



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

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915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
August 19, 2008

Honorable Members of the
Law and Legislation Committee

Title: Legislative Position: Support U.S. H.R. 3992, the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008

Location/Council District: Citywide

Recommendation: Adopt a support position on U.S. H.R. 3992, the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008.

Contact: Brian Louie, Deputy Chief (916) 808-0831

Presenters: Brian Louie, Deputy Chief (916) 808-0831

Department: Police

Division: Operations/Investigations and Homeland Security

Department Identification Number: 11001111

Description/Analysis

Issue: Members of Congress have requested reauthorization of the Mentally Ill Offender Treatment and Crime Reduction Act. The intent of this act is to help state and local agencies design and implement collaborative efforts between criminal justice and mental health systems. The funds granted can be used for a variety of services, including mental health courts, community re-entry programs, cross-training of criminal justice, law enforcement and mental health personnel.

The increasing number of persons with mental illness in jails, prisons and schools creates serious public safety concerns. Given the demand on our prison systems, mentally ill offenders enter our communities without the benefit of much needed services. Of significant concern to the police department is that fact that recently released mentally ill offenders use Greyhound services to return to their communities. It is quite common for them to exit the bus in downtown Sacramento, never reaching their intended destination. For the Sacramento Police Department, this translates to increased calls for service regarding criminal activity, loitering, drinking in public, other homeless issues, and mental health transports.

Policy Considerations: Support of this act is in line with the policies associated with the City’s mission to protect, preserve and enhance the quality of life for present and future Sacramento citizens.

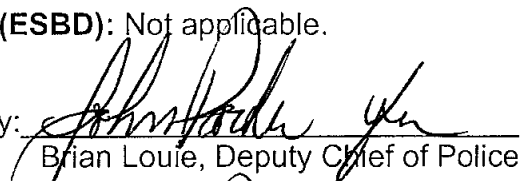
Environmental Considerations: The City of Sacramento’s support of this issue should not have an environmental impact.

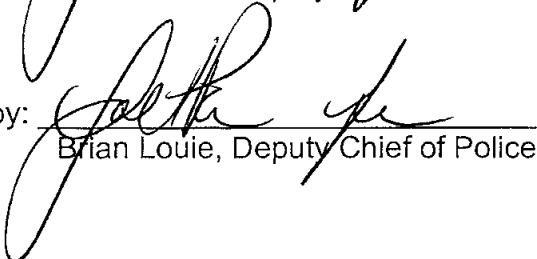
Rationale for Recommendation: With current prison population at 198% of capacity, California has drawn the attention of a special three judge panel. Recently, the panel ordered the involved attorneys to reach a settlement soon, or face a trial date of November 17, 2008. The current proposal, if enacted, calls for the early release of 40,000 inmates over the next four years, reducing capacity to 153%. Resources were limited to these persons while incarcerated and with current budget constrictions, both in state and county agencies, availability of resources will continue to be slim. Thus, emphasis should be on a coordinated system of community mental health services, as supported by the Mentally Ill Offender Treatment and Crime Reduction Act.

Sacramento County has applied for funds this year under Category III, Planning and Implementation. Although the selection process is ongoing, should Sacramento County be awarded the funds, the City of Sacramento would surely benefit from this local program. Supporting the reauthorization of the Mentally Ill Offender Treatment and Crime Reduction Act could potentially increase funding for FY2009 from \$50 million to \$75 million.

Financial Considerations: The City of Sacramento’s support has no fiscal impact.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by: 
Brian Louie, Deputy Chief of Police

Approved by: 
Brian Louie, Deputy Chief of Police

Recommendation Approved:

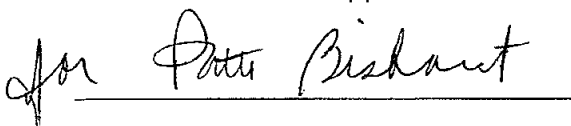

RAY KERRIDGE
City Manager

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Background

The original MIOTCRA legislation was enacted in 2004 and created the Justice and Mental Health Collaboration Grant Program. The grant program was divided into three categories, planning grants, planning and implementation grants and implementation and expansion grants.

The program was designed to help states and counties create and implement coordinated efforts between criminal justice agencies and mental health systems through appropriated funds. As a result, 53 communities in 35 states were awarded additional resources to implement these programs. There were only three California counties awarded grants in 2006: Tulare County was awarded approx. \$37,000 under the planning grant; Mendocino County was awarded \$250,000 under the planning and implementation grant and Ventura County was awarded \$200,000 under the implementation and expansion grant. In 2007, only one California County was awarded a grant and that was Nevada County for planning and implementation. The amount of that grant was \$250,000.

The new bill raises the authorization level from \$50 million for each effected year (2004 and 2005) to \$75 million per year through 2013. The bill will also reauthorize the mental health courts grant program through 2013 at \$10 million per year for mental health courts. Additionally, a completed study of the prevalence of mental illness in prisons and jails is required with the reauthorization. The new bill specifically authorizes funds for female offenders, family support services for their children and necessary mental health services for any children of the offender.

