
EXECUTIVE SUMMARY

The largest jail population in the entire US is incarcerated in Los Angeles County. The County's average daily jail population hovers around 17,000 people on any given day.¹ Harris County in Texas comes in as a distant second with an average daily population of 10,000.²

The urgency to end the overcrowding and torturous conditions inside LA County Jails is shared by the community and County officials alike; and the fastest, most holistic approach to alleviating conditions is an expansion of community led diversion and alternatives to incarceration. Shifting its focus, LA County can look to the core issues of houselessness, access to mental and behavioral health services, and pretrial reform to provide immediate and sustained relief.

Compared to those with relative economic stability, houseless people are 17 times more likely to be criminalized and funneled into the criminal justice system.³ Thousands of people who do not have a place to live are warehoused in the LA County jail system. Additionally, 5,300 people in the LA County jail system are suffering from mental health needs and/or exhibit varying behavioral and clinical needs.⁴ At forty-four percent, the number of people incarcerated pretrial in the LA County jail system represent nearly 7,500 detained bodies at any given time.⁵ These people have not been convicted of the current offense and are only incarcerated because they and their loved ones are unable to pay for their pretrial freedom by way of money bail. The Office of Diversion and Reentry has helped to decarcerate over three thousand people from our County jail system in the last three years, and have identified an additional 3,000 people in the County jail system who have behavioral health needs and who are houseless- all of whom would have better outcomes if they were placed in community based services and provided with integrated care.⁶

The #JusticeLA Campaign urges the Los Angeles County Board of Supervisors to invest serious and significant county dollars towards the development and scaling up of a local and decentralized system of community based services that offer integrated mental health and substance use services, as well as genuine alternatives to incarceration that allow for safe and sustained decarceration of our most vulnerable populations- those cycling in and out of our County jail system. Additionally, #JusticeLA urges the Board to establish a pretrial system based on the presumption of innocence, bolstered by needs and strengths assessment, while ending the practice of using money bail to reserve pretrial freedom only for those who can afford it. For years, directly impacted people, their loved ones, advocates, and justice system and reform experts have called for the County to invest in these desperately needed supportive services and demand that the Board stop spending its limited resources on building new jail beds.

¹ Custody Division Quarterly Report. July - September 2018. Los Angeles County Sheriff's Department. http://www.La-sheriff.Org/S2/Static_content/Info/Documents/Custody_third_quarter_report_2018.Pdf

² Harris County mulls deal to outsource inmates to Fort Bend County Jail. <https://www.houstonchronicle.com/news/houston-texas/houston/article/Harris-County-mulls-deal-with-Fort-Bend-county-13213611.php>

³ Million Dollar Hoods. Policing the Houseless: Arrests by the LAPD (2011-2016). <http://milliondollarhoods.org/wp-content/uploads/2017/10/MDHHouselessReport.pdf>

⁴ Custody Division Quarterly Report. July - September 2018. Los Angeles County Sheriff's Department.

⁵ Custody Division Quarterly Report. July - September 2018. Los Angeles County Sheriff's Department.

⁶ Los Angeles County Health Agency. Office of Diversion and Reentry Special Report: An estimate of persons in the jail mental health population likely to be appropriate for safe release into community services. April 2019.

ISSUE

On February 12, 2019, the Los Angeles County Board of Supervisors approved a \$1.7 billion dollar design-build contract to McCarthy for a 3,885 bed mental health treatment center next to DTLA in Los Angeles County's First District. This large-scale, centralized, carceral, Mental Health Treatment Center (MHTC) built on the footprint of men's central jail is proposed as an alternative to the Consolidated Correctional Treatment Facility (CCTF) but the assessment of #JusticeLA is that both the MHTC and CCTF models will end up as mental health jails due to the following key aspects:

- Central involvement by law enforcement in either security, classification, or general oversight
- Authorization/certification by standards of imprisonment not mental health care
- One large-scale complex which is not conducive to mental health conditions
- Centralized location rather than in community locations across LA contributes to isolation for neighborhoods, families, and social support
- People will have to come through the criminal legal system in order to get care, and will have to also be 'released' through this system.

