

Agn. No. \_\_\_\_\_

Date: \_\_\_\_\_

**MOTION BY SUPERVISORS \_\_\_\_\_**

**Subject: REQUEST THAT A MOTION BE ADOPTED BY THE SUPERVISORS OF THE COUNTY OF LOS ANGELES TO IMPLEMENT A MORATORIUM ON JAIL CONSTRUCTION IN ORDER TO FULLY REALIZE THE PROMISE OF DIVERSION AND RE-ENTRY THROUGH A JUSTICE REINVESTMENT STRATEGY FOR LOS ANGELES COUNTY.**

**CONTEXT**

In the last several years, California and Los Angeles voters – along with statewide and local public officials – have approved a number of groundbreaking measures to provide resources to address homelessness, improve access to mental health and drug treatment, expand diversion and invest in diversion and re-entry. These efforts have included, but not been limited to:

1. Direction by the LA County Board of Supervisors to study jail overcrowding, conditions and community needs through the creation of several commissions and studies – including but not limited to the Austin and Vera Institute Reports, the Blue Ribbon Commission on Jail Violence, and County Work Groups on Sheriffs Oversight, Probation Oversight and Youth Diversion;
2. AB 109 Realignment – the Governor’s initiative to address prison overcrowding by keeping people convicted of “non-serious, non-sexual and non-violent” offenses under county care and/or custody – providing counties an opportunity to address an over-reliance on incarceration to address to public health issues.
3. Proposition 47 – passed by California voters to reduce simple drug possession and certain property crimes from felonies to misdemeanors and redirected over \$100 million in savings to education, treatment, and victim services. At least forty million was allocated to LA County for community-based re-entry supports.
4. Proposition 57 – passed overwhelmingly by California voters to end the direct file by Prosecutors of youth into adult court and in order to give individuals incarcerated in state prisons ability to earn greater number of “good-time credits” and achieve time-saving milestones to both increase fairness in sentencing and further reduce prison overcrowding.
5. The creation in LA County of an Office of Re-entry and Diversion
6. The creation of an LA County workgroup that has just resulted in the release of a bold, new vision for youth diversion from arrest
7. A growing movement in LA County and throughout the state for bail reform and strengthening the commitment to protect people’s rights to pre-trial review and release

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8. Victories in some counties to stop jail expansion and redirect resources toward community-based alternatives to detention
9. In November 2016, and again in May 2017, voters approved Proposition HHH, an initiative that raised the parcel tax to provide \$1.2 billion in bonds for the construction of 10,000 units of housing, and Measure H, an historic quarter-cent sales tax to fight homelessness by providing critical wrap around social services. The County Board of Supervisors have already taken steps to accelerate the availability of these funds by unanimously approving \$355 million a year for 10 years to help tens of thousands of people who are homeless throughout Los Angeles. These voter-approved measures provide the much needed resources and services to stop the cycle of incarceration and provide a roadmap for how Los Angeles can create safer and healthier neighborhoods.
10. Current county wide system leaders are also considering proposals to decarcerate and close down current facilities, such as, Los Angeles County Juvenile Probation Chief Sheila Mitchell stating on record that she intends to close six juvenile detention camps.

These efforts, along with historic drops in crime (that have been dramatically falling since 2000 and are now at their lowest levels since the 1960s) have also enabled an unprecedented reallocation of savings from a reduction in the number of people detained and incarcerated in state prisons, local county jails, Probation camps and juvenile halls.

Most important, these developments have sent lawmakers a strong public mandate and **moral imperative** for change including the need to create a balanced and humane definition of public safety that addresses the root causes of crime and violence and recognizes that youth and community development; employment and jobs creation; health, mental health and drug treatment; safe and affordable housing; family preservation, foster care prevention, reunification and support; and addressing structural barriers to opportunity based on racial, gender, immigration, class, religious and physical and mental ability discrimination – including the over-policing and over-incarceration of those communities who have the least resources.

It is essential for the Board to implement a moratorium on jail construction and expansion until there is:

1. An independent review of the significant change in voter priorities;
2. An independent and thorough review of crime data and root causes, as well as evidence of effective strategies for reducing crime and violence through the reform efforts that are already underway;
3. A thorough study of the potential impact the recent influx of resources and reforms will have on the current jail population; and
4. An investigation into future reforms that will further reduce the jail and other custody populations. This historic moment provides Los Angeles County with an opportunity to develop a comprehensive approach to public safety and effectively execute already prescribed improvements and reforms to our criminal justice system through the creation of a working group charged with achieving these aims.

**I/WE THEREFORE, MOVE THAT THE LA COUNTY BOARD OF SUPERVISORS:**

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SECTION 1. Establish a Working Group to research and draft a comprehensive justice reinvestment plan. Two members of the working group shall be appointed by each Supervisor by (DATE).