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One Hundred Eighth Congress of the
United States of America
at the second session
Begun and held at the City of Washington on Tuesday,
the twentieth day of January, two thousand and four

An Act

To foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mentally Ill Offender Treatment and Crime Reduction Act of 2004".

SEC. 2. FINDINGS.

Congress finds the following:

- (1) According to the Bureau of Justice Statistics, over 16 percent of adults incarcerated in United States jails and prisons have a mental illness.
- (2) According to the Office of Juvenile Justice and Delinquency Prevention, approximately 20 percent of youth in the juvenile justice system have serious mental health problems, and a significant number have co-occurring mental health and substance abuse disorders.
- (3) According to the National Alliance for the Mentally Ill, up to 40 percent of adults who suffer from a serious mental illness will come into contact with the American criminal justice system at some point in their lives.
- (4) According to the Office of Juvenile Justice and Delinquency Prevention, over 150,000 juveniles who come into contact with the juvenile justice system each year meet the diagnostic criteria for at least 1 mental or emotional disorder.
- (5) A significant proportion of adults with a serious mental illness who are involved with the criminal justice system are homeless or at imminent risk of homelessness, and many of these individuals are arrested and jailed for minor, nonviolent offenses.
- (6) The majority of individuals with a mental illness or emotional disorder who are involved in the criminal or juvenile justice systems are responsive to medical and psychological interventions that integrate treatment, rehabilitation, and support services.

(7) Collaborative programs between mental health, substance abuse, and criminal or juvenile justice systems that ensure the provision of services for those with mental illness or co-occurring mental illness and substance abuse disorders can reduce the number of such individuals in adult and juvenile corrections facilities, while providing improved public safety.

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SEC. 3. PURPOSE.

The purpose of this Act is to increase public safety by facilitating collaboration among the criminal justice, juvenile justice, mental health treatment, and substance abuse systems. Such collaboration is needed to--

- (1) protect public safety by intervening with adult and juvenile offenders with mental illness or co-occurring mental illness and substance abuse disorders;
- (2) provide courts, including existing and new mental health courts, with appropriate mental health and substance abuse treatment options;
- (3) maximize the use of alternatives to prosecution through graduated sanctions in appropriate cases involving nonviolent offenders with mental illness;
- (4) promote adequate training for criminal justice system personnel about mental illness and substance abuse disorders and the appropriate responses to people with such illnesses;
- (5) promote adequate training for mental health and substance abuse treatment personnel about criminal offenders with mental illness or co-occurring substance abuse disorders and the appropriate response to such offenders in the criminal justice system;
- (6) promote communication among adult or juvenile justice personnel, mental health and co-occurring mental illness and substance abuse disorders treatment personnel, nonviolent offenders with mental illness or co-occurring mental illness and substance abuse disorders, and support services such as housing, job placement, community, faith-based, and crime victims organizations; and
- (7) promote communication, collaboration, and intergovernmental partnerships among municipal, county, and State elected officials with respect to mentally ill offenders.

SEC. 4. DEPARTMENT OF JUSTICE MENTAL HEALTH AND CRIMINAL JUSTICE COLLABORATION PROGRAM.

(a) IN GENERAL.--Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

``PART HH--ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

``SEC. 2991. ADULT AND JUVENILE COLLABORATION PROGRAMS.

``(a) DEFINITIONS.--In this section, the following definitions shall apply:

- ``(1) APPLICANT.--The term `applicant' means States, units of local government, Indian tribes, and tribal organizations that apply for a grant under this section.

“(2) COLLABORATION PROGRAM.--The term ‘collaboration program’ means a program to promote public safety by ensuring access to adequate mental health and other treatment services for mentally ill adults or juveniles that is overseen cooperatively by--

“(A) a criminal or juvenile justice agency or a mental health court; and

“(B) a mental health agency.

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“(3) CRIMINAL OR JUVENILE JUSTICE AGENCY.--The term ‘criminal or juvenile justice agency’ means an agency of a State or local government or its contracted agency that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State or local government.

“(4) DIVERSION AND ALTERNATIVE PROSECUTION AND SENTENCING.--

“(A) IN GENERAL.--The terms ‘diversion’ and ‘alternative prosecution and sentencing’ mean the appropriate use of effective mental health treatment alternatives to juvenile justice or criminal justice system institutional placements for preliminarily qualified offenders.

“(B) APPROPRIATE USE.--In this paragraph, the term ‘appropriate use’ includes the discretion of the judge or supervising authority, the leveraging of graduated sanctions to encourage compliance with treatment, and law enforcement diversion, including crisis intervention teams.

“(C) GRADUATED SANCTIONS.--In this paragraph, the term ‘graduated sanctions’ means an accountability-based graduated series of sanctions (including incentives, treatments, and services) applicable to mentally ill offenders within both the juvenile and adult justice system to hold individuals accountable for their actions and to protect communities by providing appropriate sanctions for inducing law-abiding behavior and preventing subsequent involvement in the criminal justice system.