Additionally, the Board unanimously voted to create the Alternatives to Incarceration Workgroup to synthesize reform efforts and develop a roadmap to reduce reliance on incarceration and expand diversion and treatment options. But without a clear commitment by the Board to stop the construction of MHTC and fully fund a decarceration plan for Los Angeles County, any set of recommendations produced by the County's Alternatives to Incarceration Workgroup will remain aspirational.

The Board has made great strides in developing diversion and community based services to support our most vulnerable residents - those suffering from mental health, substance use, or behavioral health needs. In 2015, the Board created the Office of Diversion and Reentry (ODR), and in less than 3 years ODR has decarcerated over 3,200 people from the LA County jail system into housing and treatment.⁷ The Board has passed motions that would build affordable housing on land that was previously proposed for a women's jail. Additionally, the Board has taken steps to scale up mental health services and other community based services. Although these efforts are setting the bar for what other jurisdictions can do to build healthier and safer communities, these investments are not enough for the scope and size of Los Angeles County.

Spending and concentrating very limited County funds and resources to build thousands of jail beds on one piece of property is antithetical to all the diversion and decarceration efforts developed and led by the Board. It is against the decentralized needs that have been identified and called for by Health Department leaders, Mental Health Clinicians, County stakeholders, and community members.

⁷ Breaking the Cycle of Incarceration and Homelessness.
<https://ridley-thomas.lacounty.gov/index.php/breaking-the-cycle-of-incarceration-and-homelessness/>

THE CURRENT LANDSCAPE

Key analysis on the jail population and gaps in services have not been concluded.

No jail plan should proceed without consideration of the results of the studies called for by the Board of Supervisors motions: on August 14, 2018, January 22, 2019, February 5th, 2019, and February 12th, 2019 that call for the Scaling Up Diversion and Reentry Efforts for People with Serious Clinical Needs, Addressing the Shortage of Mental Health Hospital Beds, Implementing a Community Based Mental Health Incubation Academy, Developing Los Angeles County's Model for Pretrial Release, Developing the Los Angeles County Roadmap for Expanding Alternatives to Custody and Diversion, Coordinating the Study of Mental Health and Substance Abuse Diversion and Treatment Capacity Across County Agencies to Reimagine Jail Construction, and Developing LA County Plan for Justice- Impacted Women.

Fulfilling the motions listed above would provide LA County with the information needed to successfully reduce the false need for new jail facilities/beds. The motions will also provide the County an unprecedented analysis and understanding of its jail population and their needs. These motions will also identify the need for services within each Supervisorial District of LA County. The County should reconsider moving forward with its plan to build thousands of new jail beds, and invest the general funds dollars intended for those new jails beds into filling the community based services gaps identified and articulated in the motions above.

LA County cannot afford to construct the Mental Health Treatment Center (MHTC) and invest in alternatives to incarceration.

The State of California is projecting an inevitable recession. With the release of his first state budget, Governor Gavin Newsom estimated that the next economic downturn could result in a \$70 billion, three-year hit in revenues for California.⁸ Los Angeles County must be proactive about the looming recession and look to its bloated jail system as the first place to cut wasteful spending in order to avoid cuts in life-sustaining services. Any plan that maintains or expands current custody bed capacity will continue to burden Los Angeles tax payers with the mounting costs of operating the largest jail system in the country and waste billions of dollars that can be more effectively used to fund alternatives.

Cost of overcrowding: Prolonged overcrowding creates unsafe conditions for people inside the county jails leading to abuse and medical neglect. These conditions will continue to expose the County to lawsuits, costing tax-payers millions of dollars in settlements.⁹ If the County moves forward with the construction of the Mental Health Treatment Center, it will not be fully operational until at least 2028.¹⁰ This means that people will continue to languish in inhumane conditions for nearly a decade before there is any relief.

