

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS
AND JANICE HAHN**

AUGUST 13, 2019

Care for Individuals in Custody Who Are Experiencing Serious Mental Illness

For nearly 15 years, the Los Angeles County (County) Board of Supervisors (Board) has recognized the need to demolish the Men's Central Jail (MCJ) facility. The decision of what should replace this aging facility is a complicated one, and the Board recognizes that it must be guided with consideration for public safety, best practices, and the humane treatment of those in custody.

Through the planning process around the replacement of MCJ, many changes have ensued, impacting who is entering the County's justice system and the conditions inside the jails. Numerous criminal justice reform measures have been implemented through State legislation such as Assembly Bill 109, Propositions 47 and 57, with other criminal justice reform initiatives still pending, including bail reform. In parallel with these developments, the County has simultaneously been building a system of treatment and alternatives to custody that is forward-looking, assures public safety and equitable treatment, and obtains the best outcomes through high standards of care and lower recidivism.

In August 2015, the Board took the bold step of creating the Office of Diversion and Re-entry (ODR) to seek opportunities to safely and appropriately shift people from a custody environment to a community-based treatment environment. With ODR's diversion efforts and other initiatives, the County has sought to address the needs of people with

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SOLIS _____

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serious clinical needs (mental health and/or substance use disorders) who come in contact with the justice system in an effort to improve outcomes and break the cycle between homelessness and incarceration. These local and statewide developments impacted the Board's thinking about the replacement of MCJ in size, operation, and vision.

In February 2019, the Board continued its commitment to rethink and reconfigure the way in which the County provides services to people directly impacted by the criminal justice system, homelessness, addiction, and mental health needs. At that time, the Board passed nine motions related to the County's jail system and diversion, authorizing a range of studies, reports and recommendations, including the creation of the Alternatives to Incarceration (ATI) Working Group and an assessment of the need for mental health services Countywide. To reflect its evolved thinking, through the Mental Health Treatment Center motion, the Board also shifted away from a jail (the Consolidated Correctional Treatment Facility (CCTF) and moved towards a treatment-first approach, with a request for recommendations on how the County could right-size the project and create a continuum of clinical facilities to ensure a decentralized, trauma-informed approach ("Mental Health Treatment Center" motion, Hahn and Ridley-Thomas, and amendment to "Mental Health Treatment Center" motion, Ridley-Thomas and Hahn, February 12, 2019).

To date, a number of reports have been produced by the Chief Executive Officer (CEO), the Directors of the Health Departments, the Sheriff's Department, the Director of the Office of Diversion and Re-entry, the ATI Workgroup, and others. The Board learned through a study, commissioned by ODR in response to the "Scaling up Diversion and Reentry Efforts for People with Serious Clinical Needs" motion (Ridley-Thomas and Barger, August 14, 2018), that 56% of individuals with serious mental health needs in the jails may be eligible for diversion into community-based services. There are also a number of studies that are still ongoing and will be completed over the coming months that will be informative about who is in the County's jails and what type of community alternatives could better serve them. RAND's study on diversion for those with mental illness and the final report of the ATI Workgroup, both due later this year, will provide additional data and recommendations.

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These reports serve to remind the Board that there are many pending issues, such as bail reform, that are likely to impact this system in ways that are presently difficult to fully understand or quantify. Additionally, the Board has made new commitments, such as expanding ODR's diversion program to new courthouses, that are still being implemented ("Expanding ODR's Housing Program Countywide to Safely Divert More Individuals with Serious Clinical Needs," Ridley-Thomas and Kuehl, May 14, 2019). This issue is very dynamic and the County is just now seeing the benefit of some of its investments.

While the Board agrees that the MCJ facility is unacceptable, and must be demolished, the strategy for creating a new "Care First/Jail Last" system is still not fully defined. The investment in this system both in terms of financial resources but more importantly in human lives demands that the Board take a thoughtful and strategic approach to get this right. What is ultimately built will be a multi-generational investment and must be informed by up-to-date information and thinking on the County's justice system. Additionally, the County has already made significant progress over the past five years to advance treatment-centered models and a continuum of care, including psychiatric urgent care centers, Mental Evaluation Teams, the sobering center, and the MLK Behavioral Health Center. The County has the opportunity to build upon these models as it envisions a more rehabilitative criminal justice system and system of care.

In sum, it has become apparent that the original project scope for the Mental Health Treatment Center, as specified by the County and reflected in the Design-Build Agreement with McCarthy Building Companies, Inc., does not reflect the Board's present thinking, priorities, and strategies, and that more time and coordinated efforts are needed to crystallize an ultimate vision. However, the Board has the responsibility to uphold the constitutional rights and ensure the humane treatment of those in the County's jails.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Instruct the Chief Executive Officer (CEO) and the Director of the Department of Public Works to report back to the Board in writing within 30 days on the feasibility of demolishing Men's Central Jail (MCJ);

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2. Instruct the CEO to report back to the Board in writing in 30 days on the highest priority deferred maintenance issues within the existing MCJ, and potential funding sources to address them in order to uphold the constitutional rights of incarcerated individuals;
3. Instruct the CEO, in consultation with the Sheriff, the Directors of the Departments of Mental Health, Health Services, Public Health, the Office of Diversion and Reentry, the Public Defender, and the Alternate Public Defender, to reconstitute an executive working group that would:
 - a) In alignment with existing efforts in Los Angeles County, plan and oversee the synthesizing of existing and forthcoming reports on criminal justice reform, diversion, alternatives to incarceration, custody needs, and systems of care in order to assess and make recommendations on next steps for the reform of the County's criminal justice system and the replacement of Men's Central Jail, and report back to the Board of Supervisors (Board) in writing every 90 days with progress reports;
 - b) Report back to the Board during the Fiscal Year 2019-20 Supplemental Budget Phase with recommendations regarding reallocation of some or all the funds currently identified for the Mental Health Treatment Center project, with consideration for strategies to build out the continuum of care and alternatives to incarceration, ensure humane treatment and care of incarcerated individuals not eligible for diversion, or other relevant justice reform priorities; and
 - c) Make a determination whether an external consultant is necessary to advise and assist with fulfilling the objectives and directives outlined above.

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(MN/DJ)