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COMMUNITY CARE



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# Meet the Board of State and Community Corrections (BSCC)

## 13 Board Members

The majority of funds generated from Prop 47 (65%) will be under the control of the Board of State and Community Corrections (BSCC). The BSCC is charged with implementing realignment, which has resulted in directing billions of dollars of funding for construction of prisons, jails and juvenile detention centers. The Board is overwhelmingly composed of law enforcement officials, including the secretary of the CDCR. The Proposition 47 allocation expands the scope of the BSCC and gives law enforcement officials and agencies the power to decide on funding for mental health treatment, substance use treatment and diversion programs. We must ensure the BSCC supports community-based programs that are effective and will result in positive outcomes for impacted communities



**Linda Penner**  
Chair of the BSCC  
Chief of Probation  
Fresno County 2005-2012



**Leticia Perez**  
County Supervisor  
Kern County



**Scott Budnick**  
Producer of The Hangover Series  
Founder, Anti-Recidivism Coalition



**Michelle Brown**  
Chief Probation Officer  
San Bernardino County



**Dean Growdon**  
Sherriff  
Lassen County



**Jeffrey Beard**  
Secretary, California Dept. of  
Corrections & Rehabilitation  
(CDCR)



**Geoff Dean**  
Sherriff  
Ventura County



**Michael Ertola**  
Chief Probation Officer  
Nevada County



**Mimi Silbert**  
Chief Executive Officer  
President  
Delancey St. Foundation



**Ramona Garrett**  
Retired Judge  
Solano County



**David Bejarano**  
Chief of Police  
City of Chula Vista



**David Steinhart**  
Director  
Juvenile Justice Commonweal



**Daniel Stone**  
Director (CDCR)  
Adult Parole Operations

### How much money will the BSCC be allocating from Prop 47?

We don't know exactly, however the Legislative Analyst's Office estimates \$100 million to \$200 million total, with \$65-\$130 million for mental health treatment, substance use treatment, and diversion programs. The Dept. of Finance will release official numbers by July 31, 2016.

### When will the BSCC begin allocating money?

The state will give the BSCC the funds by August 15, 2016, and will begin granting after that. The ESC should make recommendations to the BSCC in the summer of 2016.

### Make Your Voice Heard. Give input on the BSCC grant program

The BSCC will host six to seven regional meetings to consider input from the public. The first meeting is scheduled from 6-8 p.m. on October 28, 2015 at the County of Alameda Administration Building, Board of Supervisors Chambers, 1221 Oak Street, Oakland, CA 94612.

Additional questions and comments can be sent by email to [Proposition47@bscc.ca.gov](mailto:Proposition47@bscc.ca.gov).

### Stay involved

Contact Emily Harris, State Field Director at the Ella Baker Center for Human Rights to support mobilizations to other regional meetings: [emily@ellabakercenter.org](mailto:emily@ellabakercenter.org) or 510.285.8231. Join the discussion on social media: #Prop47HealDontHurt



# Frequently Asked Questions

## What is the BSCC?

The Board of State and Community Corrections administers construction funding for jails, juvenile halls, other local correctional facilities, and grant programs like the funds created by Prop 47. This means they administer hundreds of millions of dollars every year. BSCC decisions are made by a 13-member board. The majority of board members are in the field of law enforcement.

## Why are we targeting the BSCC about Prop 47 savings?

The BSCC has the final decision on which agencies receive funds generated by reduced incarceration due to Prop 47. The law requires 65% of these funds to be distributed through the BSCC towards mental health and substance use treatment and diversion from incarceration, but it does not say which public agencies will get the funds. AB 1056 prioritizes Prop 47 funding for programs that also provide housing assistance and other community-based supportive services. We know that services are most effective when provided in the community and we must demand that the BSCC prioritizes investing in community care.

## What is the ESC?

The Executive Steering Committee (ESC) is formed by the BSCC to develop guidelines for the application process for Prop 47 funds, also known as the Request for Proposals (RFP). The ESC will also review applications and recommend who should receive grant awards. The BSCC then approves, rejects, or revises those recommendations. The ESC for the Prop 47 funds will be formed early next year; the BSCC will soon put out a request for nominations.

