
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair

2015 - 2016 Regular

Bill No: SB 515 **Hearing Date:** April 28, 2015
Author: Beall
Version: April 6, 2015
Urgency: No **Fiscal:** Yes
Consultant: AA

Subject: *Grant Programs*

HISTORY

Source: Author

Prior Legislation: Proposition 47 – passed by the voters in November 2014

Support: Unknown

Opposition: None Known

PURPOSE

The purpose of this bill is to require that at least two-thirds of the grant funding administered by the Board of State and Community Services under Proposition 47 be allocated to “public behavioral health agencies, or other public agencies that provide behavioral health services, that will use the grant funds to provide evidence-based mental health services and substance use disorder treatment services that are provided by licensed or certified behavioral health professionals and counselors.”

Current law reflects the provisions of Proposition 47, also known as the Safe Neighborhoods and Schools Act, which was approved by the voters in November 2014. Proposition 47 reduced the penalties for certain drug and property crimes and directed that the resulting state savings be directed to mental health and substance abuse treatment, truancy and dropout prevention, and victims’ services, as specified. The initiative also made additional changes to criminal laws. (See Legislative Analyst’s Office analysis of Proposition 47, <http://www.lao.ca.gov/ballot/2014/prop-47-110414.pdf>.)

Current law, as enacted by Proposition 47, requires that by August 15 of each fiscal year beginning in 2016, the Controller shall disburse moneys deposited in the Safe Neighborhoods and Schools Fund as follows:

- (1) Twenty-five percent to the State Department of Education, to administer a grant program to public agencies aimed at improving outcomes for public school pupils in kindergarten and grades 1 to 12, inclusive, by reducing truancy and supporting students who are at risk of dropping out of school or are victims of crime.
- (2) Ten percent to the California Victim Compensation and Government Claims Board, to make grants to trauma recovery centers to provide services to victims of crime pursuant to Section 13963.1 of the Government Code.

- (3) Sixty-five percent to the Board of State and Community Corrections, to administer a grant program to public agencies aimed at supporting mental health treatment, substance abuse treatment, and diversion programs for people in the criminal justice system, with an emphasis on programs that reduce recidivism of people convicted of less serious crimes, such as those covered by this measure, and those who have substance abuse and mental health problems. (Government Code § 7599.2(a).)

This bill would require that of the 65 percent allocated to the BSCC to administer, at least two-thirds of the grant funding would be required to be allocated to “public behavioral health agencies, or other public agencies that provide behavioral health services, that will use the grant funds to provide evidence-based mental health services and substance use disorder treatment services that are provided by licensed or certified behavioral health professionals and counselors.”

COMMENTS

1. Stated Need for This Bill

The author states:

Prop 47 requires savings accrued from the implementation of the act be deposited into a newly created Safe Neighborhoods & Schools Fund beginning in August, 2016. These dollars will be allocated exclusively for three purposes:

- 65% for mental health treatment, drug treatment, and other diversion programs to be disbursed to the Board of State and Community Corrections (BSCC) to administer a grant program to fund public agencies that support mental health treatment, substance abuse treatment, and diversion programs for people in the criminal justice system.
- 25% for programs designed to improve outcomes for K-12 public school students by reducing truancy and supporting students who are at risk of dropping out or are victims of crime.
- 10% for trauma recovery centers to provide services to victims of crime.

The Legislative Analyst Office (LAO) estimates annual state savings from Prop 47 will range from \$100 to \$200 million beginning in 2016-17. Although local savings accrued from Prop 47 are anticipated to be much higher than state savings because the percentage of individuals eligible Prop 47 in their system is much greater, Prop 47 only applies to state savings.

Recently, the LAO made several recommendations relating to the successful implementation of Prop 47. SB 515 addresses one of those recommendations. Specifically, the LAO recommends the State Legislature prioritize how Prop 47 savings will be spent and identify which types of organizations will receive grant funds in the event the BSCC receives more grant application than funding available.

SB 515 requires the BSCC to allocate at least two-thirds of the grant funding to public behavioral health agencies or other public agencies that provided

behavioral health services to fund evidence-based mental health services and substance use disorder treatment services. Furthermore, SB 515 requires services be provided by licensed or certified behavioral health professionals or counselors.

