
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair

2021 - 2022 Regular

Bill No: SB 1006 **Hearing Date:** March 15, 2022
Author: Jones
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Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Law enforcement: homeless outreach teams*

HISTORY

Source: Author

Prior Legislation: AB 477 (B. Rubio), Ch. 93, Stats. of 2021
AB 695 (Arambula, 2021) held in Senate Appropriations
AB 2174 (Gallagher), Ch. 143, Stats. of 2020
AB 728 (Santiago), Ch. 337, Stats. of 2019
SB 1203 (Jones, 2019), not heard in Senate Public Safety
SB 1012 (Delgado), Ch. 786, Stats. of 2018
AB 210 (Santiago), Ch. 544, Stats. of 2017

Support: Peace Officers Research Association of California (PORAC)

Opposition: Californians United for a Responsible Budget; Initiate Justice; San Francisco Public Defender

PURPOSE

The purpose of this bill is to create a grant program within the Department of Justice (DOJ) that enables local law enforcement agencies to establish and operate homeless outreach teams. Additionally, the bill requires homeless outreach teams funded by the grant program to be composed of individuals with specific expertise.

Existing law authorizes a county to establish a homeless adult and family multidisciplinary personnel team (hereinafter, "MPT") with the goal of facilitating the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services within that county and to allow provider agencies and members of the personnel team to share confidential information for the purpose of coordinating housing and supportive services to ensure continuity of care. (Welfare and Institutions Code, Sec. 18999.8(a)(1).)

Existing law provides that a city within a county that has established a homeless adult and family multidisciplinary personnel team may participate in that county's MPT upon request, unless the county determines that the city's participation would hinder compliance with existing law regarding MPTs or would otherwise conflict with the county's goals and objectives. (Welfare and Institutions Code, Sec. 18999.8(a)(2).)

Existing law defines a “homeless adult and family multidisciplinary personnel team” as any team of two or more persons who are trained in the identification and treatment of homeless adults and families, and who are qualified to provide a broad range of services related to homelessness. (Welfare and Institutions Code, Sec. 18999.8(b)(2).)

Existing law provides that MPTs may include, but shall not be limited to, the following and organizations persons:

- Mental health and substance abuse services personnel and practitioners or other trained counseling personnel.
- Police officers, probation officers, or other law enforcement agents.
- Legal counsel for the adult or family representing them in a criminal matter.
- Medical personnel with sufficient training to provide health services.
- Social services workers with experience or training in the provision of services to homeless adults or families or funding and eligibility for services.
- Case managers or case coordinators responsible for referral, linkage, or coordination of care and services provided to adults or families.
- Veterans services providers and counselors.
- Domestic violence victim service organizations, as defined in subdivision (b) of Section 1037.1 of the Evidence Code.
- Any public or private school teacher, administrative officer, or certified pupil personnel employee.
- Housing or homeless services provider agencies and designated personnel. (Welfare and Institutions Code, Sec. 18999.8(b)(2)(A)-(J).)

Existing law authorizes members of an MPT to disclose and exchange with one another information and writings that relate to any information that may be designated as confidential under state law, as long as the team member reasonably believes it is generally relevant to the identification, reduction, or elimination of homelessness or the provision of services. Discussions related to the exchange or disclosure of confidential information are inadmissible as testimony in any criminal, civil, or juvenile court proceeding. (Welfare and Institutions Code, Sec. 18999.8(c)(1).)

Existing law provides that the disclosure of confidential information may occur telephonically and electronically as long as there is adequate verification of the identity of the MPT members involved in the exchange of information. (Welfare and Institutions Code, Sec. 18999.8(c)(2).)

Existing law provides that confidential information may not be disclosed to anyone outside the MPT, and that representatives of domestic violence victim service organizations must receive an individual’s informed consent before disclosing confidential information about that individual. (Welfare and Institutions Code, Sec. 18999.8(c)(3)-(4).)

Existing law authorizes an MPT to designate qualified persons to be a member of the team for a particular case, and authorizes that person to receive and disclose relevant information and records, subject to the confidentiality provisions pertaining to MPTs. (Welfare and Institutions Code, Sec. 18999.8(d).)