“(5) MENTAL HEALTH AGENCY.--The term ‘mental health agency’ means an agency of a State or local government or its contracted agency that is responsible for mental health services or co-occurring mental health and substance abuse services.

“(6) MENTAL HEALTH COURT.--The term ‘mental health court’ means a judicial program that meets the requirements of part V of this title.

“(7) MENTAL ILLNESS.--The term ‘mental illness’ means a diagnosable mental, behavioral, or emotional disorder--

“(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

“(B) (i) that, in the case of an adult, has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; or

“(ii) that, in the case of a juvenile, has resulted in functional impairment that substantially interferes with or limits the juvenile's role or functioning in family, school, or community activities.

“(8) NONVIOLENT OFFENSE.--The term `nonviolent offense' means an offense that does not have as an element the use, attempted use, or threatened use of physical force against the person or property of another or is not a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

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“(9) PRELIMINARILY QUALIFIED OFFENDER.--The term `preliminarily qualified offender' means an adult or juvenile accused of a nonviolent offense who--

“(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders; or

“(ii) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

“(B) has faced, is facing, or could face criminal charges for a misdemeanor or nonviolent offense and is deemed eligible by a diversion process, designated pretrial screening process, or by a magistrate or judge, on the ground that the commission of the offense is the product of the person's mental illness.

“(10) SECRETARY.--The term `Secretary' means the Secretary of Health and Human Services.

“(11) UNIT OF LOCAL GOVERNMENT.--The term `unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, including a State court, local court, or a governmental agency located within a city, county, township, town, borough, parish, or village.

“(b) PLANNING AND IMPLEMENTATION GRANTS.--

“(1) IN GENERAL.--The Attorney General, in consultation with the Secretary, may award nonrenewable grants to eligible applicants to prepare a comprehensive plan for and implement an adult or juvenile collaboration program, which targets preliminarily qualified offenders in order to promote public safety and public health.

“(2) PURPOSES.--Grants awarded under this section shall be used to create or expand--

“(A) mental health courts or other court-based programs for preliminarily qualified offenders;

“(B) programs that offer specialized training to the officers and employees of a criminal or juvenile justice agency and mental health personnel serving those with co-occurring mental illness and substance abuse problems in procedures for identifying the symptoms of preliminarily qualified offenders in order to respond appropriately to individuals with such illnesses;

“(C) programs that support cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety by offering mental health treatment services and, where appropriate, substance abuse treatment services for--

“(i) preliminarily qualified offenders with mental illness or co-occurring mental illness and substance abuse disorders; or

“(ii) adult offenders with mental illness during periods of incarceration, while under the supervision of a criminal justice agency, or following release from correctional facilities; and

“(D) programs that support intergovernmental cooperation between State and local governments with respect to the mentally ill offender.

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“(3) APPLICATIONS.--

“(A) IN GENERAL.--To receive a planning grant or an implementation grant, the joint applicants shall prepare and submit a single application to the Attorney General at such time, in such manner, and containing such information as the Attorney General and the Secretary shall reasonably require. An application under part V of this title may be made in conjunction with an application under this section.

“(B) COMBINED PLANNING AND IMPLEMENTATION GRANT APPLICATION.--The Attorney General and the Secretary shall develop a procedure under which applicants may apply at the same time and in a single application for a planning grant and an implementation grant, with receipt of the implementation grant conditioned on successful completion of the activities funded by the planning grant.

“(4) PLANNING GRANTS.--

“(A) APPLICATION.--The joint applicants may apply to the Attorney General for a nonrenewable planning grant to develop a collaboration program.

“(B) CONTENTS.--The Attorney General and the Secretary may not approve a planning grant unless the application for the grant includes or provides, at a minimum, for a budget and a budget justification, a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health, the activities proposed (including the provision of substance abuse treatment services, where appropriate) and a schedule for completion of such activities, and the personnel necessary to complete such activities.

“(C) PERIOD OF GRANT.--A planning grant shall be effective for a period of 1 year, beginning on the first day of the month in which the planning grant is made. Applicants may not receive more than 1 such planning grant.

“(D) AMOUNT.--The amount of a planning grant may not exceed \$75,000, except that the Attorney General may, for good cause, approve a grant in a higher amount.

“(E) COLLABORATION SET ASIDE.--Up to 5 percent of all planning funds shall be used to foster collaboration between State and local governments in furtherance of the purposes set forth in the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

“(5) IMPLEMENTATION GRANTS.—

“(A) APPLICATION.--Joint applicants that have prepared a planning grant application may apply to the Attorney General for approval of a nonrenewable implementation grant to develop a collaboration program.

