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# SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

Senator Bill Dodd

Chair

2021 - 2022 Regular

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<b>Bill No:</b>	AB 118	<b>Hearing Date:</b>	7/6/2021
<b>Author:</b>	Kamlager et, al.		
<b>Version:</b>	12/18/2020	Introduced	
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Brian Duke		

**SUBJECT:**Emergency services: community response: grant program

**DIGEST:** This bill, the Community Response Initiative to Strengthen Emergency Systems (C.R.I.S.E.S.) Act, establishes the C.R.I.S.E.S. Grant Pilot Program (Grant Program), until January 1, 2026, for the purposes of making grants to community organizations for the purpose of expanding the participation of community organizations in emergency response, as specified.

## **ANALYSIS:**

Existing law:

- 1) Establishes the Office of Emergency Services (OES), within the office of the Governor, which is responsible for the state's emergency and disaster response services for natural, technological, or man-made disasters and emergencies.
- 2) Requires OES to, by rule and regulation, establish various classes of disaster service workers, the scope of duties of each class, and to adopt rules and regulations for the registration of each class of these workers.
- 3) Requires OES to work with advocacy groups representing the deaf and hard of hearing for the purpose of improving accessibility to emergency information and services for the populations that they serve.
- 4) Provides that any report required or requested by law to be submitted by a state or local agency to the Members of either house of the Legislature generally, shall instead be submitted as a printed copy to the Secretary of the Senate, as an electronic copy to the Chief Clerk of the Assembly, and as an electronic or printed copy to the Legislative Counsel.

This bill:

- 1) Establishes the C.R.I.S.E.S. Act, as a three-year program, for the purposes of creating, implementing, and evaluating the Grant Program, as specified.
- 2) Establishes the C.R.I.S.E.S. Program Fund (Fund) in the State Treasury in support of the Grant Program to be administered by the Director of OES. Moneys deposited in the Fund, both public and private, upon appropriation by the Legislature, may be expended by OES for the purposes of this bill.
- 3) Establishes the Grant Program, and requires OES to establish rules and regulations for the program with the goal of making grants to community organizations. Grantees shall receive a minimum award of \$250,000 per year.
- 4) Requires the Grant Program to create and strengthen community-based alternatives to law enforcement in response to crisis situations not related to a fire department or emergency medical service response in communities where there is a history and pattern of racial profiling, law enforcement violence, gaps in law enforcement service, or where vulnerable populations live, including people of color, elderly people, people with disabilities, people who are gender nonconforming, people who are likely to face disproportionate police contact, people who are formerly incarcerated, people with immigration status issues, people who are unhoused, people facing mental health crises, people involved in intimate partner violence, vulnerable youth, people likely to be engaged in community violence, people challenged by substance abuse, and people living in areas that are environmentally insecure with vulnerable populations and subject to natural or climate disasters or public health emergencies.
- 5) Requires a community organization receiving assistance pursuant to the Grant Program to use the grant to stimulate and support involvement in emergency response activities that do not require a law enforcement officer. Those activities include, but are not limited to, all of the following:
  - a. Project planning and community engagement.
  - b. Project implementation.
  - c. Staffing, subject to the requirement that grantees adhere to all applicable laws relating to scope of practice, licensure, and certification.
  - d. Facilities, subject to the requirement that the facility is to be utilized by the grantee, which may extend beyond the term of the program.
  - e. Operational costs, including, but not limited to, startup or expansion, marketing, language translation, and transportation costs.

- f. Consulting services.
  - g. Training.
  - h. Program and project evaluation, including, but not limited to, evaluation of program and project efficacy, staff performance, and service delivery.
- 6) Requires OES to support an 11-member C.R.I.S.E.S. Committee (Committee) that shall be inclusive of community organizations with a proven history of leadership and partnership on emergency response, for the three-year period of the program.
- 7) Provides that the Committee be selected by the Governor, Chair of the Senate Committee on Rules, and Speaker of the Assembly, as specified.
- 8) Requires the Governor to select all of the following members:
  - a. An emergency medical system professional.
  - b. A survivor of an emergency or crisis.
  - c. A representative from a community organization providing direct services to vulnerable populations.
  - d. A public health professional.
  - e. A representative of an advocacy or community organizing group serving vulnerable communities.
- 9) Requires the Chair of the Senate Committee on Rules to select all of the following members:
  - a. A survivor of an emergency or crisis.
  - b. A representative from a community organization.
  - c. A representative of an advocacy or community organizing group serving vulnerable communities.
- 10) Requires the Speaker of the Assembly to select all of the following members:
  - a. A survivor of an emergency or crisis.
  - b. A representative from a community organization providing direct services to vulnerable populations.
  - c. A public health professional.
- 11) Requires the Committee to establish grant application criteria and parameters for eligible community organizations, review and decide upon grant proposals,

ensure grants are adhering to standards, and monitor progress, conclusions, and challenges.