## Who can be on the ESC?

The BSCC chooses the members through an application and nomination process. Due to the passage of AB 1056, the ESC is supposed to include a balanced and diverse membership from relevant state and local government entities, community-based treatment and service providers, and the formerly incarcerated community, and include experts in homelessness and housing, behavioral health and substance use treatment, and effective rehabilitative treatment. Subject matter experts can learn about applying at: [http://www.bscc.ca.gov/\\_bsccexecutivesteeringcommittees.php](http://www.bscc.ca.gov/_bsccexecutivesteeringcommittees.php).

## Where do BSCC Board members stand on Prop 47?

Michael Ertola  
Chief Probation Officer  
Nevada County



"We would like to reiterate that law enforcement leaders and crime victim advocates overwhelmingly oppose Prop 47 and agree that it rewrites our laws to benefit criminals. This proposition is nothing more than a lengthy piece of special-interest legislation that will cause irrevocable harm and will have a detrimental impact on California."

Dean Growdon  
Sheriff  
Lassen County



"If Proposition 47 passes, law enforcement officers will be limited in their ability to make arrests for violations. Offenders will see no immediate consequence for their actions and they will remain free to continue victimizing our good citizens."

Geoff Dean  
Sheriff  
Ventura County



"It is easing the overcrowding of the jails, but those people are now back in the community."

David Bejarano  
Police Chief, Chula Vista  
Association  
President, CA Police Chiefs



"These are career criminals who will be back in our communities with-out rehab and treatment. That could put communities at risk... We don't have the data but we think there might be an increase in crime in those areas."

Linda Penner  
Chair of the BSCC  
Fresno County 2005-2012



Realignment and Prop. 47 "have put California on the forefront of innovation in criminal justice. We want to take what resources we have and move them out to communities."

Mimi Silbert  
Chief Executive Officer  
Delaney St. Foundation



"It's a good thing to keep them out of prison. But we shouldn't just excuse them, leave them out there and hope they'll be OK, because I don't think they will."

1 <http://www.theunion.com/opinion/1566309-113/proposition-callifornia-drugs-possession>  
 2 <http://www.sanwillstat.com/opinion-growdon-joins-sheriffs-statewide-to-oppose-prop-47/>  
 3 [http://www.cstar.com/news/local-news/sheriff-geoff-dean-announces-use-of-body-cameras\\_3406884](http://www.cstar.com/news/local-news/sheriff-geoff-dean-announces-use-of-body-cameras_3406884)  
 4 <http://www.sbncaandleg.com/news/politics/Top-Cops-Divided-on-Prop-47-California-Realigned-Penalties-27897641.html>  
 5 <http://newamericaidea.org/2015/05/activists-campaigning-for-more-state-funds-to-help-the-formerly-incarcerated.php>  
 6 <http://www.latimes.com/local/politics/la-me-1108-banks-proposition-47-20141108-column>

# Fact Sheet: Invest in Prop 47 Funds in Community Care

With the landslide approval of Prop 47 one year ago, CA voters embraced a new vision for community health that prioritizes prevention and treatment over punishment

- Prop 47 reclassifies certain low-level, non-violent crimes like simple drug possession and petty theft from felonies to misdemeanors. So far, 15,000 people have been resentenced by a judge. Up to one million people are eligible to change their records, and 160,000 have filed petitions to do so.
- Beginning in 2016-17, savings from Prop 47 are estimated to result in tens of millions of dollars annually for mental health and substance use treatment, and diversion programs. These funds will be administered by the Board of State and Community Corrections (BSCC) and must go to public agencies, who can then re-grant these funds to community-based organizations. <sup>1</sup>

