
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair
2021 - 2022 Regular

Bill No: SB 903 **Hearing Date:** March 8, 2022
Author: Hertzberg
Version: February 1, 2022
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: Prisons: California Rehabilitation Oversight Board

HISTORY

Source: Author

Prior Legislation: AB 328 (Bryan), held in Assembly Appropriations 2021
AB 1405 (Gloria), held in Assembly Appropriations 2019
SB 282 (Beall), held in Assembly Appropriations 2019
SB 1010 (Beall), held in Assembly Appropriations 2018
SB 1013 (Beall), held in Senate Appropriations 2016
SB 1021 (Comm. on Budget & Fiscal Rev.), Ch. 41, Stats. 2012

Support: California Catholic Conference; Corporation for Supportive Housing; County Behavioral Health Directors Association of California; Depression and Bipolar Support Alliance, California; Housing California; Peace Officers Research Association of California

Opposition: None known

PURPOSE

The purpose of this bill is to require the California Rehabilitation Oversight Board (C-ROB) to examine the efforts of the California Department of Corrections and Rehabilitation (CDCR) to address the housing needs of formerly incarcerated individuals, including those with serious mental health needs, and to include specified data on homelessness in its annual report.

Existing law establishes C-ROB within the Office of the Inspector General. (Pen. Code, § 6140.)

Existing law requires C-ROB to meet at least twice annually, and to regularly examine the various mental health, substance abuse, educational, and employment programs operated by CDCR for incarcerated individuals and individuals on parole. (Pen. Code, § 6141.)

Existing law requires C-ROB to report to the Governor and the Legislature annually, on September 15, and may submit other reports during the year if it finds they are necessary. Requires the reports to include findings on the effectiveness of treatment efforts, rehabilitation needs of offenders, gaps in rehabilitation services in the department, and levels of offender participation and success in the programs. Requires C-ROB to make recommendations to the

Governor and the Legislature with respect to modifications, additions, and eliminations of rehabilitation and treatment programs. (Pen. Code, § 6141.)

This bill requires C-ROB to examine efforts to address the housing needs of formerly incarcerated individuals, including those who are identified as having serious mental health needs, who are released to the community on parole or subject to postrelease community supervision (PRCS).

This bill requires C-ROB's annual report to include data indicating the number of parolees who are experiencing homelessness, and the number of those parolees experiencing homelessness who have previously been identified as having serious mental health needs.

COMMENTS

1. Need For This Bill

According to the author:

After their release, many formerly incarcerated individuals face a magnitude of challenges as they re-enter their communities. Stable and affordable housing, as well as access to food, clothing, and job readiness, are just some of those challenges. For those with a mental illness, these challenges increase. This unfortunately often results in an increased chance of recidivism and homelessness, or both. A 2018 report by the Prison Policy Initiative, *Nowhere to Go: Homelessness among formerly incarcerated people*, concluded formerly incarcerated people are almost 10 times more likely to be homeless than the general public. In California, 70 percent of people experiencing homelessness have a history of incarceration. In fact, at any given time, one-third to one-half of all people on parole in San Francisco and Los Angeles are experiencing homelessness. With the prison population continuing to decline due to various factors – including early release of inmates due to the COVID-19 pandemic and policy changes that have reduced or shortened sentencing – even more people will experience housing insecurity and homelessness upon exiting the criminal justice system.

In 2012, the Legislature passed, and the Governor signed, Senate Bill 1021 (Committee on Budget, Chapter 42, Statute of 2012), which directed the California Department of Corrections and Rehabilitation (CDCR) to provide a supportive housing program for people on parole experiencing mental illness and homelessness. The program was intended to use funds budgeted for the Integrated Services for Mentally Ill Parolees (ISMIP) program to provide supportive housing, in accordance with Senate Bill 1021, Statutes of 2011-2012.

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With the Budget Act of 2020, the Legislature adopted the Governor's proposal to eliminate funding for the ISMIP program, and CDCR phased out the program in December 2020. However, eliminating the program does not remove CDCR's responsibility for helping parolees with mental illness re-enter their communities

safely. In eliminating the funding, the Legislature noted that existing county mental health programs can and do serve individuals on parole. Although Corrections remains responsible for helping individuals on parole to register for county programs, including mental health services, it is unclear how well CDCR performs this function. Further, it is unclear whether the critical services the integrated services program has offered participants, such as housing, will be available and in adequate supply through county programs.

The California Rehabilitation Oversight Board (C-ROB) was established by AB 900, the Public Safety and Offender Rehabilitation Services Act of 2007 (the Act), which was intended to address the serious problem of overcrowding in California's prisons and to improve rehabilitative outcomes among California's incarcerated people and parolees.