“(B) COLLABORATION.--To receive an implementation grant, the joint applicants shall--

“(i) document that at least 1 criminal or juvenile justice agency (which can include a mental health court) and 1 mental health agency will participate in the administration of the collaboration program;

“(ii) describe the responsibilities of each participating agency, including how each agency will use grant resources to provide supervision of offenders and jointly ensure that the provision of mental health treatment services and substance abuse services for individuals with co-occurring mental health and substance abuse disorders are coordinated, which may range from consultation or collaboration to integration in a single setting or treatment model;

“(iii) in the case of an application from a unit of local government, document that a State mental health authority has provided comment and review; and

“(iv) involve, to the extent practicable, in developing the grant application--

“(I) preliminarily qualified offenders;

“(II) the families and advocates of such individuals under subclause (I); and

“(III) advocates for victims of crime.

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“(C) CONTENT.--To be eligible for an implementation grant, joint applicants shall comply with the following:

“(i) DEFINITION OF TARGET POPULATION.-- Applicants for an implementation grant shall--

- “(I) describe the population with mental illness or co-occurring mental illness and substance abuse disorders that is targeted for the collaboration program; and
 - “(II) develop guidelines that can be used by personnel of an adult or juvenile justice agency to identify preliminarily qualified offenders.
- “(ii) SERVICES.--Applicants for an implementation grant shall--
- “(I) ensure that preliminarily qualified offenders who are to receive treatment services under the collaboration program will first receive individualized, validated, needs-based assessments to determine, plan, and coordinate the most appropriate services for such individuals;
 - “(II) specify plans for making mental health, or mental health and substance abuse, treatment services available and accessible to preliminarily qualified offenders at the time of their release from the criminal justice system, including outside of normal business hours;
 - “(III) ensure that there are substance abuse personnel available to respond appropriately to the treatment needs of preliminarily qualified offenders;
 - “(IV) determine eligibility for Federal benefits;
 - “(V) ensure that preliminarily qualified offenders served by the collaboration program will have adequate supervision and access to effective and appropriate community-based mental health services, including, in the case of individuals with co-occurring mental health and substance abuse disorders, coordinated services, which may range from consultation or collaboration to integration in a single setting treatment model;

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- “(VI) make available, to the extent practicable, other support services that will ensure the preliminarily qualified offender's successful reintegration into the community (such as housing, education, job placement, mentoring, and health care and benefits, as well as the services of faith-based and community organizations for mentally ill individuals served by the collaboration program); and
 - “(VII) include strategies, to the extent practicable, to address developmental and learning disabilities and problems arising from a documented history of physical or sexual abuse.
- “(D) HOUSING AND JOB PLACEMENT.--Recipients of an implementation grant may use grant funds to assist mentally ill offenders compliant with the program in seeking housing or employment assistance.

- “(E) POLICIES AND PROCEDURES.--Applicants for an implementation grant shall strive to ensure prompt access to defense counsel by criminal defendants with mental illness who are facing charges that would trigger a constitutional right to counsel.
- “(F) FINANCIAL.--Applicants for an implementation grant shall--
- “(i) explain the applicant's inability to fund the collaboration program adequately without Federal assistance;
 - “(ii) specify how the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available, including billing third-party resources for services already covered under programs (such as Medicaid, Medicare, and the State Children's Insurance Program); and
 - “(iii) outline plans for obtaining necessary support and continuing the proposed collaboration program following the conclusion of Federal support.
- “(G) OUTCOMES.--Applicants for an implementation grant shall--
- “(i) identify methodology and outcome measures, as required by the Attorney General and the Secretary, to be used in evaluating the effectiveness of the collaboration program;
 - “(ii) ensure mechanisms are in place to capture data, consistent with the methodology and outcome measures under clause (i); and
 - “(iii) submit specific agreements from affected agencies to provide the data needed by the Attorney General and the Secretary to accomplish the evaluation under clause (i).
- “(H) STATE PLANS.--Applicants for an implementation grant shall describe how the adult or juvenile collaboration program relates to existing State criminal or juvenile justice and mental health plans and programs.
- “(I) USE OF FUNDS.--Applicants that receive an implementation grant may use funds for 1 or more of the following purposes:

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- “(i) MENTAL HEALTH COURTS AND DIVERSION/ALTERNATIVE PROSECUTION AND SENTENCING PROGRAMS.--Funds may be used to create or expand existing mental health courts that meet program requirements established by the Attorney General under part V of this title, other court-based programs, or diversion and alternative prosecution and sentencing programs (including crisis intervention teams and treatment accountability services for communities) that meet requirements established by the Attorney General and the Secretary.
- “(ii) TRAINING.--Funds may be used to create or expand programs, such as crisis intervention training, which offer specialized training to--

