

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND SHEILA KUEHL**

**AUGUST 11, 2015**

**Expanding Effective Diversion Efforts in Los Angeles County**

For more than a year, the Board of Supervisors (Board) has demonstrated its commitment to improving the treatment of persons with mental illness and substance abuse challenges, while preserving public safety. A successful jail diversion approach would re-direct individuals with serious mental illness and co-occurring substance use disorders from the criminal justice system to an integrated treatment system.

On May 6, 2014, the Board adopted a motion directing several departments, under the leadership of the District Attorney, to move expeditiously toward establishing a comprehensive diversion program for Los Angeles County (County). The Board supported the District Attorney’s leadership in convening a broad County workgroup to conduct a comprehensive assessment of the existing mental health diversion programs used by the County, and currently available permanent supportive housing.

On July 29, 2014 and on April 14, 2015, respectively, the Board continued to demonstrate its commitment to diversion efforts in the County by approving \$20 million in the FY14-15 Budget and an additional \$10 million in the FY 15-16 Budget.

On June 9, 2015, the Board suspended the Jail Master Plan and instructed the Interim Chief Executive Officer to consider community-based alternative options for treatment, including but not limited to mental health and substance abuse treatment.

Also on June 9, 2015, the Board moved to create a single, integrated jail health organizational structure and shift the entire Sheriff’s Department Medical Services Bureau supervision and budget, including positions and Department of Mental Health staff services, to

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the Department of Health Services (DHS). The action was intended to dramatically improve quality and coordination of care while better facilitating successful re-entry into the community.

Data supports that it is prudent to invest taxpayer resources in a comprehensive diversion program that promotes integrated community care. Diversion efforts can be more effective than jails at treating mental illness, enhancing public safety, reducing repeat offenses and producing better outcomes. For these reasons, diversion alternatives, including the development of permanent supportive housing and integrated services, have been advanced in the context of the Board's consideration of replacing the antiquated Men's Central Jail with modernized correctional treatment centers for men and women. With the Board's recent acceptance of the MacArthur Foundation Safety and Justice Challenge, the Sheriff and Board reaffirmed their joint commitment to find ways to safely reduce incarceration in jails.

The District Attorney's well-researched report entitled Providing Treatment, Promoting Rehabilitation and Reducing Recidivism: An Initiative to Develop a Comprehensive Plan for Los Angeles County includes findings derived from the efforts of the District Attorney's Criminal Justice Mental Health Advisory Board and various working groups.

Among other things, the District Attorney's comprehensive report describes how diversion needs to occur across "sequential intercept" points defined as:

Intercept One: Law Enforcement/Emergency Services, when the justice system first contacts an individual, before arrest.

Intercept Two: Post-Arrest/Arrest, as the prosecuting agency decides whether or not to file criminal charges.

Intercept Three: Courts/Post-Arrest/Alternatives to Incarceration, when the criminal charges are resolved either by a dismissal, a guilty plea or a trial.

Intercept Four: Community Reentry, when the individual is released back into the community.

Intercept Five: Community Support, when the person continues to have access to resources to facilitate successful reintegration into the community.

The report also identifies gaps, potential programs and successful existing programs that need further support.

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The time for action is now. The first step is to create a leadership structure to implement the various working group recommendations, supported by dedicated resources and the tremendous existing expertise of County departments. This leadership team should recommend policies and priorities, enhance integration across departments, and coordinate crisis intervention as well as discharge planning. This leadership team should also develop standardized tools that can be used across the County and judicial system for triage and prioritization.

DHS is well-poised to act as a home for these comprehensive diversion efforts. DHS has been tasked with delivery of all inmate health, mental health and substance abuse services. The DHS' Housing for Health Programs established the Flexible Housing Subsidy Pool in early 2014, as well as ongoing contracts for Intensive Case Management and Property Management. Housing for Health has already housed almost 1,000 medically fragile homeless persons. Through its Flexible Housing Subsidy Pool, DHS is expected to provide housing subsidies for at least 2,400 persons, who will be linked with wrap-around, intensive case management services. Housing for Health is housing former inmates who are on probation, with funding from the Probation Department to provide rapid re-housing interventions.

**WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:**

1. Improve coordination and implementation of diversion efforts throughout Los Angeles County (County) by executing the following:
  - a. Establish a Director of the Office of Diversion position within the Department of Health Services (DHS) who would be responsible for oversight and coordination of all County-wide diversion of persons who have mental illness or substance abuse issues, and persons who are homeless or at risk of becoming homeless upon discharge. This position shall coordinate closely with the Jail Care Transitions Director.
  - b. Allocate 5 new positions to the Office of Diversion, which shall include expertise in housing, health, mental health/alcohol and drug prevention and legal/justice issues.

