

Los Angeles County Participation in Data-Driven Justice Initiative

Recent years have seen a dramatic shift in the California criminal justice system from a philosophy of punitive incarceration in State prisons and county jails to diverting and rehabilitating low level offenders within their communities. This shift is marked by the passage of the Public Safety Realignment Act of 2011 (also known as AB109) which transferred responsibility for non-serious, non-violent, and non-sexual offenders to the counties and then by the voter approval of Proposition 47: The Safe Neighborhood and Schools Act of 2014 which reduced certain non-violent and non-serious drug and property crimes from a felony to a misdemeanor. Both of these changes in law acknowledge the intimate relationship between the criminal justice system and the need for mental health and drug treatment and other support services to mitigate the risk of recidivism.

In response, County departments from a spectrum of disciplines, ranging from public safety, legal counsel, mental health, public health, medical services, workforce development and social services, have collaborated to develop outreach and rehabilitative programs within the jails, courts, and community. Although significant progress has been made on the front lines to provide direct services, privacy and confidentiality laws remain a challenge in developing an integrated multidisciplinary information technology system to facilitate data sharing among the departments. Such a system has both individual and global benefits on the services and strategies used with justice-involved populations.

A recent example of how basic data sharing would have benefited an individual is the identification of a Prop 47 client’s last best known address: the address on file with the Public Defender is outdated but there is a likelihood the individual may have recently received services from another County department and provided a current address; however, current privacy restrictions prevents the simple data exchange and the Public

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Defender now has to rely on an external vendor to locate and notify their client of legal relief eligibility. On a global perspective, the County would be able to identify service utilization trends of the justice-involved population and develop interventions for high system utilizers to divert them away from the criminal justice system and toward more appropriate mental health or drug treatment facilities.

The White House has recently launched an initiative to assist local jurisdictions in addressing this issue. This initiative, called the Data-Driven Justice Initiative, aims to support local jurisdictions in using data-driven interventions to reduce the size of jail populations. In particular, the initiative focuses on identifying “super-utilizers,” repeat offenders who are responsible for an outsized proportion of jail admissions and jail days. These people represent a relatively small percentage of inmates, often chronically homeless, with mental illness, substance abuse, and health problems, who repeatedly cycle through multiple systems, including jails, hospital emergency rooms, shelters, and other services.

Los Angeles County has been invited to join the President’s Data-Driven Justice Initiative to address the following three goals: (1) creating or expanding real or near-real time local data exchanges which combine justice, health or other system data, as appropriate and consistent with applicable legal and privacy protections, to enable identification of multiple system “super-utilizers;” (2) diverting this population from the criminal justice system prior to arrest, where appropriate, and linking them to care management or other community-based services; and (3) implementing data-driven risk assessment tools to ensure decisions on pre-trial release are informed by empirically-validated methods of gauging defendants’ risk to the community, not ability to pay or other extraneous information.

This initiative aligns and advances the Board of Supervisors ongoing efforts to divert the at-risk mental health population away from the criminal justice system, enhance the mental health, drug treatment, and medical services within the jails, and increase the capacity within the community to provide ongoing supportive services. The initiative will facilitate the analysis of Countywide statistics to assist the Board in making informed business decisions, departments to coordinate programs, and for programs to customize services for each individual from the various disciplines to improve their outcomes.

I, THEREFORE MOVE that the Board of Supervisors

1. Direct the Chief Executive Office to draft a five-signature commitment letter to the White House to join the Data-Driven Justice Initiative in order to develop 1) real-time integrated health, education, and criminal justice data systems to identify high system utilizers, 2) divert these at-risk populations to appropriate supportive services, and 3) data-driven pre-trial risk assessment tools to identify low-risk defendants who can be released with no bond or low bond before trial; and

2. Direct the CCJCC, in collaboration with the Chief Executive Office, Information Systems Advisory Body (ISAB), the Chief Information Officer, County Counsel and the Office of Diversion and Re-Entry, to work with representatives from applicable County departments to conduct an assessment within 90 days that identifies the County's current data sharing capacity/challenges and to develop a strategy for fully implementing the initiative's goals by December 2017.

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