Cost of construction: Los Angeles County's current construction proposal includes \$1.8 billion for

⁸ California governor unveils record \$213 billion budget but says recession could hit coffers by \$70 billion. <https://www.cnbc.com/2019/05/10/calif-governor-unveils-record-setting-213-billion-may-budget-revision.html>

⁹ L.A. County to pay \$5.9 million to man who was injured while in jail cell. <http://www.latimes.com/local/lanow/la-me-ln-garza-settlement-20180306-story.html>

¹⁰ L.A. County jail replacement plan sparks questions about the future of behavioral health treatment.

<https://stateofreform.com/featured/2019/02/l-a-county-jail-replacement-plan-sparks-questions-about-the-future-of-behavioral-health-treatment/>

the following construction costs:

\$1.7 billion for construction of the Mental Health Treatment Center (MHTC)

\$12.6 million for renovating Pitchess Detention Center

\$62 million (not yet approved) for renovation of Century Regional Detention Facility (CRDF)

Cost of operations: In addition to the costs of construction, the County will waste billions more in operational costs. Currently, LA County spends \$1 billion per year to cage over 17,000 people every day. Million Dollar Hoods estimates it costs an average of \$35,798.75 to imprison 1 person for 1 year in LA County. Using LA County Sheriff operating costs as well as Million Dollar Hoods estimates, LA County can anticipate:

\$347 million for annual operations of the Mental Health Treatment Center

\$130 million for annual operations of Pitchess

\$75 million for annual operations of Century Regional Detention Facility (as new men's jail)

That amounts to \$552 million per year in operational costs without the ongoing operations of Twin Towers.

Any financial penalties to the County as a result of cancelling the current design build contract are eclipsed by the construction costs of MHTC and ongoing operational costs of the county's jail system.

Cost of diversion: Conversely, the net County cost to operate the Office of Diversion and Reentry at its current capacity is budgeted at \$10 million for the 2018-2019 fiscal year, that is less than 3% of operational costs of MHTC per year and less than .6% of the MHTC construction costs. ODR's recent report estimates that an additional 2875 people with mental health needs can be diverted out of the County's jail system, accounting for more than half of the total mental health population in LA County jails. Considering it is 60-100% more expensive to jail people who have health, mental health, or substance use disorders, fully funding diversion for this population is the most cost-effective approach.

¹¹

The only fiscally responsible choice is for the LA County Board of Supervisors to terminate the current design build contract with McCarthy and invest the nearly \$1 billion of general funds allocated for construction to a robust decarceration plan. This investment will achieve both immediate and long term relief to Los Angeles' incarceration problem.

Current diversion, reentry, and decarceration efforts in LA County have laid a foundation for a local and decentralized community based system of care.

The Office of Diversion and Reentry (ODR) was created in September 2015 by the Board of Supervisors. Its mission is to develop and implement countywide criminal justice diversion for persons with mental and/or substance use disorders, to provide reentry support services based on individual's needs, and to reduce youth involvement with the justice system. Since they launched in 2016, ODR

¹¹ E. Fuller Torrey, Aaron D. Kennard, Don Eslinger, Richard Lamb, James Payle, "More Mentally Ill Persons are in Jails and Prisons than Hospitals: A Survey of the States," May 2010, Treatment Advocacy Center, www.treatmentadvocacycenter.org/storage/documents/final_jails_v_hospitals_study.pdf.

has been able to help over 3,000 people through their Housing (pretrial felony permanent supportive housing), MIST (Misdemeanor Incompetent to Stand Trial), FIST (Felony Incompetent to Stand Trial), and Pregnant Women program. Other programs that exist to support diversion, reentry, and support include: Homeless Initiatives and Measure H, Whole Person Care, The Prop 47 Jobs and Services Task Force, the Juvenile Diversion Working Group, and the Alternatives to Incarceration Working Group. Los Angeles County does not need to look at other jurisdictions for examples of positive and impactful reentry, diversion, and decarceration efforts. The County has a foundation of a decentralized community based system of care, but it does not have the capacity to handle the needs of the County.

