

Byrne State Crisis Intervention Program
California FY 2022 - 2023 Application
Proposal Narrative

A. Description of the Issue

The Board of State and Community Corrections (BSCC) is the designated state administering agency for the Byrne State Crisis Intervention Program (Byrne SCIP). Subject to direction from the State's Crisis Intervention Advisory Board, BSCC anticipates making subawards to the California Judicial Council and units of local government with the federal fiscal year (FY) 2022 and 2023 allocations in calendar years 2023 and 2024. These subawards will focus on supporting gun safety measures in collaborative (problem-solving) courts and related activities.

Guns In California

California has the strictest gun laws in the country.¹ California also has one of the nation's lowest rates of gun-related deaths (44th out of 50 states), at 8.5 deaths per 100,000 people—37% below the national average. According to the state Attorney General's office, Californians are 25% less likely to die in mass shootings than residents in other states. California was the first state in the nation to adopt a "red flag law," which allows courts to issue restraining orders preventing individuals deemed to be a danger to themselves or others from possessing firearms. Some of the state's most notable legislation is its proactive removal of firearms from people who are convicted of felonies or certain misdemeanors, are facing domestic violence charges, or have had certain protective orders filed against them.

Despite these facts, gun violence is still a significant issue in the state with one person being killed by guns every three hours. Although robust gun relinquishment procedures for people with criminal convictions have been codified², questions remain about impact and the effectiveness of the implementation of the law. Preliminary data collection on the implementation of gun

¹ <https://giffords.org/lawcenter/resources/scorecard/?scorecard=CA>, accessed 12/7/22

² Cal. Pen. Code § 29810.

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relinquishment legislation indicates that there are a variety of challenges related to the process and that practices vary widely throughout the state.

Research suggests that there is a correlation between substance use disorders and gun related activity including gun violence against others and suicide.³ California's collaborative justice court system aims to reduce criminal activity, including gun violence, by addressing the underlying behavioral health issues that may influence people's contact with the criminal justice system. Although California is home to well over 400 collaborative courts, the lack of consistent state funding for these programs often hinders courts in their ability to expand caseload sizes and address some of the significant behavioral health needs of individuals in the criminal justice system.

This application focuses on developing a multipronged approach to decreasing gun violence in California, supporting local jurisdictions in their efforts to improve firearms relinquishment procedures and supporting the increase or enhancement of collaborative court programs that address behavioral health issues, with a focus on people who are at higher risk for gun violence.

Implementation of Expanded Gun Safety Measures

In an effort to keep guns and ammunition out of the hands of violent people, California voters passed Proposition 63, the Background Checks for Ammunition Purchases and Large-Capacity Ammunition Magazine Ban Initiative, in 2016. It requires a background check and California Department of Justice authorization to purchase ammunition, prohibits possession of high-

³ *Epidemiologic Reviews*, Volume 38, Issue 1, 1 January 2016, Pages 46–61, <https://doi.org/10.1093/epirev/mxv013>

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capacity ammunition magazines over ten rounds, levies fines for failing to report when guns are stolen or lost, and establishes procedures for enforcing laws prohibiting firearm possession by specified persons convicted of a felony and certain misdemeanor offenses.

Specifically, the law requires that courts provide defendants with a “Prohibited Persons Relinquishment (PPR)” Form at the time of conviction to inform the defendant of their obligation to comply with the law.⁴ The court also refers the matter to the county Probation Department to investigate if the defendant owns firearms and if those firearms have been relinquished. The Probation Department assigns the case to a deputy probation officer immediately to prepare an investigation report. As partners in the statewide implementation of the law, the Judicial Council works with courts to identify challenges in following these procedures. Many courts report that lack of resources in probation and lack of consequences for non-compliance with relinquishment make enforcement difficult. With Byrne SCIP funding, the Judicial Council can work more directly with courts to identify specific challenges in their local process and address them and achieve the goals the law intended.

California Collaborative Courts

People with substance use disorders and mental health issues are disproportionately represented in the court system and have been disproportionately impacted by the COVID-19 pandemic. According to the USDOJ Community Policing Dispatch, “The American Psychological Association reports that ‘64 percent of jail inmates, 54 percent of state prisoners, and 45 percent of federal prisoners’ have reported mental health concerns. Approximately half the people in U.S.

⁴ Cal. Pen. Code § 29810.

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jails and over one third of the population of U.S. prisons have been diagnosed with a mental illness.”⁵ The large proportion of these cases also involve individuals who lack adequate housing. Cases involving behavioral health issues and homelessness often have complications that result in longer time to disposition and increased workload on the courts.

Drug and other collaborative courts (also called problem-solving courts) are successfully addressing cases involving people with behavioral health issues and those struggling with homelessness. These programs promote accountability by combining judicial supervision with rigorously monitored rehabilitation, treatment, and community services in lieu of detention. Collaborative courts were designed to address people’s underlying issues that led them to become justice-system involved. These court programs rely on a problem-solving, team-based approach in which justice system partners, including judges, court staff, attorneys, treatment providers, social workers, probation officers, and others work together to improve participant outcomes.