Existing law requires counties that operate MPTs to develop protocols describing how and what information may be shared by the MPT to ensure that confidential information is not disclosed in violation of state or federal law, and mandates that those protocols meet specific criteria. (Welfare and Institutions Code, Sec. 18999.8(e)(1)-(2).)

Existing law provides that, until January 1, 2025, an MPT established in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Clara and Ventura may additionally have the goal of facilitating the expedited identification, assessment, and linkage of individuals *at risk* [emphasis added] of homelessness to housing and supportive services within that county, and the goal of facilitating the expedited prevention of homelessness for those individuals. (Welfare and Institutions Code, Sec. 18999.81(a).)

Existing law provides that MPTs in the counties listed above must also include persons who are trained in the prevention of homelessness. (Welfare and Institutions Code, Sec. 18999.81(c).)

Existing law permits the counties of Yuba and Sutter to establish – and cities within those counties to join – a joint MPT, which shall be subject to the same confidentiality requirements as the MPTs of other counties. (Welfare and Institutions Code, Sec. 18999.82)

Existing law establishes the Home Safe Program within the Department of Social Services, under which the department awards grants to counties or tribes that provide services to elder or dependent adults who experience abuse, neglect, self-neglect, or exploitation and otherwise meet the eligibility criteria for adult protective services, for the purpose of providing housing-related supports to eligible individuals. (Welfare and Institutions Code, Sec. 15571)

This bill requires the Department of Justice to administer a competitive grant program to enable local law enforcement agencies to establish and operate homeless outreach teams.

This bill requires that a homeless outreach team funded by a grant awarded under this program be composed, at a minimum, of a law enforcement officer, a mental health professional, a medical services professional, and a representative of the county welfare department.

This bill provides that except for the law enforcement officer and the county welfare department representative, members of the team may be volunteers, associated with a nonprofit agency, or students in the appropriate field of study.

This bill provides that “homeless outreach team” shall have the same meaning as “homeless adult and family multidisciplinary personnel team” as defined in the Welfare and Institutions Code.

COMMENTS

1. Need for This Bill

According to the author:

“California has almost 30% (161,548 people) of all homeless individuals across the nation. About 78% of homeless individuals struggle with mental illness, substance use disorder, and/or physical disability. Californians are becoming increasingly concerned with the state’s growing homeless population. In fact, Californians name

homelessness as the second most important issue, right behind COVID-19, for the Governor and Legislature to work on in 2022. While last year's budget included nearly \$12 billion over two years for various homelessness programs, the homelessness crisis continues to grow. For example, Los Angeles passed a \$1.2 billion bond to ease the homeless crisis, yet 80% of LA voters say homelessness has deteriorated in recent years and voters have gone from feeling frustrated to exasperated. Clearly, a new comprehensive and compassionate approach to solving California's homeless crisis is needed – and fast.

SB 1006 will grant funds to local law enforcement agencies to establish and operate wrap-around service teams. These teams must include at minimum a mental health professional, a medical services professional, a representative of the county welfare department, and a law enforcement officer. The teams will immediately assess the needs of the homeless individuals on the street, and immediately determine the best option for their housing and/or medical treatment. SB 1006 will also allow volunteers from nonprofits or graduate students in the appropriate field of study, to join wrap-around teams, making wrap-around service teams more cost effective and feasible, thus encouraging more local jurisdictions to take advantage of them.”

2. Homelessness in California

Statistics published by the United States Interagency Council on Homelessness show that in 2020, California had an estimated 161,548 individuals experiencing homelessness on any given day. This figure represents almost 28% of the nation's total homeless population. Of that total, 8,030 were family households, 12,172 were unaccompanied young adults (aged 18-24), and 51,785 were individuals experiencing chronic homelessness, meaning that they have been homeless for a year or more, or have experienced at least four episodes of homelessness in the past 3 years.¹ Although more comprehensive statistics for 2021 are still being tallied, the U.S. Department of Housing and Urban Development's 2021 Annual Homeless Assessment Report (AHAR) signals a possible improvement in conditions. According to the AHAR, California saw the country's largest annual increase in sheltered homeless individuals in 2021.² Nevertheless, given the upward trend in the overall homeless population in recent years, and the economic damage caused by COVID-19, California's struggle with homelessness is likely to persist.