A comprehensive pretrial reform model for Los Angeles County has yet to be fully developed and implemented.

This should give the County pause as forty-four percent (7,445) of the average daily jail population (16,964) is comprised of people who are pretrial. Additionally, sixty two percent (4,617) of the people in jail pretrial are there because they do not have the resources to pay for their freedom.

Pretrial detention exacerbates wealth and racial disparities by causing job loss; loss of housing; isolation from family and community, even the loss of children to the foster care system; destabilization of low-income communities of color; and threats to the health and safety of our most vulnerable populations, particularly of those with mental health needs. Short-term jail confinement causes trauma, exacerbates current mental health conditions, and even causes mental health issues where they were previously absent. The additional financial burden of release through money bail and fines and fees, further destabilize accused individuals. For those without the financial means to afford bail, this means a loss of freedom and pretrial incarceration while legally innocent. This impact is much worse on people with clinical behavioral health needs, particularly the poor whose financial conditions often lead to justice system contact.

Despite having the largest local jail system in the world, Los Angeles County does not have an independent pretrial department tasked with reducing pretrial detention and connecting accused people with the services they need. Although the county has successfully launched diversion and reentry programs, these services provide for post-conviction assistance. The county has yet to fully address the conditions that cause continued law enforcement and justice system contact earlier on in the process.

The passage of SB 10 ended money bail in the state and provided funding for bail reform at the county level, while creating restrictions to the county's ability to implement a pretrial system that met the needs of each county and denied counties the opportunity to reduce and decarcerate their own jail population. Santa Clara and San Francisco Counties were exempt from certain pretrial agency restrictions because they had established alternative models. Although SB10 was signed into law, its implementation is likely to be delayed until December of 2020 as a result of a referendum backed by the bail industry.¹² This affords LA County the autonomy to develop a pretrial model that best reflects both the county's needs and the needs of those who have been most impacted.

LA County is forty years behind San Francisco County and five decades behind Santa Clara County, jurisdictions which established independent pretrial services departments in 1976 and 1969 respectively. San Francisco County pretrial services is held by The San Francisco Pretrial Diversion Project (SF Pretrial), an independent nonprofit organization. Santa Clara County's Office of Pretrial Services is an independent county agency established in 1969 which also compiles monthly statistics

¹² Koseff, Alexei. Bail bondsmen ask voters to kill California law that puts them out of business. August 29, 2018. <https://www.sacbee.com/news/politics-government/capitol-alert/article217523875.html>

by tracking judges' release rates and defendant outcomes. These reports are shared with the courts, system partners, and the Board of Supervisors, allowing for continuous improvement, communication, and coordination. In 2013, they expanded their court reminder system to use text and email notices (after they surveyed defendants on communication preferences), resulting in a 3% decrease in its failure to appear (FTA) rate. They have also been developing a pretrial app for defendants that will provide information on court dates, times, locations, supportive services, and other resources.

Los Angeles is far behind the decarceration trend in major cities across the country. Through the expansion of pretrial release and diversion programs, New York has successfully reduced its jail population to the lowest in decades, while also achieving record crime lows: 2016 was the safest year in CompStat history, with homicides down 5%, shootings down 12%, and burglaries down 15% from 2015.¹³ Both crime and use of jail have been falling steadily in New York City for twenty years: major crime has declined by 76% and the average daily jail population has been reduced by half over the last 20 years. New York City leads the nation in the number of defendants who are in the community instead of in jail while their case is being resolved: over 70% of defendants in New York City are released without any conditions after their first appearance before a judge.¹⁴ This is nearly double the percentage of Washington, D.C., the next highest user in the country of release without conditions. New York City is proof that we can have both more safety and decarceration.

