

MOTION BY SUPERVISORS HILDA L. SOLIS
AND SHEILA J. KUEHL

July 7, 2020

**Developing a Plan for Closing Men’s Central Jail as Los Angeles County Reduces
Its Reliance on Incarceration**

For years, those working to reform the criminal justice system in Los Angeles County have emphasized the critical need to close Men’s Central Jail (MCJ). Built in 1963, MCJ consistently ranks among the ten worst facilities in the country. It has been well-documented over at least the last 25 years, in lawsuits, federal investigations, court monitored settlement agreements, complaints, and grievances that MCJ’s flawed design and infrastructure contribute greatly to the county’s inability to provide appropriate medical and mental health care, programming, recreation, and humane living conditions. The ongoing structural dilapidation further impedes any county efforts to achieve an improved standard of care for individuals who are incarcerated at MCJ.

Since at least 2015, Los Angeles County, through its Board of Supervisors (Board), has taken remarkable steps to rethink its approach to the criminal justice system, including embracing pioneering approaches to addressing health and service needs in community-based settings, reducing reliance on incarceration, and reinvesting in its communities, with demonstrated improved health and public safety outcomes. In 2019,

MOTION

SOLIS _____

RIDLEY-THOMAS _____

KUEHL _____

HAHN _____

BARGER _____

the Board rejected longstanding plans to replace MCJ and instead committed to taking an evidenced based “care first, jail last” approach based on experience demonstrating that punitive environments are not only inhumane for those who are suffering from mental illness, but also exacerbate the illnesses faced by the most vulnerable people in our custody, while greatly reducing their likelihood of recovery, upon release.

On August 7, 2019, the Chief Executive Officer (CEO) submitted a memorandum (CEO Report), entitled “Report Back on Developing A Care-First Treatment Model for New Mental Health Treatment Center (MHTC),” in response to this Board's directions. Attachment A to the CEO Report is a memorandum from the Health Departments including a recommendation for creating a decentralized continuum of clinical, trauma-informed care facilities operated by health personnel.

Additionally, on January 7, 2020, the RAND Corporation released a report which found, consistent with an internal report by the county’s Office of Diversion and Reentry (ODR), that if sufficient capacity was available, at least sixty percent of people with serious mental illness in the jails at that time, representing over 3,300 individuals, could safely be released into ODR’s existing programs to receive treatment and support in community-based settings..

Three months later, on March 10, 2020, the Alternatives to Incarceration (ATI) Workgroup issued a road map for developing that capacity within the community. The ATI’s report details, in 114 recommendations what a “care first, jail last” model for the county would include. The report puts forth 26 recommendations which represent the first steps toward reducing the reliance on law enforcement and incarceration in the county, and moving towards a more humane, healthy, and safe approach to serving its residents’

needs.

The urgent need for dramatic changes in our county's approach to justice and health, coupled with an unexpected moment of opportunity, have come into sharp focus since the beginning of March 2020. Despite its many hardships, the widespread impact of the COVID-19 pandemic revealed that a reduced reliance on incarceration is an achievable goal. Through impressive collaboration by the agencies that comprise the justice system, along with the health departments and community-based service providers, the jail population decreased from over 17,000 to approximately 12,000 people incarcerated daily. This marks the first time in at least 15 years that the number of people incarcerated in the county's jail system has been below the 12,404 capacity for which it is rated by the California Board of State and Community Corrections (BSCC), despite significant decreases in crime in the same period.

Despite this impressive decrease however, the population of people with serious mental illness has gone from about 5,300 people to 4,500 people, only a modest drop since the beginning of March; and they now constitute nearly half of the population of people incarcerated in the jail system. Based on the study by ODR and the RAND Corporation, this number could be decreased significantly, enabling an even larger decrease in the daily population of incarcerated adults in the county. Failing to invest in this achievable decrease flies in the face of important equity concerns, and the larger "care first, jail last" approach adopted by the Board. The process for removing eligible individuals with serious mental illness from the jail setting has been refined over the last several years, such that securing adequate funding to meeting this increased scale, while a considerable hurdle, is the only remaining barrier to achieving this important

transformation in the county's approach to mental illness.