- 12) Requires the Committee to make recommendations to OES on program development, implementation, and oversight on an ongoing basis.
- 13) Requires the scoring of grant proposals to prioritize, and give preference to, projects in locations with a demonstrated need, as evidenced by metrics such as a high record of police use of force, a high volume of civilian complaints, and racial profiling, and community organizations that have a history of serving the populations previously described in the bill.
- 14) Requires the Committee, after an initial meeting, to meet a minimum of once per quarter. A majority of the appointed Committee shall constitute a quorum. Committee meetings shall be held in accordance with the Bagley-Keene Open Meetings Act.
- 15) Requires the Director of OES to assemble staff, resources, and, if necessary, engage consultants with technical expertise, to carry out specified duties of the Committee.
- 16) Provides that this bill shall be implemented only if appropriate funding is made available to OES. Upon finding that appropriate funding has been made available to implement the bill, OES shall publish a notice stating this on its internet website. If the appropriation is not made, OES bears no responsibility for implementation of the bill.
- 17) Requires OES to issue a public report, to be posted on its internet website six months following the end of the Grant Program, on the programmatic and fiscal savings associated with the Grant Program, key conclusions, populations served and the benefits conferred or realized, and resulting policy recommendations to provide guidance to the Legislature and Governor in fully implementing and scaling a permanent program, as specified.
- 18) Defines “community organization” to mean a public or nonprofit organization, or organization fiscally sponsored by a nonprofit, of demonstrated effectiveness that is representative of significant segments of a community and provides educational, direct, or related services to individuals in the community.
- 19) Defines “law enforcement agency” to mean any police department, sheriff’s department, district attorney, county probation department, transit agency police department, school district police department, highway patrol, the police

department of any campus of the University of California, the California State University, or a community college, the Department of the Highway Patrol, and the Department of Justice.

- 20) Includes a sunset date of January 1, 2026.
- 21) Includes Legislative findings and declarations regarding, among other things, the complexities of emergency issues surrounding crises in mental health, intimate partner violence, community violence, substance abuse, and natural disasters.

## Background

*Purpose of the bill.* According to the author's office, "AB 118 scales up community-based responses to emergencies in specific situations instead of the police. Too frequently, police respond to level two emergency calls about homelessness, substance abuse, mental health and other issues with level 10 force. Professionals at community-based organizations have the expertise, relationships and networks to meet the needs of their communities. These professionals are trained in de-escalating and resolving crises and their services should be part of the web of emergency response networks."

*C.R.I.S.E.S. Act.* This bill creates, until January 1, 2026, the C.R.I.S.E.S. Grant Pilot Program for the purposes of making grants to community organizations for expanding the participation of community organizations in emergency response for specified vulnerable populations. Specifically, the Grant Program will provide, at a minimum \$250,000 per year to qualified and approved grantees.

Additionally, this bill establishes an 11-member C.R.I.S.E.S Committee, to be appointed by the Governor, the Chair of the Senate Committee on Rules, and the Speaker of the Assembly. The Committee will be required to establish grant application criteria and parameters for eligible community organizations, reviewing and deciding upon grant proposals, ensuring grants are adhering to standards, and making recommendations to OES on program development, implementation, and oversight.

*Emergency Preparedness and Response.* OES is responsible for addressing natural, technological, or manmade disasters and emergencies, and preparing the state to prevent, respond to, quickly recover from, and mitigate the effects of both intentional and natural disasters. As part of their overall preparedness mission, OES is required to develop a State Emergency Plan (SEP), State Hazard Mitigation Plan, and maintains the Standardized Emergency Management System and the

Emergency Management Mutual Aid System. In coordination with the Federal Emergency Management Agency (FEMA) and local partners, OES has developed four Catastrophic Plans to augment the State Emergency Plan.

*State Emergency Plan.* The SEP addresses the state's response to extraordinary emergencies associated with natural disasters or human-caused emergencies. In accordance with the California Emergency Services Act, the plan describes the methods for carrying out emergency operations, the process for rendering mutual aid, the emergency services of governmental agencies, how resources are mobilized, how the public will be informed, and the process to ensure continuity of government during an emergency or disaster.

The SEP is a management document intended to be read and understood before an emergency occurs. It is designed to outline the activities of all California jurisdictions within a statewide emergency management system and embraces the capabilities and resources in the broader emergency management community that includes individuals, businesses, non-governmental organizations, tribal governments, other states, the federal government, and international assistance.