Unlike Los Angeles, Philadelphia had little to no diversion infrastructure and has been able to successfully decarcerate. In July 2015, Philadelphia had 8,082 people in its six jails.¹⁵ Beginning in 2016, reforms have now decreased Philadelphia's jail population to 5,394, according to the city's Department of Corrections. That's a thirty three percent decrease, to a level not seen since the 1990s, the city's oldest jail, the House of Corrections has been completely depopulated, and the city aims to shutter it in 2020.

THE NEW VISION

Investment in Diversion and Reentry Services

#JusticeLA urges the Los Angeles County Board of Supervisors to adopt the following recommendations to implement a local and decentralized community based system of care that will increase access to services, and end a reliance on jail beds to care for our community members.

- 1. Invest in a decentralized community based system of care.** Currently, people with mental health needs are not provided with the holistic care that address all the social determinants of health. We must invest in an integrated, decentralized system of care that addresses mental health needs and the social determinants of health. This will create social and physical environments that promote good health for all community members which has been supported by public health experts across the nation. As we have seen with the ODR efforts, scaling up services and decarceration can happen safely, quickly, and effectively.

¹³ Testimony delivered at the New York City Council Committee on Public Safety Hearing <https://criminaljustice.cityofnewyork.us/testimony/testimony-delivered-at-the-new-york-city-council-committee-on-public-safety-hearing/>

¹⁴ Testimony delivered at the New York City Council Committee on Public Safety Hearing <https://criminaljustice.cityofnewyork.us/testimony/testimony-delivered-at-the-new-york-city-council-committee-on-public-safety-hearing/>

¹⁵ First Judicial District of Pennsylvania Department of Research and Development. Philadelphia Jail Population Report (July 2015 – March 2019). <https://www.phila.gov/media/20190417125355/March-2019-Full-Jail-Report.pdf>

2. **Increase union jobs:** Developing and investing in a decentralized community based system of care will create more opportunities for local hires, union jobs, and less commuting for all. The County has the opportunity to invest in capital projects that sustain communities impacted by incarceration. Building community-based mental health care and drug treatment centers provides dozens of unions jobs including construction jobs, building maintenance jobs, and healthcare jobs, as well as create a safer environment for patients and health care providers. Transitional and affordable housing will provide additional construction jobs and help relieve the homelessness crisis in the County.
3. **Transparency and Accountability.** Conduct an independent audit of local cost savings from jail population reduction and an aggregated study of local, state and federal public dollars intended to go to intervention and prevention in the form of diversion, re-entry, housing, job placement, victims' services, youth programs, mental health and substance abuse treatment. The audit will determine current cost savings, and measure outcomes and impact on vulnerable populations. In addition, the audit will identify gaps in service delivery and implications for future dissemination of funds.
4. **Equitable Re-investment.** Implementation of a tracking and metric system to continually evaluate county savings from AB 109, Prop 47, Measures HHH/H, Whole Person Care and pretrial release population reduction. These savings, along with unspent AB 109 funds, will be diverted to the AB 109 Innovations Fund to develop a pretrial service network. The fund will be managed by the Department of Public Health and distributed to CBOs and other contracted and non-contracted agencies. Funds will be distributed to LA County regions based on need, as indicated by the Justice Equity Needs Index*.
5. **Capacity Building and System Wide Coordination.** The recommendation for LA County is to expand on existing models currently operating under the Office of Diversion and Re-Entry (ODR) by establishing partnerships with community-based service providers and organizations in highly impacted communities to provide pretrial services. Since its implementation, ODR has successfully expanded service networks through its homeless initiatives and Whole Person Care program, diverting thousands of high needs clients away from county jails.⁵ The Office of Diversion and Reentry can build on current capacity to provide treatment, housing and health care to individuals who are system impacted or at risk. Additionally, it is recommended to establish networks of providers, including CBOs, social workers, health providers, and public defenders. Although centralized through a county site, this network would work inside and outside of the courts to make sure all defendants receive necessary support and continued services upon release and completion of probation at no cost to the individual. LA County should not limit investment to the expansion of existing county programs, but rather, focus on expanding the capacity of CBO's independent of county programming. All services should be funded by local, state and federal taxpayer dollars already given to LA County to sustain a safety net that rehabilitates and heals poor working communities of color.