- “(I) criminal justice system personnel to identify and respond appropriately to the unique needs of preliminarily qualified offenders; or
- “(II) mental health system personnel to respond appropriately to the treatment needs of preliminarily qualified offenders.
- “(iii) SERVICE DELIVERY.--Funds may be used to create or expand programs that promote public safety by providing the services described in subparagraph (C)(ii) to preliminarily qualified offenders.
- “(iv) IN-JAIL AND TRANSITIONAL SERVICES.—Funds may be used to promote and provide mental health treatment and transitional services for those incarcerated or for transitional re-entry programs for those released from any penal or correctional institution.
- “(J) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Attorney General, in consultation with the Secretary, shall ensure that planning and implementation grants are equitably distributed among the geographical regions of the United States and between urban and rural populations.
- “(c) PRIORITY.--The Attorney General, in awarding funds under this section, shall give priority to applications that--
 - “(1) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;
 - “(2) demonstrate the active participation of each co-applicant in the administration of the collaboration program;
 - “(3) document, in the case of an application for a grant to be used in whole or in part to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and re-entry services for such individuals; and
 - “(4) have the support of both the Attorney General and the Secretary.
- “(d) MATCHING REQUIREMENTS.--
 - “(1) FEDERAL SHARE.--The Federal share of the cost of a collaboration program carried out by a State, unit of local government, Indian tribe, or tribal organization under this section shall not exceed--
 - “(A) 80 percent of the total cost of the program during the first 2 years of the grant;
 - “(B) 60 percent of the total cost of the program in year 3;
 - and

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- “(C) 25 percent of the total cost of the program in years 4 and 5.

“(2) NON-FEDERAL SHARE.--The non Federal share of payments made under this section may be made in cash or in-kind fairly evaluated, including planned equipment or services.

“(e) FEDERAL USE OF FUNDS.--The Attorney General, in consultation with the Secretary, in administering grants under this section, may use up to 3 percent of funds appropriated to--

“(1) research the use of alternatives to prosecution through pretrial diversion in appropriate cases involving individuals with mental illness;

“(2) offer specialized training to personnel of criminal and juvenile justice agencies in appropriate diversion techniques;

“(3) provide technical assistance to local governments, mental health courts, and diversion programs, including technical assistance relating to program evaluation;

“(4) help localities build public understanding and support for community reintegration of individuals with mental illness;

“(5) develop a uniform program evaluation process; and

“(6) conduct a national evaluation of the collaboration program that will include an assessment of its cost-effectiveness.

“(f) INTERAGENCY TASK FORCE.--

“(1) IN GENERAL.--The Attorney General and the Secretary shall establish an interagency task force with the Secretaries of Housing and Urban Development, Labor, Education, and Veterans Affairs and the Commissioner of Social Security, or their designees.

“(2) RESPONSIBILITIES.--The task force established under paragraph (1) shall--

“(A) identify policies within their departments that hinder or facilitate local collaborative initiatives for preliminarily qualified offenders; and

“(B) submit, not later than 2 years after the date of enactment of this section, a report to Congress containing recommendations for improved interdepartmental collaboration regarding the provision of services to preliminarily qualified offenders.

“(g) MINIMUM ALLOCATION.--Unless all eligible applications submitted by any State or unit of local government within such State for a planning or implementation grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for planning or implementation grants pursuant to this section.

“(h) AUTHORIZATION OF APPROPRIATIONS.--There are authorized to be appropriated to the Department of Justice to carry out this section—

“(1) \$50,000,000 for fiscal year 2005; and

“(2) such sums as may be necessary for fiscal years 2006 through 2009.”.

(b) LIST OF “BEST PRACTICES”.--The Attorney General, in consultation with the Secretary of Health and Human Services, shall develop a list of “best practices” for appropriate diversion from incarceration of adult and juvenile offenders.

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Speaker of the House of Representatives.

Vice President of the United States and
President of the Senate.

HR 3992 EH

110th CONGRESS
2d Session
H. R. 3992

AN ACT

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title- This Act may be cited as the 'Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008'.

(b) Table of Contents- The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Reauthorization of the Adult and Juvenile Collaboration Program Grants.

Sec. 4. Law enforcement response to mentally ill offenders improvement grants.

Sec. 5. Effective treatment of female offenders with mental illnesses.

Sec. 6. Grants to expand capabilities and effectiveness of correctional agency identification and treatment plans for mentally ill offenders.

Sec. 7. Statewide planning grants to improve treatment of mentally ill offenders.

Sec. 8. Improving the mental health courts grant program.

Sec. 9. Study and report on prevalence of mentally ill offenders.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Communities nationwide are struggling to respond to the high numbers of people with mental illnesses involved at all points in the criminal justice system.

(2) A 1999 study by the Department of Justice estimated that 16 percent of people incarcerated in prisons and jails in the United States, which is more than 300,000 people, suffer from mental illnesses.

(3) Rates of mental illness among women in jail are almost twice that of men.

(4) Los Angeles County Jail and New York's Rikers Island jail complex hold more people with mental illnesses than the largest psychiatric inpatient facilities in the United States.

(5) State prisoners with a mental health problem are twice as likely as those without a mental health problem to have been homeless in the year before their arrest.

(6) Reentry planning for inmates with mental illnesses is the least frequently endorsed mental health service by jail administrators.

SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS.

