

AMENDED IN ASSEMBLY JUNE 23, 2014

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. *offenders.*

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 *juvenile and adult* offenders. The bill would require the board to establish minimum standards, funding schedules, and procedures for awarding grants. ~~This bill would appropriate \$50,000,000 from the 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: $\frac{2}{3}$ -majority. Appropriation: ~~yes~~-no. 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.

33 (e) We know that early intervention in these youth mental health
34 cases is a key to success. The mentally ill offender crime reduction
35 grant program investment on the juvenile justice side is an

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

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

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

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

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

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

1 Article 4. Mentally Ill Offender Crime Reduction Grants

2
3 6045. The Board of State and Community Corrections shall
4 administer and award mentally ill offender crime reduction grants
5 on a competitive basis to counties that expand or establish a
6 continuum of swift, certain, and graduated responses to reduce
7 crime and criminal justice costs related to mentally ill offenders,
8 as defined in *subdivision (a)*, paragraph (1) of ~~subdivision (b)~~ *(b)*,
9 and subdivision (c) of Section 5600.3 of the Welfare and
10 Institutions Code.

11 6045.2. (a) To be eligible for a grant, a county shall establish
12 a strategy committee that shall include, at a minimum, the sheriff
13 or director of the county department of corrections in a county in
14 which the sheriff is not in charge of administering the county jail
15 system, who shall chair the committee, representatives from other
16 local law enforcement agencies, the chief probation officer, the
17 county mental health director, a superior court judge, a *former*
18 client of a mental health treatment facility, and representatives
19 from organizations that can provide, or have provided, treatment
20 or stability, including income, housing, and caretaking, for persons
21 with mental illnesses.

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

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

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

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

39 6045.4. The Board of State and Community Corrections shall
40 award grants that provide funding for four years. Funding shall be

1 used to supplement, rather than supplant, funding for existing
2 programs. The funds may be used to fund specialized alternative
3 custody programs that offer appropriate mental health treatment
4 and services. A grant shall not be awarded unless the applicant
5 makes available resources in an amount equal to at least 25 percent
6 of the amount of the grant. Resources may include in-kind
7 contributions from participating agencies. In awarding grants,
8 priority shall be given to those proposals that include additional
9 funding that exceeds 25 percent of the amount of the grant.

10 6045.6. The Board of State and Community Corrections shall
11 establish minimum standards, funding schedules, and procedures
12 for awarding grants, which shall take into consideration, but not
13 be limited to, all of the following:

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

23 6045.8. (a) The Board of State and Community Corrections
24 shall create an evaluation design for mentally ill offender crime
25 reduction grants that will assess the effectiveness of the program
26 in reducing crime, the number of early releases due to jail
27 overcrowding, and local criminal justice costs.

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

31 (c) The reports submitted pursuant to this section shall be
32 submitted in compliance with Section 9795 of the Government
33 Code.

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

36 ~~SEC. 3. There is hereby appropriated from the Recidivism~~
37 ~~Reduction Fund, established in Section 1233.9 of the Penal Code,~~
38 ~~in the 2014-15 fiscal year, fifty million dollars (\$50,000,000) for~~
39 ~~use by the Board of State and Community Corrections to provide~~
40 ~~grants and administer the Mentally Ill Offender Crime Reduction~~

- 1 ~~Grant Program. One-half of the money shall be used for adult~~
- 2 ~~offenders and one-half of the money shall be used for juvenile~~
- 3 ~~offenders.~~

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