Successful Models of Community Based Services In LA County

In addition, and in conjunction with ODR, the following are examples of opportunities to invest in and optimize towards de-carcerating the county jails:

1. **Project 180:** As the service provider for LA DOOR (Diversion, Outreach, and Opportunities for Recovery), Project 180 staffs a multi-disciplinary team that delivers mobile outreach and pre-booking services for eligible participants in Service Planning Areas 6 (South Los Angeles), 4 (Metro LA), and 1 (Antelope Valley). Project 180 provides services to 951 people annually (45% are re-entry clients and 55% are diversion clients), of which 22% (209) are women. Approximately 400 of their clients are served through a partnership with the Office of Diversion and Re-entry. For ODR clients, costs amount to \$9,200 annually per client. For DMH clients, costs range from \$21,000-\$25,000 annual per client that requires high levels of care. For mild to moderate care clients, the annual cost is \$10,000 annually.
2. **St. John's Well Child and Family Center:** St. John's Well Child and Family Center (SJWCFC) is an independent 501(c)(3) community health center that provides a range of services including a broad array of primary care services. They are the only federally qualified health center doing reentry work in Los Angeles County. St. John's places high priority on developing supportive services to address families' educational, socio-economic, and mental health needs. They currently have two contracts with the L.A. County through the Whole Person Care pilot program and the Office of Diversion and Reentry. There are two community health workers with caseloads of approximately 30 people each, one of which is specific to the trans community. Through the Whole Person Care program, St. John's serves people who are being released from incarceration and struggle with substance use. They provide caseworker offering intensive case management, HIV and substance use treatment, employment development, community support, medical and behavioral health treatment, as well as vision and dental. Half of their patients are undocumented and not covered by medical. St. John's also offers housing assistance, reproductive health screening, child care, legal services and tenant rights support. They serve approximately 220 people a year and receive \$6-9K in funding per case worker every month. Their data indicates that people that are moved to primary care within the first month of release have much better outcomes. Los Angeles County and St. John's would like to scale up their partnership to 10 community health workers. This year, they are focusing on expanding their behavioral health capacity by on-boarding two therapist and a substance abuse counselor to specifically work with the reentry population. They will also be training caseworkers to do more inreach to touch base with clients before release. All caseworkers are required to have some history of incarceration. Through their reentry partnerships with the county, St. John's has noted transformations in both the lives of their patients, as well as the people employed.
3. **A New Way of Life:** Provides housing and support to formerly incarcerated women for successful community re-entry, family reunification and individual healing via wrap around services including: legal help, mental health treatment in the form of one-on-one therapy, parenting and life skills instruction, substance misuse treatment, employment assistance. In 2017, ANWL doubled its capacity to include two houses serving 57 women and their 39 minor children, and reconnecting women with 56 adult children. Other services included assisting 12 women with access to education, 31 of the 45 women seeking employment secured jobs, and assisted 17 women in acquiring permanent housing. The organization also provides legal clinic services for women to petition to clean up their records with 89.5% success rate. Susan Burton, Founder of A New Way of Life, has initiated a new program called SAFE (Sisterhood Alliance for Freedom and Equality), designed to support the replication of the model in promising communities that have been impacted by the criminal justice system. As of this year, the model has produced to successful pilot replications. For the fiscal year of 2017, ANWOL's annual budget totaled \$5,093,372 with 93% (\$4,761,763)

allocated to expenses. Of this \$1,495,297 of income was acquired from grants. Service Spa6 and Spa4. Core of program comes from LA County. California Community Foundation - do add administrative support and capacity building for county grants, SAMSA grant from the federal grant.

