
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair

2015 - 2016 Regular

Bill No: SB 1221 **Hearing Date:** April 12, 2016
Author: Hertzberg
Version: February 18, 2016
Urgency: No **Fiscal:** Yes
Consultant: ML

Subject: *Firefighters: Interaction with Mentally Disabled Persons*

HISTORY

Source: Los Angeles County Sheriff's Department

Prior Legislation: AB 1227 (Cooper) – introduced in 2015, held in Senate Appropriations (2016)
SB 11 (Beall) – Chapter 468, Stats. 2015
SB 29 (Beall) – Chapter 2015, Stats. 2015

Support: Association of Regional Center Agencies; California Fire Chiefs Association; California Public Defenders Association; California State Council on Development Disabilities; California State Sheriffs' Association; California Public Defenders Association; Disability Rights California; Fire Districts Association of California; League of California Cities

Opposition: Unknown

PURPOSE

The purpose of this bill is to make the POST training course relating to interactions with the mentally disabled available to firefighters and fire departments.

Existing law requires the Commission on Peace Officer Standards and Training (POST) “to establish and keep updated a continuing education classroom training course relating to law enforcement interaction with the mentally disabled” and to make the course available to law enforcement agencies in California. (Penal Code §13515.25.)

This bill authorizes POST to make available this educational training to firefighters and fire departments.

This bill makes additional purely technical amendments to this section.

RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

For the past several 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 December of 2015 the administration reported that as “of December 9, 2015, 112,510 inmates were housed in the State’s 34 adult institutions, which amounts to 136.0% of design bed capacity, and 5,264 inmates were housed in out-of-state facilities. The current population is 1,212 inmates below the final court-ordered population benchmark of 137.5% of design bed capacity, and has been under that benchmark since February 2015.” (Defendants’ December 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).) One year ago, 115,826 inmates were housed in the State’s 34 adult institutions, which amounted to 140.0% of design bed capacity, and 8,864 inmates were housed in out-of-state facilities. (Defendants’ December 2014 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 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. Need for This Bill

According to the author:

Researchers at the UCLA Center for Health Policy Research found that nearly one in five adults in the state — about 4.9 million people — said they needed help for a mental or emotional health problem.

Frequently, police officers respond to mental health related calls and incidents, many of which can be time consuming. The Federal Bureau of Justice Affairs reported that “behaviors resulting in mental illness are a factor in 3 to 7 percent of all law enforcement calls for service.”

Existing law requires POST to establish a continuing education classroom training course related to law enforcement interaction with mentally disabled persons and to make the course available to law enforcement agencies in California. Firefighters, being first responders, come into contact with mentally disabled persons as frequently as law enforcement officers.

Fire and Emergency Medical Services are trained on the medical side, but mental health emergencies can mimic medical ones and it is important for all personnel responding to these emergencies to be aware of the implications of that.

2. Effect of Legislation; Background

This legislation would extend POST’s current training program to prepare law enforcement officers for interactions with both developmentally and mentally disabled persons to firefighters. The POST training for law enforcement website highlights some examples of such disabilities and its common occurrences that the training would target: one out of 17 adults suffer from schizophrenia, bi-polar disorder or major depression, 46% of the homeless have a mental illness and/or substance abuse disorder, and one out of 68 children is diagnosed with Autism Spectrum Disorder.¹

Currently, law enforcement training provides a minimum of 664 training hours in its Regular Basic Course, which is divided into 42 individual law enforcement topics called Learning Domains (LD). LD37 focuses on People with Disabilities and requires a minimum of 15 hours of instruction, learning activities, a written exam and resolving a “high stakes” scenario involving a person with a mental or developmental disability. The training is designed to:

Introduce the laws that protect people with disabilities, enhance the recognition of behaviors that are indicative of disability or mental illness, provide de-escalation skills, teach situation-appropriate responses and referrals to the individual and community, and reduce the stigma associated with mental illness and disabilities.²

-- END --

¹ <https://www.post.ca.gov/did-you-know-mental-health.aspx>

² <https://www.post.ca.gov/mental-health-training-in-the-regular-basic-course.aspx>