Individuals experiencing homelessness – especially chronic homelessness – face an array of health, social, and economic challenges, often at much higher rates than the general population. They are more likely to contract deadly diseases, suffer from alcohol and drug abuse, and struggle with serious mental health issues.³ These persistent health issues are often the cause of housing instability, resulting in a vicious cycle of chronic homelessness and deteriorating health that places a heavy burden on thinly stretched social services and emergency healthcare resources.⁴ Recent efforts to buttress this disjointed safety net have focused on providing a

¹ “California Homelessness Statistics.” *United States Interagency Council on Homelessness*. <https://www.usich.gov/homelessness-statistics/ca/>

² “The 2021 Annual Homeless Assessment Report (AHAR) to Congress.” *United States Department of Housing and Urban Development*. January 2022. <https://www.huduser.gov/portal/sites/default/files/pdf/2021-AHAR-Part-1.pdf>

³ “Homelessness as a Public Health Law Issue: Selected Resources.” *United States Centers for Disease Control and Prevention*. <https://www.cdc.gov/phlp/publications/topic/resources/resources-homelessness.html>

⁴ For example, according to California Healthline, “Homeless patients made about 100,000 visits to California hospitals in 2017, marking a 28% rise from two years earlier.” <https://californiahealthline.org/news/california-hospitals-see-massive-surge-in-homeless-patients/>

“continuum of care” to help individuals transition out of homelessness smoothly and permanently, minimizing the sporadic yet burdensome reliance on public services.

3. Homeless Multidisciplinary Personnel Teams

Assembly Bill 210 (Santiago, Ch. 544, Stats. of 2017) authorized counties to establish “homeless adult and family multidisciplinary personnel teams,” or MDTs, with the purpose of identifying, assessing and linking homeless individuals to housing and supportive services. While state law generally prohibits the sharing of an individual’s confidential health, criminal and social services information, AB 210 established a framework for the sharing of this information to more effectively coordinate housing, supportive services and continuity of care for homeless adults and families. In 2019, Assembly Bill 782 (Santiago, Ch. 337, Stats. of 2019) created a 5-year pilot program in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Clara and Ventura, expanding the purview of MDTs in those counties to include individuals who are at risk of homelessness. AB 210 and AB 782 also enumerated a list of issue area experts and service providers that could be, but were not required to be, included in MDTs, including peace officers, medical personnel, mental health professionals, teachers, and attorneys, among others.⁵

Prior to AB 210, several cities and counties, often in partnership with local nonprofits, had already established outreach teams to provide services and support to the homeless. These early iterations of MDTs were generally found to have a positive effect on the communities they served. A 2019 RAND Corporation evaluation of Santa Monica’s Homeless Multidisciplinary Street Team (HMST) “found evidence that HMST has had a positive impact on the clients they serve and that they are viewed within the community as a valuable resource.” The report also “estimated that the HMST has yielded savings to the City of Santa Monica that offset 17 percent to 43 percent of the investment.” Notably, the evaluation found that “clients have significantly fewer encounters with the police department in the year following the first time the HMST engages with them.”⁶ Committee staff was unable to locate any evaluations regarding the impact of MDTs formed under AB 210 and related legislation, though their similar structure suggests that they provide similar benefits.

According to the Author, while MDTs (also called “wrap-around service” teams) “are highly effective in helping the homeless community, the teams are also very costly. Many counties are unable to implement wrap-around service teams and enjoy their proven results because they lack the funding necessary to hire the various professionals needed to build a successful team.” The Author seeks to remedy this funding issue by creating a grant program for law enforcement agencies that wish to establish homeless outreach teams in their jurisdictions.