The Governor is required to coordinate with local entities for the preparation of plans and programs designed to mitigate the effects of an emergency. Such plans and programs are integrated and coordinated with the SEP. In 2016, AB 2311 (Brown, Chapter 520, Statutes of 2016) required each county to integrate access and functional needs, as defined, during the next update to its emergency plan.

*Whole Community Preparedness.* FEMA, in both their 2018-2022 Strategic Plan and their emergency planning guidelines (Comprehensive Preparedness Guide 101, Version 2.0) articulate the need to build a culture of preparedness by ensuring representation and services for under-represented diverse populations that may be more impacted by disasters including children, seniors, individuals with disabilities or access and functional needs, individuals with diverse culture and language use, individuals with lower economic capacity, and other underserved populations.

FEMA's Mitigation Best Practices Portfolio is available on FEMA's internet website and includes information about mitigation best practices such as: design and construction guidance; emergency operations center assessment checklist; featured case studies; hazard type associations; mitigation best practice guided format; National Earthquake Hazards Reduction Program best practices; National Earthquake Hazards Reduction Program Los Angeles School District; structure type definitions; resources; and best practices stories.

*Office of Access and Functional Needs.* In January 2008, OES established the Office of Access and Functional Needs (OAFN). The purpose of OAFN is to identify the needs of people with disabilities and others with access and functional needs before, during, and after a disaster and to integrate disability needs and resources into emergency management systems. OAFN offers guidance to emergency managers and planners, disability and older adult service systems for planning and responding during disasters and recovery.

Existing law defines “access and functional needs population” as individuals who have developmental or intellectual disabilities, physical disabilities, chronic conditions, injuries, limited English proficiency or who are non-English speaking, older adults, children, people living in institutionalized settings, or those who are low income, homeless, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit or those who are pregnant.

*AB 2054 (Kamlager, 2020).* During the previous legislative session, the Senate and the Assembly approved AB 2054 (Kamlager, 2020). That bill was substantially similar to this bill, and would have created the same grant program and committee. The bill was ultimately vetoed by Governor Newsom. In his veto message, Governor Newsom wrote:

This bill would establish a grant pilot program administered by the Office of Emergency Services (OES) to stimulate and support community involvement in emergency response activities that do not require a law enforcement officer.

Community organizations have a critical role to play in responding to our vulnerable neighbors and community members in crisis.

Many situations involving those who are unhoused, facing mental health challenges, have been exposed to violence, or are experiencing substance use issues may be better addressed with resources and pathways for long-term healing rather than a punitive approach. We must also address the reality that people of color and other marginalized members of our communities are disproportionately harmed by interactions with law enforcement, too often in instances where a badge and a gun are unnecessary.

The underlying goal of this legislation is important and implementing an effective solution will help our communities. Unfortunately, OES is not the appropriate location for the pilot program proposed in this legislation.

My Administration will work with the Legislature and stakeholders during the next legislative session on an implementable solution. Should a grant program be the consensus, such a pilot should be established through the State Budget process.

**Prior/Related Legislation**

AB 1441 (Cervantes, 2021) adds “critically ill newborn infants” to the list of individuals who comprise the access and functional needs population, and requires OES to assist a county, in conjunction with the hospitals in the county, in the preparation of an emergency disaster evacuation plan for critically ill newborn infants, as specified. (Pending in the Senate Governmental Organization Committee)

AB 2054 (Kamlager, 2020) would have created the C.R.I.S.E.S. Act for the purposes of implementing and evaluating the C.R.I.S.E.S. Grant Pilot Program to stimulate and support community involvement in emergency response activities that do not require a law enforcement officer, as specified. (Vetoed by Governor Newsom)

SB 160 (Jackson, Chapter 402, Statutes of 2019) required a county to integrate cultural competency into its emergency plan, upon the next update to its emergency plan, and required counties to provide a forum for community engagement in geographically diverse locations in order to engage with culturally diverse communities, as specified.

AB 1548 (Gabriel, Chapter 734, Statutes of 2019) established the California State Nonprofit Security Grant Program to improve the physical security of nonprofit organizations that are at high risk of terrorist attack due to ideology, beliefs, or mission.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

**SUPPORT:**

Alliance for Boys and Men of Color (Co-Source)  
American Civil Liberties Union of California (Co-Source)  
Anti Police-Terror Project (Co-Source)  
Berkeley Free Clinic (Co-Source)  
Communities United for Restorative Justice (Co-Source)  
Oakland Power Projects (Co-Source)  
Public Health Advocates (Co-Source)



