



Senate Bill (SB) 882: Background & Text

Presented by:

Civil Rights Enforcement Section, Public Rights Division
Office of the Attorney General, California Department of Justice
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Senate Bill No. 882 (2021-2022 Regular Session)

- SB 882 created the Advisory Council on Improving Interactions between People with Intellectual and Development Disabilities and Law Enforcement to “evaluate existing training for peace officers specific to interactions between law enforcement and individuals with intellectual and developmental disabilities” and individuals with mental health conditions.
 - Ultimate charge is to offer the Legislature recommendations to improve the outcomes of law enforcement interactions with individuals who have intellectual and developmental disabilities [IDDs] and/or mental health conditions
- SB 882 also enhanced existing law enforcement agencies’ data reporting requirements to capture when serious use-of-force incidents involve a civilian whom an officer perceived to have a developmental, physical, or mental disability.

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SB 882 (2021-2022 Regular Session)

- Enacted in 2022.
- Authored by Senator Susan Eggman, with co-sponsorship from Senators Sydney Kamlager-Dove & Rosilicie Ochoa Bogh.
- Approved unanimously by the State Senate and the Assembly.

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SB 882 Background & Legislative History

Recognition of Heightened Risks

- Millions of American adults, adolescents, and children live with some type of disability.
 - Approximately 53 million adults in the United States experienced mental illness in 2020.
 - California is home to more than 350,000 individuals with intellectual and/or developmental disabilities, according to The Arc of California.
- Although these individuals are no more likely to engage in criminal behavior than other adults, disability or mental illness can lead to dramatically different interactions with law enforcement.

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Background & Legislative History (cont'd)

- Estimates are that approx. 20% of law enforcement agencies' calls for service in 2020 were to respond to incidents involving a person experiencing a mental health or substance abuse crisis.
- Despite frequency of interactions between law enforcement and persons with disabilities, "a staggering number of them have deadly consequences."
 - The Washington Post database of police killing shows nearly one quarter of those killed by police were Americans with mental illnesses.
- Many of those with IDD and mental illness killed by police are also people of color, with Native and African-Americans disproportionately affected.

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Background & Legislative History (cont'd)

SB 882's author, Senator Eggman, observed:

- Individuals with an IDD or mental health needs are more likely to die after violent interactions with law enforcement.
- Danger for these individuals increases with comorbid diagnoses such as substance use disorder or mental health needs.
- Oftentimes exhibited symptoms can range from lack of eye contact, odd behavior, fixations, lack of verbal skills or repetitive motions.
- Law enforcement is more likely to perceive people with IDD and mental health needs as combative or dangerous.
 - Likely a factor in differential outcome resulting in research documenting that people with these different abilities and needs are more likely to be killed after interactions with law enforcement.

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Legislative History (cont'd)

Building on Prior Legislative Efforts

- AB 1718 (2000 Hertzberg), requires the Commission on Peace Officer Standards and Training (POST) to establish and update a continuing education classroom training course regarding people with mental health or developmental disabilities, in consultation with community, state, and local agencies who have expertise.
 - Must cover the cause and nature of mental and developmental disabilities, how to identify these disabilities and respond appropriately, conflict resolution and de-escalation techniques, appropriate language to use when interacting with people potentially posing a danger, available resources for people with mental health and developmental disabilities and how law enforcement can use these resources.
- SB 11 (2015 Beall), requires POST to review the mental health training module and develop additional improved training lasting at least 15 hours.
 - Must prepare law enforcement officers to recognize, deescalate, and appropriately respond to people with mental health, developmental, or substance use disabilities.
 - Required topics include: stigma, cultural competence, training scenarios, and facilitated learning activities.
 - Also requires POST to create an active learning class of at least 3 hours in length for patrol officers and supervisors focusing on interactions with people with mental health disabilities.
- SB 29 (2015 Beall) mandates that POST require field training officers engaging in instruction to have at least 8 hours of crisis intervention behavioral health training, and include in its field training course at least 4 hours of training related to interactions with people with mental health or developmental disability.

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Legislative History (cont'd)

- In sum, prior to SB 882's enactment, California law required (and continues to require) specified categories of law enforcement officers to meet training standards pursuant to courses of training certified by POST.
 - POST must include in its basic training course "adequate instruction in the handling of persons with developmental disabilities or mental illness, or both."
 - POST also must establish and keep updated a continuing education classroom training course related to law enforcement interaction with persons with developmental disabilities and those with mental health issues.
- *However*, the Little Hoover Commission surveyed law enforcement in 2021 and reported that "53 percent said there are subjects not adequately covered by existing training curriculum. Mental health was one of the most common topics officers identified that is not addressed well by current training."

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Legislative History (cont'd)

- However, an additional point for this Council to consider was also raised in the discussion about the bill, namely whether there has been an “overreliance on law enforcement to respond to every social problem, from behavioral health crises to homelessness. Focusing on training obscures the point that, in many instances, law enforcement personnel cannot help resolve a crisis for individuals with mental disabilities.”