Collaborative court program models that involve case management and intensive judicial monitoring are well suited to implement a variety of procedures and services that promote gun safety. From intake procedures that identify gun ownership or past gun violence charges, to services that expand treatment court capacity to assist clients more likely to commit or become victims of gun violence, the Judicial Council will partner with local courts to make communities safer.

B. Project Design and Implementation

Crisis Intervention Advisory Board

⁵ https://cops.usdoj.gov/html/dispatch/05-2022/mental_health_reentry.html

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Established in 2012, the BSCC is an independent statutory agency in the Executive Branch that provides leadership to the adult and juvenile criminal justice systems, promulgates regulations for adult and juvenile detention facilities, conducts regular inspections of those facilities, develops standards for the selection and training of local corrections and probation officers, and administers state and federal grant programs. The BSCC is guided by a 13-member Board as shown below:

Board Membership		
1	Linda Penner	Chair, Board of State and Community Corrections
2	Kathleen Allison	Secretary of CDCR
3	Guillermo Viera Rosa	Director of Adult Parole Operation, CDCR
4	Dean Growdon	Sheriff of Lassen County
5	Shannon D. Dicus,	Sheriff of San Bernardino County
6	Kirk Haynes	Chief Probation Officer of Fresno County
7	Janet Gaard	Retired Judge, Yolo County
8	Kelly M. Vernon,	Chief Probation Officer of Kings County
9	Andrew Mills	Chief of Police of Palm Springs
10	Scott Budnick	Founder of Anti-Recidivism Coalition
11	Norma Cumpian	Women's and Non-Binary Services Manager, Anti-Recidivism Coalition
12	Cindy Chavez	Santa Clara County Supervisor
13	Vacant	A community provider or advocate with expertise in effective programs, policies, and treatment of at-risk youth and juvenile offenders

The BSCC will convene a Crisis Intervention Advisory Board consisting of Board members and other subject matter experts. Additional members will be added to the Advisory Board to include representation from prosecution, behavioral health providers, victim services, and legal counsel. The BSCC anticipates the Crisis Intervention Advisory Board will convene in accordance with open-meeting laws. Meetings will be held in public locations that are noticed at least 10-days in advance.

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State Share Allocation

Subject to the direction of the Crisis Intervention Advisory Board, the BSCC will enter into an agreement with the California Judicial Council to administer the State Share allocation of \$17,538,645 minus any administrative costs. The California Judicial Council anticipates executing subaward agreements with state courts to expand and enhance collaborative courts as described below.

The Judicial Council proposes to implement a statewide project that improves compliance with Proposition 63 and both expands and enhances collaborative courts by providing funding, training and technical assistance. This project will also entail conducting an operations review on the executions of relinquishment orders, warrants and records management, and physical custody and retention of relinquished firearms. That operations review will focus on identifying implementation challenges and effective practices with the goal of developing model procedures that will assist courts in facilitating relinquishment orders. Such model procedures might include MOUs between courts and law enforcement or best methods and types of relinquishments for affected parties, among others. The majority of the requested funding will be allocated to select collaborative courts through a proposal submission and review process. Funding allocations will be tied to the number of local collaborative court programs involved as well as the courts' demonstrated ability to adhere to program requirements including incorporating gun safety measures into programming, submitting timely data and using sound financial practices.

The program will be coordinated by team of Judicial Council staff in the agency's Criminal Justice Services (CJS) office. Staff will spend the remainder of the first federal fiscal year after award preparing a request for proposals with clear requirements for mandatory program elements and

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data collection procedures. A designated panel of subject matter experts will review proposals and make recommendations for award to the Judicial Council's Collaborative Justice Courts Advisory Committee. After approval, staff will notify courts and prepare and enter into agreements to govern each new project. CJS staff will also partner with the BSCC and court awardees to facilitate statewide training events, site visits and quarterly grantee meetings. Topics will include legal updates related to relevant new gun laws, research review on collaborative court clients most likely to commit or become victims of gun crimes, relevant new laws updates and data sharing, analysis and visualization projects.

Less Than \$10,000 Allocation

Subject to the direction of the Crisis Intervention Advisory Board, the BSCC anticipates it will enter into an agreement with the California Judicial Council to administer the Less than \$10,000 Pass-through allocation of \$997,497. The Judicial Council will identify Superior Courts that serve California's "Less-than-\$10,000 jurisdictions," and encourage them to apply for funding so that at least one awardee represents these localities and meets the pass-through requirements. Because California is varied in terms of county size with differing population counts, it is anticipated that local Superior Courts that service the Less-Than-\$10,000 jurisdictions will benefit from the additional funding. Any courts that apply will be supported as appropriate to either expand and enhance a collaborative court and/or focuses on developing local policies and procedures to remediate issues related to gun violence, relinquishment, or bans including ammunition and lethal weapon buybacks.