Silicon Valley De-Bug (Co-Source)  
Youth Justice Coalition (Co-Source)  
ACLU of Northern California/Southern California/San Diego & Imperial Counties  
Asian Pacific Environmental Network  
Asian Prisoner Support Committee  
Asian Solidarity Collective  
Association of Regional Center Agencies  
AT&T  
Bay Area Regional Health Inequities Initiative  
Bend the Arc: Jewish Action  
Brady Campaign  
Brady Campaign California  
Brotherhood Crusade  
CA State NAACP  
Cal Voices  
California Alliance for Youth and Community Justice  
California Association of Nonprofits  
California Association of Recreation & Park Districts  
California Climate & Agriculture Network  
California Department of Insurance  
California Faculty Association  
California Food and Farming Network  
California Immigrant Policy Center  
California Labor Federation, AFL-CIO  
California League of Conservation Voters  
California Pan - Ethnic Health Network  
California Partnership to End Domestic Violence  
California Public Defenders Association  
California State Association of Psychiatrists  
Californians for Safety and Justice  
Center on Juvenile and Criminal Justice  
Change Begins With Me Indivisible Group  
Children's Defense Fund - CA  
City of Long Beach  
City of Santa Monica  
Clergy and Laity United for Economic Justice  
Community Advocates for Just and Moral Governance  
Consumer Attorneys of California  
Crime Survivors for Safety and Justice  
Del Cerro for Black Lives Matter  
Democratic Club of Vista  
Democratic Woman's Club of San Diego County

Disability Rights California  
Drug Policy Alliance  
East Bay Women for Peace, SF Bay Area  
End Solitary Santa Cruz County  
Family Violence Law Center  
Friends Committee on Legislation of California  
Genasys Corporation  
Giffords  
Govern for California  
Hathaway-Sycamores  
Having Our Say Coalition  
Health Access California  
Hillcrest Indivisible  
Housing California  
Human Impact Partners  
Human Rights Watch  
Initiate Justice  
Interface Children & Family Services  
Jewish Center for Justice  
John Burton Advocates for Youth  
Justice Teams Network  
Kern County Participatory Defense  
Lake Family Resource Center  
League of Women Voters of California  
Legal Services for Prisoners with Children  
Mayor Eric Garcetti, City of Los Angeles  
Mission Impact Philanthropy  
National Alliance on Mental Illness  
National Association of Social Workers, California Chapter  
National Center for Youth Law  
National Institute for Criminal Justice Reform  
NextGen California  
Oakland Privacy  
Pacifica Social Justice  
Partnership for the Advancement of New Americans  
Peace and Freedom Party of California  
Pico California  
Pillars of the Community  
Planned Parenthood Affiliates of California  
Prevention Institute  
Public Health Institute  
Racial Justice Coalition of San Diego

Restore Justice  
Riseup  
Rubicon Programs  
San Diego Progressive Democratic Club  
San Francisco Public Defender  
SD-QTPOC Colectivo  
Shaw Yoder Antwih Schmelzer & Lange  
Showing Up for Racial Justice (SURJ) San Diego  
Showing Up for Racial Justice North County  
Social Workers for Equity & Leadership  
Stanley Hills Drive Community of Neighbors  
State Council on Developmental Disabilities  
SURJ North County San Diego  
SURJ San Diego  
Team Justice  
Think Dignity  
UDW Homecare Providers Union  
UDW/AFSCME Local 3930  
Uprise Theatre  
Voices for Progress  
We the People - San Diego  
Young Women's Freedom Center  
Youth Alive!

**OPPOSITION:**

None received

**ARGUMENTS IN SUPPORT:** Supporters of the bill state that, “[i]n many counties across the state, community organizations are successfully responding to emergency situations involving people experiencing a public health crisis, people who are unhoused, people experiencing a mental health crisis, people exposed to intimate partner or community violence, people experiencing substance abuse, and people involved in natural or climate disasters. Despite their positive impact and the cost savings that community-oriented responses to emergencies present, California has done little to support and scale these efforts. Instead, law enforcement officers continue to respond to emergencies that would be better addressed by community organizations with trained peer support experts, mental health providers, or crisis counselors.”

Further, supporters argue that the “proposed 5-year pilot program seeks to fill the void currently existing in emergency response services for vulnerable populations

so that young people of color, people with disabilities, people who are gender nonconforming, people who are likely to face disproportionate police contact, people who are formerly incarcerated, people with immigration status issues and people who are unhoused or homeless can safely access quality emergency services that are culturally appropriate and from trained professionals with relationships and a track record of service in their communities. These vulnerable populations face significant barriers to engaging with law enforcement and other first responder personnel because of deep rooted fears and stigma generated by their status. In these circumstances, the presence of trained professionals from community-oriented organizations with a track-record of service can prove more beneficial than engagement from law enforcement officers.”