(a) Authorization of Appropriations Through 2014- Section 2991(h) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended--

(1) in paragraph (1), by striking `and';

(2) in paragraph (2), by striking `for fiscal years 2006 through 2009.' and inserting `for each of the fiscal years 2006 through 2007; and'; and

(3) by adding at the end the following new paragraph:

`(3) \$75,000,000 for each of the fiscal years 2008 through 2014.'.

(b) Allocation of Funding for Administrative Purposes- Section 2991(h) of such title is further amended--

(1) by redesignating paragraphs (1), (2), and (3) (as added by subsection (a)(3)) as subparagraphs (A), (B), and (C), respectively;

(2) by striking `There are authorized' and inserting `(1) IN GENERAL- There are authorized'; and

(3) by adding at the end the following new paragraph:

`(2) Allocation of Funding for Administrative Purposes- For fiscal year 2008 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year.'.

(c) No Minimum Allocation- Section 2991 of such title is further amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(d) Additional Applications Receiving Priority- Subsection (c) of such section is amended to read as follows:

`(c) Priority- The Attorney General, in awarding funds under this section, shall give priority to applications that--

(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

(2) promote effective strategies for identification and treatment of female mentally ill offenders; or

(3)(A) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

(B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;

(C) document, in the case of an application for a grant to be used in whole or in part to fund treatment services for adults or juveniles during

periods of incarceration or detention, that treatment programs will be available to provide transition and re-entry services for such individuals; and

“(D) have the support of both the Attorney General and the Secretary.”

SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

(a) In General- Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is further amended by adding at the end the following new section:

“SEC. 2992. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.

“(a) Authorization- The Attorney General is authorized to make grants to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

“(1) TRAINING PROGRAMS- To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

“(2) RECEIVING CENTERS- To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for mental health and substance abuse treatment needs.

“(3) IMPROVED TECHNOLOGY- To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such respective personnel to mentally ill offenders.

“(4) COOPERATIVE PROGRAMS- To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety through the use of effective interventions with respect to mentally ill offenders.

“(5) CAMPUS SECURITY PERSONNEL TRAINING- To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

“(b) BJA Training Models- For purposes of subsection (a)(1), the Director of the Bureau of Justice Assistance shall develop training models for training law enforcement personnel in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

“(c) Matching Funds- The Federal share of funds for a program funded by a grant received under this section may not exceed 75 percent of the costs of the program unless the Attorney General waives, wholly or in part, such funding limitation. The non-Federal share of payments made for such a program may be made in cash or in-kind, fairly evaluated, including planned equipment or services.

`(d) Authorization of Appropriations- There are authorized to be appropriated to the Department of Justice to carry out this section \$10,000,000 for each of the fiscal years 2008 through 2014.'

(b) Conforming Amendment- Such part is further amended by amending the part heading to read as follows:

'PART HH--GRANTS TO IMPROVE TREATMENT OF OFFENDERS WITH MENTAL ILLNESSES'.

SEC. 5. EFFECTIVE TREATMENT OF FEMALE OFFENDERS WITH MENTAL ILLNESSES.

Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by section 4, is further amended by adding at the end the following new section:

'SEC. 2993. GRANTS FOR THE EFFECTIVE TREATMENT OF FEMALE OFFENDERS WITH MENTAL ILLNESSES.

`(a) Authorization- The Attorney General is authorized to make grants to States, units of local government, Indian tribes, and tribal organizations to provide any of the following services, with respect to a female offender with a mental illness:

`(1) Mental health treatment.

`(2) Intensive case management services that are coordinated and designed to provide the range of services needed to address treatment or assistance needs of the offender, with respect to any criminal behavior, substance abuse, psychological abuse, physical abuse, housing, employment, and medical needs.

`(3) In the case that the offender has a child, family support services needed to ensure the maintenance of a relationship between the offender and such child.

`(4) Related mental health services for any children of the offender, as needed.

`(b) Authorization of Appropriations- There are authorized to be appropriated to the Department of Justice to carry out this section \$5,000,000 for each of the fiscal years 2008 through 2014.'

SEC. 6. GRANTS TO EXPAND CAPABILITIES AND EFFECTIVENESS OF CORRECTIONAL AGENCY IDENTIFICATION AND TREATMENT PLANS FOR MENTALLY ILL OFFENDERS.

Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by sections 4 and 5, is further amended by adding at the end the following new section:

'SEC. 2994. GRANTS TO EXPAND CAPABILITIES AND EFFECTIVENESS OF CORRECTIONAL FACILITY IDENTIFICATION AND TREATMENT PLANS FOR MENTALLY ILL OFFENDERS.

