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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair

2015 - 2016 Regular

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**Bill No:** SB 621                      **Hearing Date:** April 7, 2015  
**Author:** Hertzberg  
**Version:** February 27, 2015  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** AA

**Subject:** *Mentally Ill Offender Crime Reduction Grants*

## HISTORY

**Source:** Los Angeles District Attorney's Office

**Prior Legislation:** SB 1054 (Steinberg) – Chapter 436, Statutes of 2014

**Support:** California Probation; Parole and Correctional Association; Chief Probation Officers of California; National Alliance on Mental Illness California; Disability Rights California; Mental Health America of California; Los Angeles County Professional Peace Officers Association; Sacramento County Sheriffs' Association; Santa Ana Police Officers Association; Long Beach Police Officers Association; Disability Rights California; Mental Health America of California; Board of Supervisors; California Attorneys for Criminal Justice; California Fraternal Order of Police; Legal Services for Prisoners with Children

**Opposition:** None known

## PURPOSE

*The purpose of this bill is to explicitly include a reference to “diversion” programs that offer appropriate mental health treatment and services among the programs for which Mentally Ill Offender Crime Reduction funds may be used.*

*Existing law* establishes the Board of State and Community Corrections (BSCC) as an independent entity of the California Department of Corrections and Rehabilitation (CDCR). (Penal Code § 6024(a).)

*Under existing law*, it is the mission of the BSCC to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system. (Penal Code § 6024(b).)

*Existing law* requires BSCC to “administer mentally ill offender crime reduction grants on a competitive basis to counties that expand or establish a continuum of timely and effective responses to reduce crime and criminal justice costs related to mentally ill offenders. The grants administered under this article by the board shall be divided equally between adult and juvenile mentally ill offender crime reduction grants in accordance with the funds appropriated for each

type of grant. The grants shall support prevention, intervention, supervision, and incarceration-based services and strategies to reduce recidivism and to improve outcomes for mentally ill juvenile and adult offenders.” (Penal Code § 6045(a).)

*Existing law* provides that the “application submitted by a county shall describe a four-year plan for the programs, services, or strategies to be provided under the grant. The board shall award grants that provide funding for three years. Funding shall be used to supplement, rather than supplant, funding for existing programs. Funds may be used to fund specialized alternative custody programs that offer appropriate mental health treatment and services. . . .(Penal Code § 6045.4)

*This bill* would expressly include the word “diversion” as a kind of program authorized to receive these funds.

### RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

For the past eight years, this Committee has scrutinized legislation referred to its jurisdiction for any potential impact on prison overcrowding. Mindful of the United States Supreme Court ruling and federal court orders relating to the state’s ability to provide a constitutional level of health care to its inmate population and the related issue of prison overcrowding, this Committee has applied its “ROCA” policy as a content-neutral, provisional measure necessary to ensure that the Legislature does not erode progress in reducing prison overcrowding.

On February 10, 2014, the federal court ordered California to reduce its in-state adult institution population to 137.5% of design capacity by February 28, 2016, as follows:

- 143% of design bed capacity by June 30, 2014;
- 141.5% of design bed capacity by February 28, 2015; and,
- 137.5% of design bed capacity by February 28, 2016.

In February of this year the administration reported that as “of February 11, 2015, 112,993 inmates were housed in the State’s 34 adult institutions, which amounts to 136.6% of design bed capacity, and 8,828 inmates were housed in out-of-state facilities. This current population is now below the court-ordered reduction to 137.5% of design bed capacity.”( Defendants’ February 2015 Status Report In Response To February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).

While significant gains have been made in reducing the prison population, the state now must stabilize these advances and demonstrate to the federal court that California has in place the “durable solution” to prison overcrowding “consistently demanded” by the court. (Opinion Re: Order Granting in Part and Denying in Part Defendants’ Request For Extension of December 31, 2013 Deadline, NO. 2:90-cv-0520 LKK DAD (PC), 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (2-10-14). The Committee’s consideration of bills that may impact the prison population therefore will be informed by the following questions:

- Whether a proposal erodes a measure which has contributed to reducing the prison population;
- Whether a proposal addresses a major area of public safety or criminal activity for which there is no other reasonable, appropriate remedy;

- Whether a proposal addresses a crime which is directly dangerous to the physical safety of others for which there is no other reasonably appropriate sanction;
- Whether a proposal corrects a constitutional problem or legislative drafting error; and
- Whether a proposal proposes penalties which are proportionate, and cannot be achieved through any other reasonably appropriate remedy.

