (a) To be eligible for a grant, a county shall establish
14 a strategy committee that shall include, at a minimum, the sheriff
15 or director of the county department of corrections in a county in
16 which the sheriff is not in charge of administering the county jail
17 system, who shall chair the committee, representatives from other
18 local law enforcement agencies, the chief probation officer, the
19 county mental health director, a superior court judge, a client of a
20 mental health treatment facility, and representatives from
21 organizations that can provide, or have provided, treatment or
22 stability, including income, housing, and caretaking, for persons
23 with mental illnesses.

24 (b) The committee shall develop a comprehensive plan for
25 providing a cost-effective continuum of graduated responses,
26 including prevention, intervention, and incarceration, for mentally
27 ill offenders. Strategies for prevention and intervention shall
28 include, but are not limited to, both of the following:

29 (1) Mental health or substance abuse treatment for mentally ill
30 offenders who have been released from law enforcement custody.

31 (2) The establishment of long-term stability for mentally ill
32 offenders who have been released from law enforcement custody,
33 including a stable source of income, a safe and decent residence,
34 and a conservator or caretaker.

35 (c) The plan shall include the identification of specific outcome
36 and performance measures and a plan for annual reporting that
37 will allow the Board of State and Community Corrections to
38 evaluate, at a minimum, the effectiveness of the strategies in
39 reducing crime and offenses committed by mentally ill offenders
40 and the criminal justice costs related to mentally ill offenders.

1 6045.4. The Board of State and Community ~~Corrections, in~~
2 ~~consultation with the State Department of Health Care Services,~~
3 *Corrections* shall award grants that provide funding for four years.
4 Funding shall be used to supplement, rather than supplant, funding
5 for existing programs ~~and shall not be used to facilitate the early~~
6 ~~release of prisoners or alternatives to incarceration.~~ *The funds may*
7 *be used to fund specialized alternative custody programs that offer*
8 *appropriate mental health treatment and services.* A grant shall
9 not be awarded unless the applicant makes available resources in
10 an amount equal to at least 25 percent of the amount of the grant.
11 Resources may include in-kind contributions from participating
12 agencies. In awarding grants, priority shall be given to those
13 proposals that include additional funding that exceeds 25 percent
14 of the amount of the grant.

15 6045.6. The Board of State and Community ~~Corrections, in~~
16 ~~consultation with the State Department of Health Care Services,~~
17 *Corrections* shall establish minimum standards, funding schedules,
18 and procedures for awarding grants, which shall take into
19 consideration, but not be limited to, all of the following:

- 20 (a) Percentage of the jail population with severe mental illness.
- 21 (b) Demonstrated ability to administer the program.
- 22 (c) Demonstrated ability to develop effective responses to
23 provide treatment and stability for persons with severe mental
24 illness.
- 25 (d) Demonstrated history of maximizing federal, state, local,
26 and private funding sources.
- 27 (e) Likelihood that the program will continue to operate after
28 state grant funding ends.

29 6045.8. (a) The Board of State and Community ~~Corrections,~~
30 ~~in consultation with the State Department of Health Care Services,~~
31 *Corrections* shall create an evaluation design for mentally ill
32 offender crime reduction grants that will assess the effectiveness
33 of the program in reducing crime, the number of early releases due
34 to jail overcrowding, and local criminal justice costs.

35 (b) Commencing on June 30, 2015, and annually thereafter, the
36 board shall submit a report to the Legislature based on the
37 evaluation design, with a final report due on December 31, 2019.

38 (c) The reports submitted pursuant to this section shall be
39 submitted in compliance with Section 9795 of the Government
40 Code.

1 (d) Pursuant to Section 10231.5 of the Government Code, this
2 section is repealed as of January 1, 2024.

3 ~~6045.9. (a) Funding for mentally ill offender crime reduction~~
4 ~~grants shall be provided, upon appropriation by the Legislature,~~
5 ~~in the annual Budget Act.~~

6 ~~(b) Up to 5 percent of the amount appropriated in the budget~~
7 ~~may be available for the board to administer this program,~~
8 ~~including technical assistance to counties and the development of~~
9 ~~an evaluation component.~~

10 SEC. 3. There is hereby appropriated from the ~~General Fund~~
11 *Recidivism Reduction Fund, established in Section 1233.9 of the*
12 *Penal Code*, in the 2014–15 fiscal year, fifty million dollars
13 (\$50,000,000) for use by the Board of State and Community
14 Corrections to provide grants and administer the Mentally Ill
15 Offender Crime Reduction Grant Program. ~~Half~~ *One-half* of the
16 money shall be used for adult offenders and ~~half~~ *one-half* of the
17 money shall be used for juvenile offenders.