4. **Trans Latin@ Coalition:** A national advocacy organization and the only trans-led direct service provider in Los Angeles specifically targeting transgender people being released from jail, prison, or immigration detention. In the last year, they have served hundreds of transgender people, primarily transgender women of color, with one or more of their many services to help people re-integrate into society. Immediate direct services include: rental assistance, transportation assistance (Metro link fare, bus tokens), daily lunches, and clothing. Long-term investment includes many Lifeskills sessions such as: HIV prevention education, taxes filing workshops, art classes, managing and working through trauma workshops, and coping with stress and depression. They also maintain contact with transgender people that are currently incarcerated through a prison and immigration detention letter writing program.
5. **County Wide Urgent Care Centers:** It is anticipated that the three new UCCs will have approximately 54 new beds and serve 49,275 individuals per year. It is estimated between 15-20% of these individuals would have otherwise been incarcerated. The UCCs will play a key role in the triage of individuals with mental disorders within the community, including 9,855 (15-20 percent) who are diverted by law enforcement. UCCs are a more appropriate setting to initiate mental health services compared to a jail setting. The addition of 54 mental health crisis intervention beds will divert the corresponding number of high needs mentally ill individuals who are a significant factor in jail overcrowding. In fiscal year 2015-2016, Los Angeles County allocated \$7579,652 towards this program.
6. **Housing Infrastructure:** In addition to funding community based organizations, it is imperative to support the housing infrastructure for organizations to place clients and community members being diverted, to provide them with short and long term treatment bed capacity for treatment, as well as permanent housing. Los Angeles has made firm commitments to allocate Measure H dollars towards addressing houslessness, as well as invest in permanent supportive housing which is an effective strategy for diverting people with mental health disabilities. The county should continue to invest in the necessary housing and bed capacity in the community to maximize the delivery of services and to meaningfully reduce the jail population.

Pretrial Reform

#JusticeLA recommends the following roadmap to substantially and sustainably reduce pretrial incarceration while strengthening public safety by instituting a presumption of release model that connects the accused to services in their communities:

1. **Establish an independent cross-functional department that is situated outside of any law enforcement agency.** The cross-functional department should be centered on a humanly dignified value-based, coordinated care model by incorporating personnel from various health departments, housing, employment, education, service providers, etc. to conduct needs and strengths assessments and connect people to a holistic set of services.

The Department would:

- Focus on partnering with community-based and operated organizations, health departments, and indigent defense agencies for decentralized service delivery throughout each of the county's districts to provide pretrial services;
- Not be composed of, partner with, or contract any services from any private entity that would profit financially or otherwise from people being released pretrial with mental health needs;
- Work independent of law enforcement, including the Probation Department;
- Develop pretrial service pilot programs throughout the County of Los Angeles;
- Work with community health workers to provide intensive case management to ensure court appearances and voluntary connections to services;
- Ensure warm handoffs to supportive services for cases requiring more intensive services;
- Provide services and reminders, not supervision in the form of electronic monitoring or other surveillance devices; and any costs associated with pretrial release conditions should not be passed on to people released pretrial; and
- Create and implement a dynamic confidential needs and strengths assessment, in collaboration with community-based organizations, health departments, and counsel, that would be used to determine what services should be offered.
 - Models utilizing law enforcement collaboration to provide assessments cannot address root-causes of justice system contact.
 - Any information they receive through an assessment would be used to further incriminate.
 - The rights of the accused should be protected and the presumption of innocence should be preserved.