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SB 882 - Overview

- Created the Advisory Council on Improving Interactions between People with Intellectual and Development Disabilities and Law Enforcement (hereafter “Advisory Council”)
- Provided direction for the Advisory Council’s composition
- Established Advisory Council’s mandate
 - Evaluate training
 - Issue recommendations to improve outcomes of law enforcement interactions
- Sets deadline for Advisory Council to deliver recommendations
 - Two years from date of Advisory Council’s first meeting
- Included a sunset provision:
 - Statutory section establishing the Advisory Council remains in effect only until July 1, 2026, and as of that date is repealed.

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Advisory Council – Composition

- SB 882 directs that the Advisory Council be comprised as follows, with nine (9) members appointed by the Governor, Senate Committee on Rules, and Speaker of the Assembly:
 - One person with an intellectual or developmental disability appointed by the Senate Committee on Rules.
 - One parent or family member of a person with an intellectual or developmental disability appointed by the Governor.
 - One representative from an advocacy organization that represents the intellectual and developmental disability community appointed by the Senate Committee on Rules.
 - One representative from an advocacy organization that represents the mental health community appointed by the Speaker of the Assembly.
 - One representative from the State Department of Developmental Services appointed by the Governor.
 - One representative from the Association of Regional Center Agencies appointed by the Governor.
 - One representative from a law enforcement organization appointed by the Speaker of the Assembly.
 - One representative from the Commission on Peace Officer Standards and Training appointed by the Governor.
 - One representative from a labor organization that represents county behavioral health, independent in home personal care, or intellectual and developmental disability service providers appointed by the Governor.

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Advisory Council – Composition (cont'd)

- The appointment of members to the Council shall ensure, to the greatest extent possible, that the membership of the council is representative of the ethnic, cultural, age, gender, sexual orientation, and disability diversity of the state, and all of the geographic areas of the state, including rural areas.
- The Advisory Council must have a Chairperson
 - Option to have a Vice Chair

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Definitions

The statute specifies that “Intellectual and Developmental Disability” has the same meaning as “developmental disability” in Section 4512 of the Welfare and Institutions Code:

“Developmental disability” means a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other handicapping conditions that are solely physical in nature.

The section of the statute creating the Council uses the term “mental health condition.”

Not defined by statute but understood to be broader and more inclusive than the term “mental disability.”

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Technical Aspects

- Members of the Advisory Council serve without compensation but shall be reimbursed for actual and necessary expenses incurred specific to serving on the council.
- The Advisory Council is under the jurisdiction of the Department of Justice. The Attorney General’s Office provides staffing to coordinate and support the council and assist with implementing the council’s recommendations.
- The Advisory Council must meet quarterly.

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The Advisory Council's Charge

Duties of the council include, but are not limited to, the following:

- (1) Evaluation of the existing training for peace officers specific to interaction with the intellectually and developmentally disabled community. The evaluation shall include all types of training, including, but not limited to, instruction received in basic academy, on going and mandatory training, including in person, classroom based, web based, and field training.
- (2) Evaluation of the existing training for peace officers specific to interaction with individuals with mental health disorders. The evaluation shall include all types of training including, but not limited to, instruction received in basic academy, on going and mandatory training, including in person, classroom based, web based, and field training.
- (3) Identification of gaps in peace officer training specific to interactions with individuals who have an intellectual or developmental disability.
- (4) Identification of gaps in peace officer training specific to interactions with individuals who have a mental health disorder.
- (5) Make recommendations to the Legislature for improving outcomes of interactions with both individuals who have an intellectual or developmental disability and mental health conditions.

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Three Primary Duties

- Evaluate and identify gaps in training for law enforcement specific to interactions with persons who have an intellectual or developmental disability;
- Evaluate and identify gaps in training for law enforcement specific to interactions with persons who have a mental health condition;
- Formulate and present recommendations to the Legislature to improve the outcomes of interactions with individuals who have intellectual or developmental disabilities and/or mental health conditions.

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Deadline

- The Advisory Council must submit a report, with recommendations for improving outcomes of interactions between people with intellectual and developmental disabilities and mental health conditions, and law enforcement, to the Legislature within 24 months of the first convening.

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Questions?

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Discussion

- Possible discussion points
 - Collective knowledge of existing training
 - Training providers?
 - What is covered well?
 - What are the gaps?
 - What impact has existing training had? How has the efficacy of training been measured and by whom?
 - Scope of work (e.g., nexus with 988 System and AB 988, dispatch, community based providers, outcomes post 5150, alternatives to law enforcement intervention)
 - What information (e.g., training materials, research regarding training efficacy, research regarding effective practices) will the Advisory Committee need and want to have over the course of upcoming hearings?
 - Look into research re programs and training in other jurisdictions?
 - From whom does the Advisory Council wish to hear? (e.g., impacted community members; families who have lost loved ones; training providers; training evaluators; advocates with relevant expertise; community based providers)
 - Next steps

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Thank you

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