SB 515 recognizes that a significant number of individuals eligible under Prop 47 suffer from one or more mental health or substance abuse disorders and will need access to treatment and services upon their release from custody.

According to the Bureau of Justice Statistics, 56 percent of state prisoners and 64 percent of jail inmates nationwide were clinically diagnosed as having a mental disorder, received treatment by a mental health professional, or experienced symptoms of a mental disorder in the previous 12 months.

The number of individuals with a substance use disorder is even greater. According to the most recent California Rehabilitation Oversight Board (C-ROB report), 65.7 percent of offenders who have received a needs assessment have a moderate to high need for substance use treatment services.

Research shows access to treatment is most cost effective use of limited funds. According to a Health Research and Education Trust study, on average, substance abuse treatment costs \$1,583 and is associated with a monetary benefit to society of \$11,487, representing a greater than 7:1 ratio of benefits to costs.

Furthermore, building mental health and substance use community treatment capacity makes California's in-prison treatment investments more cost-effective. A 2007 press release issued by the California Office of Inspector General inmates pointed to a study that showed in-prison treatment followed by at least 90 days of community-based aftercare had significantly lower recidivism rates than nonparticipants.

1. What This Bill Would Do; Additional Considerations

Proposition 47, also known as the Safe Neighborhoods and Schools Act, was approved by the voters in November 2014. Proposition 47 made a number of changes in criminal penalties and provided that the resulting state savings be directed to mental health and substance abuse treatment, truancy and dropout prevention, and victims' services. (See Legislative Analyst's Office analysis of Proposition 47, <http://www.lao.ca.gov/ballot/2014/prop-47-110414.pdf>.) Proponents of Proposition 47 submitted in part:

Proposition 47 is sensible. It focuses law enforcement dollars on violent and serious crime while providing new funding for education and crime prevention programs that will make us all safer. . . . Proposition 47 stops wasting money on warehousing people in prisons for nonviolent petty crimes, saving hundreds of millions of taxpayer funds every year. . . . (Proposition 47) dictates the massive savings to crime prevention strategies in K–12 schools, assistance for victims of crime, and mental health treatment and drug treatment to stop the cycle of crime.¹

¹ Ballot argument in favor of Proposition 47 (<http://vig.cdn.sos.ca.gov/2014/general/pdf/proposition-47-arguments-rebuttals.pdf>.)

As explained above, savings attributed to the sentencing changes in Proposition 47 are split, with 25 percent for education, 10 percent for victim services, and 65 percent for a “grant program to public agencies aimed at supporting mental health treatment, substance abuse treatment, and diversion programs for people in the criminal justice system, with an emphasis on programs that reduce recidivism of people convicted of less serious crimes, such as those covered by this measure, and those who have substance abuse and mental health problems.”

This bill would require that at least two-thirds of this 65 percent be allocated to public behavioral health agencies, or other public agencies that provide behavioral health services, that would use the grant funds to provide the following:

- evidence-based mental health services and
- substance use disorder treatment services that are provided by licensed or certified behavioral health professionals and counselors.

Members may wish to discuss whether marshalling these savings as a statewide, statutory priority would be consistent with the somewhat broader language in the initiative. As underscored by the author, data and research illustrate the prevalence of behavior and substance use disorder among criminal offenders. The legislature has responded by supporting many efforts designed to address this population, most recently with the passage and funding of SB 1054 (Steinberg), the mentally ill offender crime reduction grants. There also are other valuable and needed assets for effectively addressing the criminogenic needs of offender populations in the community and reducing recidivism, such as housing assistance and restorative justice programs. Members of the Committee and the author may wish to consider whether codifying statewide principles and objectives designed to strengthen the ability and flexibility of local communities to identify their needs, together with program fidelity and accountability, might provide an enhanced level of statewide leadership and direction for assuring the Proposition 47 savings are reinvested as effectively as possible.

SHOULD TWO-THIRDS OF THE PROPOSITION 47 FUNDING DEDICATED TO MENTAL HEALTH TREATMENT, SUBSTANCE ABUSE TREATMENT AND DIVERSION PROGRAMS FOR LOW LEVEL OFFENDERS, BE ALLOCATED FOR EVIDENCE-BASED MENTAL HEALTH SERVICES AND SUBSTANCE USE DISORDER TREATMENT?

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