On June 9, 2020, the Board unanimously approved the "Maintaining a Reduced Jail Population Post-COVID-19" motion put forward by Supervisors Hahn and Ridley-Thomas, seeking to develop a plan to maintain the jail populations below the BSCC-rated capacity, after the urgent demands of the pandemic have passed. The Board's adoption of the motion on June 9th reaffirms the Board's commitment to achieving the vision for a "care first, jail last model," as set forth in the reports by the county's health departments, the ATI Workgroup, and the Office of Diversion and Reentry over the past two years. And most recently, the sustained and growing worldwide demonstrations against police violence, demanding racial justice across the country, are asking for bold leadership, a leadership that this county has already begun to undertake, to make changes to improve health and safety outcomes by reinvesting into our most disenfranchised communities. It is time to take the next step to develop pathways to closing MCJ, once and for all.

Closing MCJ will also further the county's fiscal commitment to a "care first, jails last" model. In addition to the budget curtailments facing every county department this year in response to the COVID-19-related economic crisis, the Sheriff's Department faced a budget shortfall of \$63 million in the last fiscal year and is facing a shortfall of \$89 million again this fiscal year. Population reductions without facility closures often fall short of realizing cost savings. Closure of MCJ, with appropriate planning, would help to address budget shortfalls within the Sheriff's Department while also allowing for additional funds to be redirected into building up the system of care needed to safely divert individuals as well as meeting the primary needs of those who were released early during the pandemic.

A recent survey conducted by the Vera Institute for Justice of Los Angeles County service providers revealed that the primary needs of those who were released early during COVID included basic needs, such as housing, access to identification and public benefits, food, clothing, transportation, and hygiene products, as well as treatment for mental health and substance use disorders. Some also identified needs related to education, training, and employment to promote recovery and reintegration.

In order to meet the needs to support the success of those being released, and to prevent future law enforcement contact, the County must commit costs saved from closing MCJ – including eliminating the need for renovations and the expensive attempts to provide medical and mental health care within a facility that was not designed for such care– to reinvesting into our most disenfranchised communities and increasing access to basic needs and the county’s system of care, to further reduce the county’s historic reliance on its jail system to meet its residents’ health and service-related needs and embrace a new vision for the county’s future.

WE, THEREFORE, MOVE that the Board of Supervisors:

- 1) a) Direct the workgroup convened by the June 9, 2020 “Maintaining a Reduced Jail Population Post-COVID-19” motion, convened by the Sheriff’s Department and the Department of Health Services’ Office of Diversion and Reentry, to include consultation with the Correctional Health Services division (CHS), community-based stakeholders and service providers, and any other relevant partners to provide bi-monthly (every 60 days) reports to the Board of Supervisors on the issues and considerations that must be addressed in order for the County to close MCJ within

one year, while continuing to ensure public safety and providing appropriate services for individuals released early or diverted from incarceration. The first such report, to be delivered within 60 days, and each report thereafter, should include analysis of the considerations that would need to be taken into account in order to close MCJ within one year, along with recommended actions to meet that goal, including:

- Plans for redistributing the existing population among the remaining jail facilities such that the capacity in remaining facilities does not exceed the BSCC-rated maximum capacity;
- The potential impact such redistribution would have on the remaining six county jail facilities, including intake and release procedures, as well as transportation processes;
- Plans for re-deploying community-based service providers and other programs from MCJ to other county or community facilities; and
- The status of renovations of Pitchess Detention Center East, and its expected capacity, and timeline for it being suitable for habitation, as well as the status of renovations and maintenance of the other five remaining jail facilities.

b) Authorize the Director of the Department of Health Services, or her designee, to hire an external consultant with relevant expertise to advise and assist the workgroup with fulfilling the objectives and directives outlined above, if the workgroup determines that such support is necessary.

2) Direct the CEO to report back as follows:

a) In collaboration with the Sheriff's Department, the Department of Health Services, Auditor-Controller and other relevant departments with an assessment of cost savings related to closing Men's Central Jail, including:

- Eliminating the need for renovations and maintenance;
- Reducing the cost associated with court-monitored settlement agreements and any other legal or regulatory compliance obligations;
- Reduced food, laundry, transportation and care costs;
- Reduced staffing costs for Sheriff, CHS, and any other county departments; and
- Any other resource needs.

b) An update on Legislative or local policy changes, including those previously proposed by ODR, that the County could pursue to secure necessary funding. The update should include consideration of AB900 funds, as well as any other funding that could be allocated to scale community-based alternatives to incarceration, further reduce the jail population, and otherwise ensure the successful closure of MCJ.

#

HLS: rk