`(a) Authorization- The Attorney General is authorized to make grants to States, units of local government, Indian tribes, and tribal organizations in accordance with this section for any of the following purposes:

`(1) To provide correctional facilities within the respective jurisdiction with the capacity (or improved capacity), with respect to inmates of such facilities who have mental illnesses, to--

- `(A) assess the clinical and social needs of such inmates and the extent to which such inmates pose any public safety risks to the community;
 - `(B) plan for and provide treatment and services to address the unique needs of such inmates;
 - `(C) identify and coordinate with community and correctional programs responsible for post-release services; and
 - `(D) coordinate the transition plans for such inmates to ensure the implementation of such plans and to avoid gaps in care with community-based services.
- `(2) To provide for the standardization of screening and assessment practices to identify inmates with mental illnesses.
- `(3) To provide for local task forces to identify essential community services for inmates with mental illnesses upon the reentry of such inmates into the community.
- `(4) To coordinate planning for the transition of inmates with mental illnesses who are released from correctional facilities and reenter the community.
- `(5) To provide for housing options for individuals with mental illnesses who reenter the community that provide support for the unique needs of such individuals.
- `(6) To continue and improve--
- `(A) mental health programs provided at correctional facilities within the respective jurisdiction; or
 - `(B) alternative programs to incarceration for individuals with mental illnesses.
- `(7) To support the development of community crisis services that are for individuals who are at risk of arrest or incarceration and which are designed to prevent or mitigate a crisis by assessing the individual and crisis involved, providing supportive counseling to the individual, and referring the individual to appropriate community services to stabilize the individual's condition and prevent arrest or incarceration, respectively.
- `(8) To support forensic assertive community treatment teams for individuals with serious mental illnesses (as defined for purposes of title V of the Public Health Service Act) who reenter prison.
- `(9) To provide for integrated mental health treatment and substance abuse treatment.
- `(10)(A) To designate staff to assist inmates of correctional facilities within the respective jurisdiction, in--
- `(i) identifying benefits for which they may be eligible; and
 - `(ii) collecting necessary supporting materials (including medical records) and making applications for income support, health care, food stamps, veterans' benefits, TANF, or other benefit programs.
- `(B) To contract with local community mental health entities to perform the activities described in clauses (i) and (ii) of subparagraph (A).

`(11) To work with the necessary agencies and entities for transition planning for such inmates reentering the community, including any needed applications and paperwork.

`(12) To assist such inmates to obtain, or if necessary create and prepare, photo identification documents for use upon release.

`(13) To create links with local community mental health providers for case management services for inmates prior to their release from a correctional facility in order to link them with housing, employment, and other key services and benefits.

`(b) Requirements for Application- To be eligible to receive a grant under subsection (a) for a given fiscal year, an entity described in such subsection shall submit to the Attorney General an application in such form and manner and at such time as specified by the Attorney General. In addition to any other information specified by the Attorney General, such application shall contain the following information:

`(1) The number and percentage of offenders in prisons, jails, and juvenile facilities during the previous year--

`(A) who were in the custody of the jurisdiction involved;

`(B) who required mental health treatment; and

`(C) for whom the prison, jail, or juvenile facility involved provided such treatment.

`(2) A good faith estimate of the number and percentage of offenders in prisons, jails, and juvenile facilities who are predicted to meet the criteria described in each of subparagraphs (A), (B), and (C) of paragraph (1) during such year, if the entity receives such grant for such year.

`(c) Allocation of Grant Amounts Based on Mental Health Treatment Percent Demonstrated- In allocating grant amounts under this section, the Attorney General shall base the amount allocated to an entity for a fiscal year on the percent of offenders described in subsection (b) to whom the entity provided mental health treatment in the previous fiscal year, as demonstrated by the entity in its application under such subsection.

`(d) Technical Assistance- The Attorney General may provide technical assistance to any entity awarded a grant under this section to establish or expand mental health treatment services under this section if such entity does not have any (or has only a few) prisons, jails, or juvenile facilities that offer such services.

`(e) Reports- An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of such grant.

`(f) Authorization of Appropriations- There are authorized to be appropriated to the Department of Justice to carry out this section \$10,000,000 for each of the fiscal years 2008 through 2014.'.

SEC. 7. STATEWIDE PLANNING GRANTS TO IMPROVE TREATMENT OF MENTALLY ILL OFFENDERS.

Part HH of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by sections 4, 5, and 6, is further amended by adding at the end the following new section:

SEC. 2995. PLANNING GRANTS TO IMPROVE TREATMENT OF MENTALLY ILL OFFENDERS.

(a) Authorization- The Attorney General is authorized to carry out a grant program under which the Attorney General makes grants to States, units of local government, territories, and Indian tribes for the following purposes, with respect to the treatment of offenders with mental illnesses:

(1) To facilitate the coordination of treatment and services provided for such offenders by the State and other units of government located within the State (including local, territorial, and tribal).

(2) To provide for a State administrator (or other appropriate jurisdictional administrator) to coordinate such treatment and services provided within the State (or other jurisdiction).

(3) To develop a comprehensive plan for the provision of such treatment and services to such offenders within such State.

(4) To establish a coordinating center, with respect to a State, to--

(A) facilitate the sharing of information related to such treatment and services for such offenders among the jurisdictions located in such State; and

(B) promote evidence-based practices for purposes of providing such treatment and services.