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- c. Direct County Counsel to work with the Interim Chief Executive Officer to draft a County ordinance within 60 days and take any other actions necessary to create the Office of Diversion.
  - d. Establish a Permanent Steering Committee that is convened by the Interim Chief Executive Officer, and is co-chaired on an interim basis by the District Attorney and Director of Health Services pending hire of the Director of the Office of Diversion. This Permanent Steering Committee shall consist of one leadership representative from each of the following departments: Chief Executive Office, Superior Court, Public Defender, Alternative Public Defender, District Attorney, Sheriff's Department, Probation, Fire Department, Department of Mental Health, Substance Abuse Prevention and the Control division of the Department of Public Health, and DHS. The purpose of this advisory committee to the Office of Diversion is to develop and drive forward recommendations so diversion seamlessly occurs across all intercepts.
    - i. The Permanent Steering Committee shall meet at least on a monthly basis;
    - ii. The Permanent Steering Committee shall work in collaboration with and be informed by the working groups established by the District Attorney.
2. Task the Office of Diversion and Permanent Steering Committee to identify or create a more standardized diversion assessment tool that all County departments (including the Superior Court) and key private provider partners will use to triage persons with mental illness and substance abuse issues, and persons who are homeless, to determine which services (including housing) are most appropriate.
    - a. Report back in writing on recommendations, including proposed roll-out, priority populations, projects and training, within 60 days of the Permanent Steering Committee's first meeting. Priority populations should include the elderly (ages 62 and older) and veterans.
  3. Direct County Counsel to draft a Memorandum of Understanding between all members of the Permanent Steering Committee, the Sheriff's Department (and any

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other interested local police departments), and the Los Angeles Homeless Services Authority on how they will work together to appropriately divert persons with mental health, substance abuse and/or physical health issues, and/or who are at risk of homelessness when encountered by law enforcement and emergency services.

4. Direct the Interim Chief Executive Officer (CEO) to create a diversion fund made up of the following funds and allocate it to the new Office of Diversion:
  - a. 50% of Senate Bill (SB) 678 funds that have accumulated in the Community Corrections Performance Incentives (CCPI) Special Revenue Fund and 50% of all future SB 678 funds that are received by the County beginning in FY 2015-16;
  - b. 50% of all new Public Safety Realignment/Assembly Bill 109 (AB 109) funds that are received in excess of the amounts budgeted in the FY 2015-16 Adopted Budget;
  - c. \$20M set aside in the FY 2014-15 Supplemental Budget pursuant to the Board of Supervisor's (Board) July 29, 2014 action;
  - d. \$10M set aside in the FY 2015-16 Recommended Budget pursuant to the Board's April 14, 2015 action;
  - e. All new funding allocated by the Board for the purposes of diversion as defined above;
  - f. All revenue earned, generated or drawn down as part of delivering diversion services so that those funds further diversion efforts and do not replace money allocated for other programs; and
  - g. The County Counsel and Interim CEO should report back to the Board in writing within 30 days with any concerns or issues identified regarding the proposed transfers.
5. Direct the Director of the Office of Diversion, within 90 days from adoption of this motion, in coordination with the Permanent Steering Committee, to report back to the Board with specific written recommendations related to the allocation of the

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diversion funds such that any funding restrictions applicable to any of the financing sources are adhered to so that at least 1,000 individuals are diverted across all intercepts and the diversion funds are dedicated as follows:

- a. 40% for housing;
  - i. Housing funds shall be allocated for rapid re-housing, permanent supportive housing, higher levels of care including board and care facilities and with provisions within each allocation for crisis housing pending placement.
  - ii. Housing shall include related integrated supportive services, such as case-management, mental health treatment, substance abuse treatment, job training and connections to community-based services.
  - iii. These housing activities shall be implemented in coordination with the Single Adult Model and Coordinated Entry System.
- b. 50% for the otherwise unmet costs of expansion of existing successful or implementation of promising diversion and anti-recidivism programs, especially those administered in community settings, such as:
  - i. Development of locked, secure, and unlocked mental health treatment beds, including, skilled nursing facilities, institutions for mental diseases and those able to handle dually diagnosed persons.
  - ii. Expansion of successful integrated health programs such as mental health urgent care centers, multidisciplinary integrated teams, forensic full service partnerships, wellness center slots, field capable clinical services in alternative settings;
  - iii. Development of jail mental health teams in Public Defender and Alternate Public Defender offices;
  - iv. Expansion of diversion and alternative sentencing projects, like those currently in the Van Nuys and San Fernando courts;
  - v. Expansion of the Just-in-Reach program, including the launch of a Pay-for-Success initiative; and

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- vi. New sobering center programs, with the first to be located in the Skid Row area, as well as residential detox and treatment programs.
  - c. 10% for overhead, staffing, consultants, evaluation, and training, including crisis intervention training for law enforcement.
  - d. \$20,188,910 of SB 90 reimbursement shall be set aside to expand community -based capacity for specialized substance use treatment services.
  - e. Include in the report back any recommended adjustments to any assigned percentage allocations identified above, especially given any concurrent or updated analysis on gaps and capacity needs.
6. Direct the Director of the Office of Diversion and the Interim CEO to report back in writing in 90 days on how to develop a pipeline of no less than 1,000 permanent supportive housing units over the next five years to support a jail diversion program, including evaluating whether the County has available property within or in close proximity to its medical campus sites that it can make available for development of permanent supportive housing.
7. Direct the Director of the Office of Diversion and the Interim CEO to work with the District Attorney and report back in writing in 90 days on a proposed plan to evaluate the efficacy of this diversion initiative.

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(YV/DW)