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Jails Last: Creation of the Jail Closure Implementation Team

As the largest jail system in the country, Los Angeles County (County) incarcerates almost 15,000 people, approximately 85% of whom are Black and Latinx people. It is a sad reflection of a system and structure that has historically and disproportionately oppressed Black, Latinx, Indigenous, and other people of color. According to the 2020 Census¹, while Black Americans make up 8.9% of the population in LA County, they make up 29% of those incarcerated in the County jails; and Latinx-Americans make up 48.6%² of the population in LA County, yet they make up 56.5% of those incarcerated in the County jails.

At the peak of the COVID-19 pandemic, the County Board of Supervisors (Board), with the support of the community and advocates, and building on the past “care first” work, saw the sweeping population reduction in the County jails—from

¹ <https://census.ca.gov/wp-content/uploads/sites/4/2019/06/Los-Angeles.pdf>

² <https://www.census.gov/quickfacts/fact/table/losangelescountycalifornia/RHI725219>

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17,000 to almost 12,000 people—as an opportunity to take the logical and bold next step to develop a plan to close Men’s Central Jail (MCJ). On July 7, 2020 the Board directed the formation of the MCJ Closure Workgroup to provide analysis and bimonthly reports to the Board on the issues and considerations that must be addressed for the County to close MCJ within one year.³

After almost one year of planning, data analysis and collaboration, the MCJ Closure Workgroup produced its report in March of 2021. The report adopts a two-prong approach to the MCJ closure analysis. The first prong of the analysis, referred to as the “facility pathway” makes recommendations on how the jail population can be redistributed amongst the remaining jail facilities, over time, with the goal of closing MCJ through attrition. The “facility pathway” analysis is rooted in assumptions about the jail population that are founded on the second prong of the analysis. This second prong, known as the “community pathway”, identifies specific vulnerable populations and recommends immediate expansion of residential programs and enhanced services with the goal of decarcerating approximately 4,500 individuals within those vulnerable populations. The MCJ Work Group’s analysis contemplates a significant expansion of the community-based system of care on an extremely compressed timeline and acknowledges that such an expansion would require significant resources, although the report does not include funding recommendations or identify the funding streams that would support such an expansion.

In anticipation of the need to identify resources to support the closure of MCJ, the Board also directed the Chief Executive Office (CEO) and the Auditor-Controller to

³ <http://file.lacounty.gov/SDSInter/bos/supdocs/146991.pdf>

examine the cost savings associated with the decreased jail census (as a result of the COVID-19 pandemic) and, to project the cost savings the County might expect from the closure of MCJ. The County contracted with the JFA Institute to undertake the analysis. The JFA analysis concludes that in addition to decarcerating individuals by expanding the community-based system of care, closure of MCJ can only be realized through systemic policy reforms that dramatically shorten the average length of stay in the County's jails. The JFA Institute's analysis also concludes that because the vast majority of jail funding is used for staff and administrative costs, jail population decreases do not realize significant cost savings unless they are sustained over a substantial period of time.

The MCJ Closure Workgroup is not the only Board-created entity that has analyzed and made recommendations related to expanding the community-based system of care and combatting mass incarceration. Presently, there are multiple Board-established initiatives and bodies working on these issues. For example, in 2015, the Board created the Office of Diversion and Reentry (ODR) within the Department of Health Services (DHS). Since then, ODR's work has evolved to include service-delivery in the realm of alternative sentencing for people with seriously acute mental health or substance use dependencies, competency restoration, reentry support services, and reduction of youth involvement with the justice system. Five years later, the Board directed the establishment within the CEO's Office, the Alternatives to Incarceration Initiative (ATI Office), and charged it with, among other things, coordinating and overseeing County implementation of several non-carceral recommendations for building out community-based supports along a sequential intercept framework,

developing metrics and monitoring outcomes, and taking into account the size and scale of existing related programs and service-delivery efforts to make funding recommendations. Elsewhere, the Board has also championed the Gender Responsive Advisory Committee (GRAC) and the Jail Population Review Council (JPRC), both of which focus on currently incarcerated populations. This is on top of the work of several research and advocacy organizations such as the RAND Institute, ACLU, the Vera Institute, UCLA's Million Dollar Hoods, and the Advancement Project that have also provided analysis and recommendations on several topics related to justice reform.

After years of data gathering, analysis, and research, it is time for the Board to both clarify the roles of the various entities within the County relative to the Board's "care first, jail last" vision, and to use the wealth of existing, thoughtful, and relevant recommendations to take decisive action to close MCJ without replacing it with a new facility or incarceration-based treatment center. In doing so, the Board must acknowledge that there is no further need to study, establish work groups, or develop further recommendations to reduce the County's reliance on incarceration. While the County has been enriched by the expertise of its own subject matter experts, community members, advocates, professionals, people with lived experience, and people who might span several of these identities, it is well beyond the exploratory stage and is not in need of further recommendations at this time. Rather, the County needs to bring the relevant, existing recommendations to bear on the task at hand: implementing the closure of MCJ. The Board also must be clear about which existing County entities are responsible for the work that the Board has already thoughtfully set in motion.

As to MCJ, the creation of a Jail Closure Implementation Team (JCIT) is a necessary next step to compile the data, reports, recommendations, and funding requests to ensure that they align with the Board's priorities and are based on facts and data, not assumptions. The goal is to also not just decarcerate a jail in the short-term, but to close the jail without having to ever rebuild it by concurrently building out a sustainable community-based continuum of care. The JCIT's immediate work must therefore be focused and narrow enough in scope to accomplish the closure of MCJ, but will necessarily draw on the large body of County subject matter expertise, and the several efforts to date that address diverting individuals from custody, preventing new inflow into the jails, and ensuring that those who remain in custody receive the services and treatment necessary to minimize their length of stay to the greatest extent possible, including fostering more community-based opportunities for diversion and release.