## COMMENTS

### 1. Stated Need for This Bill

The author states:

In an effort to reinvest in treatment and prevention at the local level, SB 621 promotes cost-effective approaches to meet the long-term needs of adults and juveniles with mental disorders who are offenders. This bill will give counties the resources they need to divert mentally ill low-level offenders to treatment rather than jail, with follow-up services for those released from jail to keep them from reoffending.

### 2. Background

Last year's budget allocated \$18 million -- \$9 million for adult offenders and \$9 million for juvenile offenders -- to the Mentally Ill Offender Crime Reduction Program ("MIOCR") as authorized by the passage of SB 1054 (Steinberg). MIOCR originated in 1998, when the Legislature passed SB 1485 (Rosenthal). Under SB 1485, the Board of Corrections (what is now the BSCC) awarded grants to support the development, implementation, and evaluation of projects that demonstrated locally identified strategies for reducing recidivism among mentally ill offenders. Before the program was defunded in 2008, MIOCRG-funded projects delivered targeted, enhanced services and/or interventions while fostering interagency collaboration between mental health and criminal justice agencies:

The MIOCRG Program encompassed 30 projects in 26 counties ... While the 30 demonstration projects were unique in that each was designed to deal with the specific service gaps and needs of its jurisdiction all used their grants to maximize local resources, incorporate evidence-based "best practices" and design service delivery systems that would enhance local capabilities.<sup>1</sup>

An evaluation of the MIOCRG program in 2005 indicated generally favorable outcomes:

The Board's analysis of the local research findings confirms that the enhanced treatment and support services offered through the MIOCRG program made a positive difference. The statewide research shows that program participants were: 1) more comprehensively diagnosed and evaluated regarding their mental functioning and therapeutic needs, 2) more quickly and reliably provided with services designed to ameliorate the effects of mental illness, 3) provided with more complete after-jail systems of care designed to ensure adequate treatment and support, and 4) monitored more closely to ensure that additional illegal behavior,

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<sup>1</sup> California Board of Corrections. (2005). *Mentally Ill Offender Crime Reduction Grant Program: Overview of Statewide Evaluation Findings*. <[http://www.bdcrr.ca.gov/cppd/miocrg/reports/miocrg\\_report\\_presentation.pdf](http://www.bdcrr.ca.gov/cppd/miocrg/reports/miocrg_report_presentation.pdf)>.

mental deterioration, and other areas of concern were quickly addressed. As a result, MIOCRG participants were booked less often, convicted less often, and convicted of less serious offenses when they were convicted than were those receiving treatment as usual (TAU). Fewer participants served time in jail and, when they did serve time, they were in jail for fewer days than were TAU participants. MIOCRG participants improved in ‘Quality of Life’ outcomes including Global Assessment of Functioning (GAF) scores, reduced substance use/abuse, having housing, and economic self-sufficiency.<sup>2</sup>

### **MIOCR Participants Group vs. Treatment as Usual (TAU) Group**

- All Bookings: 6% decrease
- Felony Booking Offenses: 10% decrease
- Any Conviction: 8% decrease
- Felony Conviction Offense: 15% decrease
- Jail Time: 5% reduction
- Mean Jail Days: 1.5 days average reduction
- Drug Problem: 19% decrease
- Alcohol Problem: 23% decrease
- GAF Score Improvement: 45% increase
- Homelessness: 39% increase
- Economic Self-Sufficiency: 32% increase

Earlier this year, the BSCC released requests for proposals for both adult and juvenile MIOCR programs. The due date for RFPs was Friday, April 3, 2015.

### **3. What This Bill Would Do**

As noted above, this bill would explicitly include the word “diversion” in the MIOCR program statutory language concerning eligible types of programs. This is consistent with current law.

**-- END --**

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<sup>2</sup> *Id.*