## Jails are not ideal for treatment because they worsen mental illness and they are costly

- Evidence shows that jail makes people struggling with mental illness and substance use worse off. <sup>2</sup> In fact, LA DA Lacey recently said, “A jail environment simply is not conducive to the treatment of a mental illness.” <sup>3</sup>
- In CA, the number of imprisoned people with mental health issues doubled from 2000 to 2014. Relative to people without mental health needs, these individuals stay in jail longer and cost an estimated \$70 more per day to imprison. Additionally, the state receives no federal support because these individuals are not eligible for federally funded health care while imprisoned. But they would be eligible if they received care in the community. <sup>4</sup>
- Sheriff Dart of Cook County, Illinois called the use of jails as mental health treatment centers not only abhorrent and senseless but also, “Fiscally...the stupidest thing I’ve seen government do.” <sup>5</sup>
- It is critical to prioritize services and treatment programs that don’t require incarceration. Yes, it is important to strengthen mental health services in both jails and the community. Yet the same pattern emerges when it comes to addressing challenges facing people who are poor or marginalized: fund law enforcement first, support the community later. By prioritizing community care first, there will be fewer people in jail who need mental health and substance use services.
- Law enforcement claims that Prop 47 removes the threat of jail, which is their only “stick” to keep people in substance use treatment programs. However, evidence shows that incentives—not jail as punishment—is more effective in ensuring treatment attendance and reduction of drug use.

## Incarceration is a mental health and substance use risk

- Incarceration breaks up families and communities, causes people to lose their jobs and homes, and worsens mental and physical health issues, including substance use.
- Incarceration inflicts collateral damage - it increases the risk of mental health issues of those whose neighborhoods are broken up by imprisonment. <sup>18</sup>
- Mental health practitioners and experts agree that jail and prison exacerbate symptoms of underlying mental health conditions or lead otherwise healthy people to develop mental health conditions while incarcerated. <sup>19</sup>
- The act of being in jail -- forcibly removed from one’s family and community, stripped of autonomy, and locked in an extremely controlled and violent environment that is designed to punish -- is physically, emotionally, and mentally traumatic, even for people who don’t suffer from mental illness.

<sup>17</sup> <http://www.theatlantic.com/health/archive/2015/03/how-incarceration-inflicts-a-community/3859>

<sup>18</sup> <http://www.theatlantic.com/business/archive/2008/07/i-apos-ve-been-memed/3859/>

<sup>19</sup> [http://johnjay.jjay.cuny.edu/nrc/NAS\\_report\\_on\\_incarceration.pdf](http://johnjay.jjay.cuny.edu/nrc/NAS_report_on_incarceration.pdf)

# Community Demands to the BSCC

OUR COMMUNITY DEMANDS (Please state these demands in your testimony)

1. We call on the Board of State and Community Corrections (BSCC) to direct all funding made available through savings from Prop 47 to community-based mental health treatment, substance use treatment, and diversion programs—not to programs run by law enforcement. This is the will of the voters, and the only fiscally responsible decision that treats people humanely and reduces the chance that people will return to jail or prison.
2. We want comprehensive, culturally responsive community-based care and services, which address the needs of specialized populations, including persons who are monolingual, youth, disabled, or homeless, people with co-occurring conditions, and people returning from jail or prison. We want care that integrates services by connecting existing substance use service delivery with mental health treatment, primary care, and housing.
3. We call on the BSCC to only appoint members to the Executive Steering Community (ESC) who are health and substance use treatment practitioners, experts on housing, directly impacted by incarceration, and representative of the population these funds will serve.

## Where do you want your services? Invest in community care, not cops and cages

- There is no amount of money that can make a jail a good place to receive mental health and substance use treatment. Jail worsens both substance use and mental health issues. Community-based programs have been proven to work.
- We want to receive services where we can be with our families and communities, and where we can have support in gaining housing, employment, and education. As LA DA Lacey commented, "You don't imprison someone and say, 'Don't be sick anymore; People get well when you give them incentives to get help and to be employable.... You give them a life and a place of their own, where they have the freedom to thrive.'" <sup>17</sup>

## Community-based treatment programs are more effective and they cost less

- Nationwide, if just 10% of eligible imprisoned people were sent to community-based treatment programs rather than prison, taxpayers would save \$4.8 billion. <sup>6</sup>
- Effective examples include contingency management (rewarding program adherence), access to substance-free activities, Assertive Community Treatment (ACT), Assisted Outpatient Treatment (AOT) programs, and supportive housing. Miami-Dade County's diversion program, which has access to ACT and supportive housing, reduced recidivism from 75% to 20% for program participants with misdemeanor charges. <sup>7</sup> An AOT program in Nevada County, CA, where people are given treatment in their community, saw a 97% reduction in jail time of those with a serious mental illness. <sup>8</sup>