4. Definition and Membership of “Homeless Outreach Teams”

Existing law defines “homeless adult and family multidisciplinary personnel team” as “any team of two or more persons who are trained in the identification and treatment of homeless adults and families, and who are qualified to provide a broad range of services related to homelessness.”⁷ Many of the outreach teams established outside of this AB 210 framework are referred to as

⁵ Welfare and Institutions Code §§18999.8(b)(2), 18999.81(c).

⁶ Ashwood, J. Scott, et al. “Evaluation of the Homeless Multidisciplinary Street Team for the City of Santa Monica.” *Rand Corporation*, RR-2848-CSM, 2019. https://www.rand.org/pubs/research_reports/RR2848.html

⁷ Welfare and Institutions Code §18999.8(b)(2)

“homeless multidisciplinary street teams” or “homeless outreach teams” (HOTs). However, these terms are not defined by existing state law, and the programs they describe do not technically operate within any existing state-level framework. In order to clarify the term “homeless outreach team” as used in this bill, and connect the concept to a state program with established definitions, processes, and confidentiality safeguards, this bill defines “homeless outreach team” as a “homeless adult and family multidisciplinary personnel team” pursuant to existing law.

Existing law also enumerates a list of individuals and organizations that may be included in MDTs.⁸ This bill requires that a homeless outreach team established using a grant awarded pursuant to its provisions be composed, at a minimum, of a law enforcement officer, a mental health professional, a medical services professional, and a representative of the county welfare department. Given that the list of possible MDT members enumerated by existing law is permissive and not mandatory, the membership requirement in this bill would not conflict with existing law.

5. Department of Justice as Grant Administrator

A recent report issued by the California State Auditor found that “the State’s uncoordinated approach to addressing homelessness has hampered the effectiveness of its efforts,” citing that at least nine different California state agencies administer 41 programs to address homelessness.⁹ Generally, homelessness related grants and other funding programs are administered by the California Department of Housing and Community Development, the Department of Social Services, and the Business, Consumer Services and Housing Agency, through its Interagency Council on Homelessness. The DOJ is not one of the 9 agencies included in the State Auditor’s report that administers programs to address homelessness.

This bill requires the Department of Justice to administer a competitive grant program to enable local law enforcement agencies to establish and operate homeless outreach teams. Given the many agencies already involved in addressing homelessness, the Author and Committee may wish to consider whether the DOJ is the appropriate agency to administer the grant program contemplated by this bill.

6. Argument in Support

According to the Peace Officer’s Research Association of California (PORAC):

PORAC fully supports multi-disciplinary homeless outreach teams and believes they are critical in addressing California’s growing homeless population. Having a mental health professional, a medical services professional, a representative of the county welfare department, and a law enforcement officer on each team offers a comprehensive approach to assessing the immediate needs and next steps for homeless individuals. As first responders, we see firsthand the devastating effects of homelessness. We believe this bill is a much-needed solution to California’s homeless crisis by granting the funds necessary to establish and operate these teams.

⁸ Welfare and Institutions Code §§18999.8(b)(2)

⁹ “Homelessness in California: The State’s Uncoordinated Approach to Addressing Homelessness Has Hampered the Effectiveness of Its Efforts.” *California State Auditor*, Report #2020-112.
<https://www.auditor.ca.gov/reports/2020-112/index.html>

7. Argument in Opposition

According to the San Francisco Public Defender:

The proposition that increased funding to law enforcement is the solution to the issue of homelessness ignores all evidence that increasing exposure of unhoused people to law enforcement increases likelihood of criminalization, not likelihood of accessing necessary support. A 2020 report from the Lawyers' Committee of Civil Rights of the San Francisco Bay Area revealed that thousands of non-traffic infractions are disproportionately enforced on Black, Latinx and unhoused Californians each year, primarily for being unhoused and simply existing in public: sitting, sleeping, and loitering (standing).

This kind of police contact has been proven to lead to increased criminalization and cause ongoing trauma and police violence. Instead, the state should invest its dollars and energy in other supportive services and programs that are much more likely to lead to positive outcomes for people experiencing homelessness: housing, medical care, economic and job support, and mental health services.

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