To facilitate the success of the pretrial services department, the County would have to:

- Fund health departments sufficiently to provide the full range of quality services to meet the breadth of needs;
- Adequately staff courthouses and jails with healthcare personnel able to identify needs and access services;
- Fund appointed defenders (Public Defender, Alternate Public Defender, ICDA Bar panel attorneys) sufficiently to provide quality services for all people accused of crimes, including misdemeanors and felonies, and to establish pretrial units staffed with investigators, social workers, and paralegals to assist attorneys in assessing needs and strengths and accessing services;
- Fund pretrial services to sufficiently establish and provide phone and text reminders, child care, transportation, and other services to facilitate return to court for those with behavioral health needs;
 - People with mental health needs may simply forget they have to go to court, don't plan for it, or do not fully comprehend the consequences of staying home; and some may be depressed, suffering despair, or experiencing PTSD due to system contact and neglect court.
 - To support the reminder system, the county should provide:
 - cell phones and/or cellular service as needed and make sure the correct phone number is on file

- explain the potential consequences of non-appearance and address any issues that may prevent lack of understanding, and
 - transportation for court attendance and service provisions via vouchers, ride sharing, etc.
- Provide community-based organizations that participate in providing pretrial services with unrestricted general support funding that has little to no restrictions; and
- Pay the costs for all programming and services, so that poor people accused of crimes will not be denied services due to an inability to pay.

2. Law enforcement agencies should expand the use of cite and release at the point of contact and ensure a warm handoff to service providers for people with mental health and behavior health needs when necessary. Accused persons taken to a police station should be assessed prior to booking for release, utilizing a needs and strengths assessment, with the presumption of release.

- Preventive detention (held without bail) would not be allowed unless the person is accused of serious/violent felonies and; has caused or threatened actual physical harm, or is found to pose a specific and provable threat of harm to others or a danger of fleeing to avoid prosecution.
 - People accused of serious charges with assessed mental health or behavioral health needs should be considered for diversion. ODR has a proven track record of safely diverting people with serious charges and mental health and behavioral health needs.
 - The independent pretrial services department should be tasked with creating a safety plan for people accused of these violations and for the alleged victim to facilitate release.
- For those who are not released at the station, citation and release should occur as soon as possible thereafter upon arrival at any LA County jail facility.
- Citation and release should occur without using any algorithm-based risk assessment tool. Release should follow a needs and strengths assessment model instead. The risk of detention to the accused, their family and community should also be factored in to this assessment model.
- Money saved by not jailing people pretrial should be redirected to the independent pretrial services department, the associated community-based organizations, health departments, and indigent defense agencies.
- The goal of citation and release should be a drastic reduction in incarceration of people awaiting resolution of their cases and the reduction of the costs of housing and transporting prisoners.
- For non-citizens, the county should not refer anyone to immigration authorities, ask any questions regarding immigration status, nor honor any requests to hold someone for civil immigration enforcement purposes, and the county should not transfer anyone into immigration custody. ICE detainers are not arrest warrants and have raised serious constitutional concerns. Local law enforcement agencies risk litigation and damages liability when honoring ICE detainers. *Roy v. County of Los Angeles*, No. 12-cv-9012, 2018 WL 914773 (C.D.Cal. Feb. 7, 2018) (ruling in favor of a class of noncitizens held on detainers seeking damages against Los Angeles County, which had paid \$255,000 to settle one named plaintiff's detainer claim).

Through the expansion of cite and release, coupled with the creation of an independent pretrial service department that links accused persons to services and programs without additional justice system contact, LA County will reduce the financial burden on the accused, bolster due process and significantly reduce the County's jail population. Robust pretrial reform can begin immediately and is the fastest, most effective path to relieving jail overcrowding and sustainably contract the Los Angeles County's jail system.

CONCLUSION

The Los Angeles County Board of Supervisors has approved a plan to build a Mental Health Treatment Center in the heart of Los Angeles, costing over \$1.7 billion dollars without proper analysis or capacity building of community based reentry and diversion services. With proper investments in community based resources, diversion from arrest and jailing, decriminalization efforts, and pretrial reform, LA County can successfully halt jail construction plans for the benefit of all residents, particularly the County's most vulnerable populations, and be the nationwide leader in decarceration. Los Angeles must make the right decision and reject the wasteful, ineffective and unnecessary construction of the Mental Health Treatment Center.

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