

MOTION BY SUPERVISOR HILDA L. SOLIS

August 11, 2015

**PRELIMINARY REVISION TO PROJECTED JAIL SYSTEM CAPACITY THAT
INCORPORATES COUNTY INVESTMENT IN DIVERSION**

According to the recent report issued by Health Management Associates (HMA), the Los Angeles County jail system will require 21,599 jail beds by 2025 (this represents a less than 1% compounded annual growth rate). Today, the jail system can constitutionally accommodate less than 18,000 inmates.¹ Many would argue that this overstates the system’s current capacity, since the largest of the system’s seven facilities, Men’s Central Jail (MCJ), is in such abysmal structural condition as to render any of its beds of questionable constitutional permissibility.

¹ According to the August 10, 2015 Population Management Bureau Daily Inmate Statistics, the current inmate population is 17,765. Under federal court orders issued under the *Rutherford* case, the Sheriff has the discretion to grant early release to jail inmates if the jail facilities become unconstitutionally crowded. Prior to the enactment of Proposition 47 in November 2014, the jail population hovered around 19,000 inmates. After the new law’s enactment, the jail population plummeted to 15,000. Subsequently, the Sheriff began adjusting his early release policies such that today, nearly all inmates serve at least 90% of their sentence (misdemeanants sentenced to less than 60 days in jail are still released immediately). Since the Sheriff’s current policy seems stable—it has not changed in several months—we can infer by that fact that this represents the Sheriff’s current assessment of the constitutionally permissible maximum given the current facilities. Otherwise, the Sheriff would have adjusted his release criteria to once again reduce the jail population.

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Shuttering MCJ would reduce the system's capacity by a further 4,253 (3,849 current inmates plus 404 in MCJ's outpatient clinic). This reduction would be offset to some degree by the proposed Mira Loma facility, which, as of the most recent plans, would add another 1,604 beds to the system capacity. The net of the MCJ decrease and the planned Mira Loma increase would thus result in a projected system capacity of 15,116. This projected system capacity—which, again, assumes shuttering MCJ and building Mira Loma—would be 6,483 below the capacity that HMA projects will be required in 2025.

Were this the capacity that our system would likely require in ten years, the Board of Supervisors would have no responsible choice but to build a jail of at least 6,483 beds². (It is worth noting that none of the three previously advanced plans—Vanir (4,860), AECOM (4,840), and the plan put forward by the Sheriff's Department on June 9, 2016 (3,928)—seemed to contemplate that the capacity needs today would likely be different than the capacity needs by the time construction was complete). However, the HMA report is crystal clear: “The CCTF capacity bed need is the 2025 projected need *unless there will be a robust concomitant development and implementation of [diversion] best practices in the correctional facilities (correctional, medical, and mental health) and in the community*” (emphasis added).

In light of the massive investment in diversion contemplated by a separate motion on the Board's agenda today, it is clear that Los Angeles County intends to be at the forefront of efforts to develop safe and effective ways of reducing our society's

² The HMA report puts this number at 6,772, but this discrepancy may either be a function of different estimations of the system's current capacity (for the reasons set forth in footnote 1, we prefer ours) or of the portion of the inmate population with mental health needs.

unsustainable and ineffective reliance on incarceration. To achieve this aspiration, the Board must set achievable and aggressive goals.

The John D. and Catherine T. MacArthur Foundation recently awarded Los Angeles County—on the strength of an application developed by the Los Angeles County Sheriff Department—one of 20 grants aimed at helping jurisdictions develop plans to reduce the number of people in jail. Los Angeles County’s plan will then compete for 10 additional grants of up to \$2 million dollars a year to implement these plans. It is widely rumored that the MacArthur Foundation envisions that successful plans will set jail population reduction targets of 15 to 20 percent. This is consistent with anecdotal reports of the impact of successful diversion programs (for example, HMA consultant Patrick Jablonski attributes the significant drop in Orange County, Florida’s jail population—from 4,112 in 2001 to 3,380 in 2,004 (17% drop)—to, among other things, their mental health diversion program, which Dr. Jablonski helped to implement). Applying the more conservative 15% reduction to HMA’s projected need in 2025 absent diversion yields an adjusted projected need of 18,359 jail beds, a difference of 3,240. The difference between the adjusted projected need and the current constitutional capacity, net of MCJ demolition and Mira Loma construction, is 3,243 beds. This number—along with a diversion program reduction target equivalent to 3,240 beds—should be the starting point for the Board’s discussions regarding the appropriate size of the proposed correctional treatment facility.

I, THEREFORE MOVE that the Board

Direct the Interim Chief Executive Officer to:

1. Lift the suspension placed on AECOM by the Board on June 9, 2015 pertaining to their work on the Jail Master Plan (Plan B1 as it relates to CCTF), subject to

the instruction that AECOM should work at present under the assumption that the CCTF jail bed capacity will be 3,243.

2. Direct Health Management Associates, assisted in a subcontract capacity by Pulitzer Bogard & Associates, and with the cooperation and support of relevant County departments, to continue to refine their analysis and projections by:
 - a. Working to investigate and resolve (and if irresolvable, explain why to the Board) the concerns raised by mental health experts and advocacy organizations regarding HMA's initial analysis (see attached letter), especially as to whether the recorded recent increase in the proportion of the jail population with mental illness is due to improved screening procedures or to an actual increase in the percentage of mentally ill inmates.
 - b. Expanding their research and analysis regarding current and potential community capacity by
 - i. Working with the Sheriff's Department and the Pre-Trial Services division of the Probation Department, as well as reviewing recent scholarship and successful diversion programs nationwide, to assess the relevancy of the COMPAS tool (assessing in-custody risk) to the safety risk to the public should an inmate be treated in the community. This research should also solicit and incorporate input from people nationwide who have successful experience treating people with mental illness who have a history of criminal justice system involvement.
 - ii. Working with local mental health and substance abuse service providers to identify the components necessary to develop community capacity (e.g. underutilized housing stock, availability of trained service providers, etc.) and to assess the current state of these components in Los Angeles County.

(Subject to availability, the Interim Chief Executive Officer should consider also contracting with Dr. Alexander J. Cowell of RTI, International, a diversion subject matter expert who has advised numerous counties, including Bexar County, Texas (San Antonio) on the development of successful diversion programs.)

3. Prepare and submit all necessary paperwork to the State Public Works Board in order to allow approval of the AB 900 funding for the Mira Loma project.

AND MOREOVER that the Board

1. Request that the Sheriff draft and present to the Board for review a Scope of Work (and an estimate of likely cost) for a long-term Los Angeles County Jail

System Master Plan that would include consideration of the decommissioning of existing aging facilities.