## Incarceration is a mental health and substance use risk

- Living in a neighborhood with a high incarceration rate puts you at greater risk of major depressive disorder than personally being unemployed, widowed, or divorced. <sup>9</sup>
- Suicide in CA prisons has a higher death rate than diabetes in CA overall. <sup>10</sup>
- Imprisoned people who need mental health treatment are more likely to be disciplined, violently victimized, locked in segregation while imprisoned, and stay incarcerated longer than people who don't need mental health treatment. <sup>11</sup>
- 72% of people with mental illness who are incarcerated also have a co-occurring substance use condition. With out effective coordinated care, people with these conditions are at a higher risk of being returned to prison or jail. <sup>12</sup>

## Poor people and people of color shouldn't have to go to jail to get treatment

- As of March 2015, more than 45,000—or 62%—of CA jail beds were filled with people awaiting trial or sen-

sentencing. Most are locked up simply because they are too poor to make bail. These people have not been convicted of anything, yet are separated from their families and often lose their jobs and housing and even their kids.<sup>13</sup>

- Poor people and people of color shouldn't have to go to jail to get mental health and substance use treatment. Public funding for mental health programs has been cut continuously since the 1960s, with \$4.35 billion being cut by states between 2009 and 2012 alone.<sup>14</sup> There are 10 times more people with severe mental health illness incarcerated than there are people in state psychiatric hospitals.<sup>15</sup>
- Incarceration has an overwhelmingly disproportionate impact on people of color. In California, people who are African American are nearly seven times as likely to be incarcerated than people who are white.<sup>16</sup>



1 <http://www.lao.ca.gov/reports/2015/budget/prop47/implementation-prop47-021715.aspx>

2 <http://www.csam-asam.org/proposition-36-revisited>

3 <http://da.lacounty.gov/about/inside-LADA/district-attorney-jackie-lacey-offers-mental-health-plan>

4 <https://www.aclusocal.org/wp-content/uploads/2014/07/JAILS-REPORT.pdf> and [http://law.stanford.edu/wp-content/uploads/sites/default/files/child-page/632655/doc/slspublic/Report\\_v12.pdf](http://law.stanford.edu/wp-content/uploads/sites/default/files/child-page/632655/doc/slspublic/Report_v12.pdf)

5 [http://www.nytimes.com/2014/02/09/opinion/sunday/inside-a-mental-hospital-called-jail.html?\\_r=0](http://www.nytimes.com/2014/02/09/opinion/sunday/inside-a-mental-hospital-called-jail.html?_r=0)

6 <http://cad.sagepub.com/content/early/2012/10/15/0011128712461904.abstract>

7 <https://www.aclusocal.org/wp-content/uploads/2014/07/JAILS-REPORT.pdf>

8 <http://www.tacreports.org/storage/documents/treatment-behind-bars/treatment-behind-bars.pdf>

9 <http://www.newrepublic.com/article/120817/incarceration-traumatizes-members-community-who-dont-go-jail>

10 <http://www.newsweek.com/us-jail-and-state-prison-deaths-have-increased-mortality-cops-police-359510> and <https://www.cdph.ca.gov/programs/ohir/Pages/Diabetes2008Total>

11 <http://www.vera.org/sites/default/files/resources/downloads/treatment-alternatives-to-incarceration.pdf> and [http://www.nytimes.com/2014/02/09/opinion/sunday/inside-a-mental-hospital-called-jail.html?\\_r=1](http://www.nytimes.com/2014/02/09/opinion/sunday/inside-a-mental-hospital-called-jail.html?_r=1)

12 <https://csgjusticecenter.org/substance-abuse/faqs/#q25>

13 [http://www.ppic.org/main/publication\\_quick.asp?i=1154](http://www.ppic.org/main/publication_quick.asp?i=1154)

14 <http://www.nasmhpd.org/docs/publications/Too%20Significant%20To%20Fail.pdf>

15 <http://www.tacreports.org/storage/documents/treatment-behind-bars/treatment-behind-bars.pdf>

16 <http://www.prisonpolicy.org/graphs/2010rates/CA.html>