Local Pass-Through Allocation

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Subject to the direction of the Crisis Intervention Advisory Board, the BSCC intends to subaward \$10,694,933 of the total SCIP award to units of local government to fund program activities including, but not limited to, law enforcement programs to safely secure, store, track, and return relinquished guns, behavioral health deflection programs for those at risk to themselves or others, and programs that support collaborative court processes as discussed above.

The BSCC will seek specific approval from the Bureau of Justice Assistance prior to making any subawards.

C. Capabilities and Competencies

The BSCC has significant experience in successfully administering a wide range of public safety, re-entry, violence reduction, and rehabilitative grants to state and local governments and community-based organizations, including federally funded awards.

The Judicial Council and local Superior Courts share a long and successful history working together to plan and implement collaborative courts of all types up and down the state. California is home to over 450 collaborative courts, including adult and juvenile drug courts, dependency drug courts, mental health courts, veteran treatment courts, homeless courts and youth courts. Working together, the Judicial Council and county Superior Courts are well positioned to further expand and enhance collaborative court programs and incorporate practices that make communities safer.

The Judicial Council is also well versed in administering statewide programs that include closely monitored subawards to courts to operate programs at the local level. The Judicial Council's Criminal Justice Services Office has experience successfully administering a \$15 million allocation from 2016-2019 for the "Recidivism Reduction Fund" program which included

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expansion and enhancement of 20 collaborative courts serving thousands of Californians. The Judicial Council's efforts proposed here will also benefit from a complimentary program recently approved for one-time funding related to firearms relinquishment in the 2022 state budget. The Funding will be distributed by the Judicial Council's Center for Families, Children & the Courts as grants to the Superior Courts to support new or expanded firearm relinquishment programs, and for administration and evaluation of the programs. These programs will be conducted in conjunction with local law enforcement agencies to ensure the consistent and safe removal of firearms from individuals who become prohibited from owning or possessing firearms and ammunition pursuant to civil domestic violence or gun violence restraining orders. While this Byrne SCIP funded proposed project focuses on collaborative courts and gun relinquishment related to criminal cases, the processes developed and partnerships fostered with local law enforcement will be leveraged to benefit both efforts.

The Judicial Council collaborates regularly with both the BSCC and California Department of Justice (DOJ) on a variety of projects. Since 2016, California judges and Judicial Council staff have been supporting BSCC's Proposition 47 grantmaking process, allocating awards to localities implementing and evaluating best practices to reduce recidivism. The Judicial Council also collaborates regularly with the California DOJ's new Office of Gun Violence Prevention on approaches to reducing and preventing gun violence. Moreover, the Judicial Council will coordinate efforts and leverage resources already utilized for a parallel project on civil restraining orders and firearm relinquishment.

The Judicial Council's Collaborative Justice Courts Advisory Committee was established in 2002. It is responsible for making recommendations to the Judicial Council on criteria for identifying and evaluating collaborative justice courts and for improving the processing of cases in these

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courts, which include drug courts, domestic violence courts, youth courts, and other collaborative justice courts. The Committee will review and approve all SCIP funding allocations to the Superior Courts.

D. Data Collection Plan

In its role as the State Administering Agency, the BSCC maintains a research unit and regularly collects research and evaluation data for a variety of state and federally funded grant programs. These activities include coordinating with governmental and non-governmental subrecipients to collect and report on data for evaluation, training, and technical assistance efforts. The BSCC will collaborate with the Judicial Council and other subrecipients to collect the data necessary to submit required quarterly and semi-annual performance reports.

The Judicial Council is currently entering the third year of a US DOJ, BJA Drug Court Grant award (2020-DC-BX-0124). The project focuses on laying a foundation for improving drug court data collection statewide. So far, a workgroup of Judicial Council and local drug court staff reviewed, discussed, and agreed upon a set of core common data points to quantify program participants and record key demographics and program outcomes.

All court sub-grantees awarded under Byrne SCIP will be required to collect and report to Judicial Council staff the set of common data points, and any additional added that document firearms involvement at intake or services for those likely to commit or become victims of gun violence. All data exchanged will be de-identified and stored in secure cloud space so analytics can be run to report aggregate findings across programs.

The Judicial Council has a fully staffed data and research unit with decades of experience in collecting, cleaning, preparing, and analyzing data from local Superior Courts, including data from

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collaborative courts and other collaborative programs. This includes experience collecting and analyzing data for a high-profile, statewide \$75 million Pretrial Release Program in all 58 Superior Courts and a \$15 million Recidivism Reduction Fund Court Grant Program that funded 20 collaborative court programs and 11 pretrial programs.