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It is vital for the long-term success of the State's criminal justice system that an individual leaving prison is quickly able to become a productive, law-abiding member of society. However, individuals on parole are seven times more likely to recidivate when homeless than when housed, a problem even more acute when those individuals have serious mental health needs. Targeted approaches are critical if California is to better serve unsheltered individuals with a history of incarceration and severe mental illness.

In an effort to curb the growing correlation between recently released incarcerated persons and housing insecurity, SB 903 requires C-ROB to examine CDCR's effort to address the needs of parolees or those subject to post-release community supervision, including those with serious mental health needs, and include an analysis in its annual report to the Governor and the Legislature. The bill also requires the Board to include in its annual report data on the number of parolees with serious mental illness experiencing homelessness, in order to provide policymakers with accurate information on the magnitude of the problem.

2. C-ROB

C-ROB was created via AB 900 (Solorio, Chapter 7, Statutes of 2007) and is housed within the Office of the Inspector General. C-ROB is a multidisciplinary board that examines the mental health, substance abuse, educational, and employment programs provided by CDCR to incarcerated individuals and individuals on parole. C-ROB's annual report includes findings concerning the effectiveness of treatment efforts, rehabilitation needs of offenders, gaps in offender rehabilitation services, and levels of offender participation and success in the programs. In addition, C-ROB make recommendations to the Governor and the Legislature with respect to modifications, additions, and eliminations of offender rehabilitation and treatment programs.

3. Prior Legislative Attempts to Address Housing Challenges Facing the Formerly Incarcerated

Individuals leaving prison face numerous challenges upon release, including finding stable and affordable housing. According to a report published by the Prison Policy Initiative, formerly incarcerated individuals are ten times more likely to be homeless than the general public. (Lucius

Couloute, *Nowhere to Go: Homelessness among formerly incarcerated people* (Aug. 2018) <<https://www.prisonpolicy.org/reports/housing.html>>.) More specifically, a person who has been incarcerated in prison once is nearly seven times more likely to experience homelessness than the general public while a person who has been incarcerated more than once is thirteen times more likely to experience homelessness than the general public. (*Id.*) Homelessness is most common among those who have recently been released from prison. (*Id.*) Research also indicates that many formerly incarcerated individuals are housing insecure. (*Id.*)

The Integrated Services for Mentally Ill Parolees (ISMIP) program was established in the 2007-08 budget and was intended to support housing and intensive case management for homeless parolees with a mental illness, and required CDCR to pay for housing and housing-based services. Prior to the elimination of funding for ISMIP in the Budget Act of 2020, advocates had contended that the program had not been serving the population it was intended to serve. A report by the State Auditor in 2020 concluded that it was not possible to determine whether the program had served those it was intended to serve or whether the program had met its intended outcomes due to shortcomings on the part of CDCR. (State Auditor, *California Department of Corrections and Rehabilitation: It has Poorly Administered the Integrated Services for Mentally Ill Parolees Program, and With Current Funding Cuts, It Must Find Ways to Transition Parolees to County Services*, Report 2020-103, pp. 22-23 <<https://auditor.ca.gov/pdfs/reports/2020-103.pdf>>.)

A number of bills were introduced in recent years in response to the perceived problems with the ISMIP program in an attempt to address the issue of homelessness and housing insecurity experienced by parolees. SB 1013 (Beall) of the 2015-2016 legislative session would have required ISMIP service providers to provide parolee participants with adequate housing and related assistance, including a path to permanent housing and independent living, as part of the Supportive Housing Program for Mentally Ill Prisoners. SB 1010 (Beall) of the 2017-2018 legislative session would have created a supportive housing pilot program for mentally ill parolees who are homeless or at risk of homelessness. SB 282 (Beall) of the 2019-2020 legislative session would have eliminated ISMIP and replaced it with the Supportive Housing Program for Persons on Parole. Finally, AB 1405 (Gloria) of the 2019-2020 legislative session would have required the CDCR to contract for and fund permanent housing for parolees at risk of homelessness. None of these measures were successful.

4. What This Bill Does

C-ROB is currently required to examine CDCR's efforts to assist incarcerated individuals and parolees to obtain post-release health care coverage. This bill would additionally require C-ROB to examine the department's efforts to address the housing needs of individuals released on parole or PRCS, including those who are identified as having serious mental health needs. This bill also adds data indicating the number of parolees who are experiencing homelessness, and the number of those parolees experiencing homelessness who have previously been identified as having serious mental health needs to the list of items that must be included in C-ROB's annual report.

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