It is imperative that the JCIT be a nimble, strategic, and implementation-focused team that is empowered to facilitate cooperation and collaboration between all relevant Departments, agencies, Board-created bodies, and stakeholders that play a role in helping to close MCJ. They, under the focused leadership of JCIT, can have a clearer understanding of a strategy and steps required to close MCJ, which is an important and necessary step toward a more sustainable solution to public safety and health.

The JCIT will also engage with both our community and external stakeholders to be inclusive and deliberate in uplifting the needs of the various people impacted by the MCJ closure, including those who are vulnerable and justice-involved.

Additionally, in line with the efforts surrounding the Board-supported Restorative Justice Village Master Plan, it is important that the County take the necessary steps to

actualize the full closure and demolition of MCJ, and to build a new vision for where MCJ currently sits and looms that will be a beacon of hope, care, and opportunity for LA County and its residents.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Find that it is necessary to depopulate and demolish MCJ, and likewise find that it unnecessary to build any new County jail or custody facility;
2. Direct that the CEO, in consultation with County Counsel, the Executive Officer of the Board of Supervisors, and other Directors of Departments/entities deemed appropriate and necessary, start a Jail Closure Implementation Team (JCIT) whose specific and immediate focus is to implement the closure of MCJ, as described in directives (3) and (4), below;
3. Direct the CEO to report back in 30 days with:
 - a. A proposal for how the JCIT should be structured that includes, at a minimum, an Executive Director and a small complement of staff, and recommendations for whether consultants should be retained;
 - b. A proposal for how the JCIT will draw from the expertise—and the work-to-date and currently underway including the Restorative Justice Village Master Plan, as appropriate—of relevant County departments and partners that is germane to the closure of MCJ, including but not limited to the CEO, County Counsel, the Alternate Public Defender, the Public Defender, the District Attorney, the Sheriff's Department, Probation, the Superior Court, DHS (both ODR and Correctional Health Services), Public Health – Substance Abuse Prevention and Control, the Department of

Mental Health, the Department of Public Works, the Internal Services Department, and any other relevant County partners;

4. Direct that:

- a. The JCIT Executive Director consult with and consider the positions of County departments as necessary, but otherwise have complete authority as appropriate to coordinate and direct the activities of all relevant County departments, as permitted by and in compliance with all laws, including the California Environmental Quality Act (CEQA), to accomplish the proposed MCJ depopulation and closure measures and actions as approved by the Board, and subject to Board review and approval;
- b. The JCIT Executive Director consult with and consider the positions of Board-created workgroups and councils making recommendations about the closure of MCJ—including but not limited to the MCJ Closure Workgroup, the GRAC, and the Jail Population Review Council—as necessary, but otherwise have complete authority as appropriate to coordinate and direct the activities of these Board-created workgroups and councils, as permitted by and in compliance with all laws, including CEQA, to accomplish the proposed MCJ depopulation and closure measures and actions as approved by the Board, and subject to Board review and approval;
- c. The JCIT have full authority to obtain all necessary data and information from County departments and the entities described in 4.a and 4.b., as permitted by law, to complete its work;

- d. The JCIT make the final determinations, to extent allowed by the law and not inconsistent with Government Code section 26605, subject to Board review and approval, about how the County will implement the closure of MCJ in compliance with all laws, including CEQA;
- e. All County departments and Board-created workgroups and councils working on the closure of MCJ work collaboratively and transparently with the JCIT, and timely share information with, and respond to requests from, the JCIT.

WE FURTHER MOVE that the Board of Supervisors:

- 5. Direct the JCIT to report to the Board in writing, within 60 days of becoming operational, with a status update including:
 - a. Its actions, goals, and associated timelines, including an initial estimate of how long the JCIT may be necessary for the closure of MCJ; and
 - b. A framework for the JCIT to communicate transparently and regularly with, and receive feedback from, community stakeholders, and to balance this task with the JCIT's primary responsibility of implementing the depopulation and closure of MCJ. This framework may include, but is not limited to, updates to other bodies created by the Board with an interest in the closure of MCJ (e.g., the Jail Population Review Council) as well as engaging in meaningful dialogue with additional stakeholders such as people who are, or have been, incarcerated and survivors of harm, about the JCIT's actions, goals, and associated timelines;
- 6. Direct the JCIT, thereafter, to report to the Board in writing with status updates

every 90 days;

7. Direct the JCIT to work with the CEO—including coordinating internally with existing efforts regarding the Restorative Justice Village Master Plan, as necessary—in collaboration with County Counsel, County Departments, private and philanthropic partners, and others deemed necessary, to identify legislative, budgetary, or land/property needs and recommendations, and work with CEO's Legislative Affairs and Intergovernmental Relations Branch to advocate for the recommended State and Federal funding and policy changes that may be necessary to support the closure of MCJ;
8. Delegate authority to the Chief Executive Officer, or her designee, to execute any agreements necessary to support the foregoing efforts, provided that any such agreements are in form approved by County Counsel;
9. Find that the proposed actions to start the JCIT and clarify the roles of various County departments are not a project under the California Environmental Quality Act (CEQA) because they are activities that are excluded from the definition of a project by section 21065 of the California Public Resources Code and section 15378(b)(5) of the State CEQA Guidelines since they are organizational or administrative activities of government that will not result in direct physical changes to the environment. In the alternative, find that the actions are exempt pursuant to section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. These findings are based on the reasons stated herein and in the record of the proposed activities. Upon the Board's

approval of the recommended actions, the Chief Executive Office will file a Notice of Exemption with the County Clerk. Prior to approval of any activities that would be considered a project under CEQA, recommendations under CEQA will be made to the Board, as appropriate.

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