SECTION 2. The Working Group's mandate shall include soliciting input from community stakeholders, system leaders and experts to develop a set of recommendations to complete the following:

- A. Identify the impact that recent changes in state law, county reforms, state and county investments and increased tax revenue has on the need for future jail beds;
- B. Identify capital investments as well as existing and proposed community-based, owned and operated alternatives to arrest, court, detention and incarceration available to build an alternative public safety approach that is in line with changes in policy;
- C. Utilize information and evidence gathered through A. and B. above to develop a plan to reduce LA County's jail-bed usage and jail population by half by 2022. The working group shall establish a timeline for resourcing and implementing of strategies to meet this goal.

Toward this goal the working group will achieve the following:

1. Adopt a framework and methodology for integrating Measure H, Proposition 47 and Proposition 57 resources to complement existing and emerging County efforts to reduce the jail population, reduce recidivism and increase public safety.
2. Determine the projected reductions in future jail population based on current county reform efforts – such as the recently created County Office of Diversion and Re-entry, the establishment of a Probation Oversight Commission, and the youth diversion work group – and create a more accurate assessment of future jail population accordingly;
3. Establish and apply a methodology to calculate local jail and probation savings from current and projected population reductions and report on projected plans to spend the anticipated state-level justice allocations;
4. Establish and apply a methodology to ensure appropriate funds are directed toward community-based, owned and operated crime, violence and recidivism prevention programs;
5. Establish and apply a methodology to ensure transparency and community engagement in determining priorities for spending allocations, including community representation on decision making bodies that ensures inclusion of individuals who have been personally impacted by detention and incarceration through their own or family involvement.
6. Make a comprehensive assessment of the impact of bail reform, pre-arraignment and pre-trial release on reductions on future Los Angeles County Jail populations.
7. Establish recommendations for clear, fair and transparent RFP/RFI application, review, contracting and evaluation processes for the disbursement of all funds that come to or are generated by the county; and further establish a process for reviewing contracting barriers,

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including the exclusion of employment or volunteer opportunities for people with convictions, despite the fact that they are often the best equipped to engage in community prevention/intervention, healing, recovery and re-entry work.

- D. Engage in a thorough cost benefit analysis of current jail expansion efforts compared to alternatives to arrest, detention and incarceration – those already tested in LA County, those in the planning stages, as well as promising practices and evidenced based efforts in other parts of California, the nation and internationally.
1. Review previously delayed or failed efforts to disburse AB109 and Proposition 47 funds to the community, provide recommendations for a feasible plan of action to expeditiously implement needed reforms;
  2. Review costs and effectiveness of mental health treatment inside of county jails as compared to costs and effectiveness of community-based mental health treatment.
  3. Investigate the impact jail terms has on individuals' abilities to address addiction and compare to the costs and effectiveness of drug treatment.
  4. Investigate the impact that police contact, detention and incarceration has on individual's life chances, and their family's and community's economic and emotional health.
  5. Investigate where inequity exists in the delivery of suppression, detention, incarceration and resources and opportunities for justice alternatives based on bias or discrimination based on race, gender, income, housing status, national origin, religion, mental or physical ability.
- E. Develop a countywide harm reduction, youth and community development strategy
1. Define public safety, youth and community development;
  2. Map roots of criminalization – including arrest, detention and incarceration costs throughout the county – and invite alternative public safety visions by communities;
  3. Investigate and map successful programs and services that exist in LA County and Southern California;
  4. Look at other models across the state, nation and internationally;
  5. Define gaps in existing county offerings; and
  6. Determine the infrastructure (agency home, funding, training and technical assistance) needed to implement a comprehensive harm reduction, youth and community development strategy.

SECTION 3. The Work Group shall identify systemic, structural and organizational barriers to implementing the mandates outlined above in a, b, c, d and e and develop recommendations for how to address barriers and move forward.

Consideration should be given to the following:

- Addressing the current structure and scope of work of County departments, including the departments of Health Services, Mental Health, Public Health,

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Senior and Community Services, Sheriff, the District Attorney, and multiple commissions;

- Addressing union and labor concerns;
- Engaging assistance and partnership from all relevant county and non-county government entities, municipalities, school districts, nonprofit, and business stakeholders.
- Directing the Executive Officer of the Board, County Counsel and the Chief Executive Officer to recommend a staffing and funding plan for the Commission, including provisions for office space and equipment. The staff shall combine dedicated paid staff with pro bono professional support as well as assistance from County administrative staff and community partners – including engagement of people who have direct experience with arrest, detention, incarceration and/or deportation.

MOTION

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KUEHL \_\_\_\_\_  
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