(b) Application-

(1) IN GENERAL- To be eligible to receive a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application, in such form and manner and at such time as specified by the Attorney General, which shall include a proposal that describes how--

(A) the grant will be used to fund mental health treatment and services for jail and prison populations that are identified as savings populations for such entity; and

(B) any savings accruing to the State or other applicable jurisdiction from providing such population with such treatment and services would be used to increase the availability and accessibility of community-based mental health services.

(2) SAVINGS POPULATION- For purposes of paragraph (1), the term 'savings population' means a population that, if in receipt of mental health treatment and services for jail and prison populations, would potentially generate savings to the State or other applicable jurisdiction.

(c) Authorization of Appropriations- There are authorized to be appropriated \$10,000,000 to carry out this section for each of the fiscal years 2008 through 2013.

SEC. 8. IMPROVING THE MENTAL HEALTH COURTS GRANT PROGRAM.

(a) Reauthorization of the Mental Health Courts Grant Program- Section 1001(a)(20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(20)) is amended by striking 'fiscal years 2001 through 2004' and inserting 'fiscal years 2008 through 2014'.

(b) Additional Grant Uses Authorized- Section 2201 of such title (42 U.S.C. 3796ii) is amended--

(1) in paragraph (1) at the end, by striking 'and';

(2) in paragraph (2) at the end, by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

`(3) pretrial services and related treatment programs for offenders with mental illnesses; and

`(4) developing, implementing, or expanding programs that are alternatives to incarceration for offenders with mental illnesses.'.

SEC. 9. STUDY AND REPORT ON PREVALENCE OF MENTALLY ILL OFFENDERS.

(a) Study- The Attorney General shall provide for a study of the following:

(1) The rate of occurrence of serious mental illnesses in each of the following populations:

(A) Individuals, including juveniles, on probation.

(B) Individuals, including juveniles, incarcerated in a jail.

(C) Individuals, including juveniles, incarcerated in a prison.

(D) Individuals, including juveniles, on parole.

(2) For each population described in paragraph (1), the percentage of individuals with serious mental illnesses who, at the time of the arrest, are eligible to receive supplemental security income benefits, social security disability insurance benefits, or medical assistance under a State plan for medical assistance under title XIX of the Social Security Act.

(3) For each such population, with respect to a year, the percentage of individuals with serious mental illnesses who--

(A) were homeless (as defined in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)) at the time of arrest; and

(B) were homeless (as so defined) during any period in the previous year.

(b) Report- Not later than 18 months after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the results of the study under subsection (a).

(c) Definition of Serious Mental Illness- For purposes of this section, the term 'serious mental illness' has the meaning given such term for purposes of title V of the Public Health Service Act.

(d) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$2,000,000 for fiscal year 2009.

Passed the House of Representatives January 23, 2008.

Attest:

Clerk.

110th CONGRESS

2d Session

H. R. 3992

AN ACT

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

August 19, 2008

The Honorable Bobby Scott
United States House of Representatives
1201 Longworth House Office Building
Washington, DC 20515

Support: HR 3992 – Funding for the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008

Dear Congressman Scott:

I am writing to ask for your support for continued funding of the Mentally Ill Offender Treatment and Crime Reduction program in FY 2009 in the Commerce, Justice, Science, and Related Agencies Appropriations bill. People with mental illness are overrepresented in all parts of the criminal justice system – in their contact with law enforcement, in the courts, in jails and prisons, and in parole and probation caseloads across the country. The problem affects both rural and urban communities, and is prevalent in both large and small states.

The Mentally Ill Offender Treatment and Crime Reduction Act (MIOTCRA) received unanimous, bipartisan support in both chambers of Congress in its passage, and is supported by a broad spectrum of leaders representing the diverse fields of law enforcement, corrections, the courts and mental health. This measure, which received \$6.5 million in FY 2008, is helping to better coordinate responses in dealing with non-violent mentally ill offenders.

The program is intended to help states and counties design and implement collaborative efforts between criminal justice and mental health systems. The grants can be used for a broad range of incarcerated mentally ill offenders, community re-entry services, and cross-training of criminal justice, law enforcement, and mental health personnel.

53 communities in 35 states were awarded additional resources to implement these programs. There were only three California counties awarded grants in 2006: Tulare County was awarded approx. \$37,000 under the planning grant; Mendocino County was awarded \$250,000 under the planning and implementation grant, and Ventura County was awarded \$200,000 under the implementation and expansion grant. In 2007, only one California county was awarded a grant, and that was Nevada County, for planning and implementation.

Please make the Mentally Ill Offender Treatment and Crime Reduction program one of your priorities for FY 2009 and communicate your support to the Chairman and Ranking Member.

Sincerely,

SANDY SHEEDY, Chair
Law and Legislation Committee

cc: The Honorable Barbara Boxer, United States Senate
The Honorable Dianne Feinstein, United States Senate
The Honorable Doris Matsui, United States Congress
John Freshman, Troutman Sanders