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2016 - AGENDA R-1.

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*Pending submittal  
of requested report*



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



December 1, 2015

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

Dear Supervisors:

## LOS ANGELES COUNTY SHERIFF'S DEPARTMENT REPORT BACK ON THE MACARTHUR FOUNDATION, SAFETY AND JUSTICE CHALLENGE GRANT

On July 21, 2015, the Board requested the Los Angeles County Sheriff's Department (Department) to report back on the status of the Safety and Justice Challenge Grant Program (Grant) from the MacArthur Foundation (Foundation). For a historical account, please refer to the July 21, 2015, letter that was adopted by the Board. Attached is an overview of the strategies outlined in the Department's grant proposal. You may also refer to the letter, dated December 1, 2015, which provides greater detail and advanced notification regarding the submission.

Should you have any questions or require additional information, please contact me or Assistant Sheriff Terri McDonald, Custody Services Division, at (213) 893-5001.

Sincerely,

JIM McDONNELL  
SHERIFF

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition of Service*  
— Since 1850 —



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## **STRATEGIES FOR MACARTHUR FOUNDATION GRANT APPLICATION**

The MacArthur Foundation's (Foundation) Safety and Justice Challenge Grant (Grant) is a two-part grant program that consists of two separate, but related grants. Through the Grant, the Foundation will support a nationwide network of selected local jurisdictions committed to finding ways to safely reduce jail incarceration with a particular focus on addressing the potential disproportionate impact on low-income and minority communities. The Los Angeles County (County) Sheriff's Department (Department) was one recipient of the twenty planning grants awarded to jurisdictions nationwide during the first round. On July 21, 2015, the Board accepted the first round of Grant funding in the amount of \$150,000. The purpose of the first round of Grant awards were to provide funding and technical support for the planning and development of strategic plans that will be presented in the second Grant application. The Department is currently in the process of preparing the Grant application for the second round of awards, which must be submitted to the Foundation by January 6, 2016.

If awarded, the Department will receive funding up to \$2 million annually over two years, with an option to extend. There is no match requirement.

### **STRATEGIC PLAN AND PROPOSAL FOR THE GRANT**

#### **Bail Deviation Enhancement Program**

There are three main programs outlined in the Grant that target reducing jail population safely, while incarcerating our most dangerous and violent offenders. The first program is the Bail Deviation Enhancement Program (Program). The Los Angeles County Probation Department's (Probation) long-standing bail deviation process affords arrestees the opportunity to have their bail reduced and/or request an Own Recognizance (OR) release prior to arraignment. Currently, arrestees must self-initiate the bail deviation process by calling the Probation's Pretrial Services Office and requesting a review.

During the first phase of the Program, inmates will no longer need to self-initiate the bail deviation process. Instead, approximately 50 percent of the population that enters custody for non-serious/non-violent offenses will automatically be screened by Probation using the current interview-based modified Wisconsin Risk Assessment Tool. This change will increase bail deviation screenings to approximately 42,500 annually; a significant increase from the current 23,114 screenings. Currently, an average of 817 inmates per year have their bail reduced by a bail commissioner, following Probation's review and recommendation. With the expanded review process, it is estimated that the number of bail reductions could increase to 1,700 per year. Concurrently, there are approximately 1,600 inmates released on OR annually following their application for bail deviation. The implementation of an expanded review process could result in approximately 3,000 inmates being released on OR per year.

The second phase of the Program will implement the use of a non-interview-based static-factor only risk assessment tool. With the development of an automated risk tool,

Probation will screen 100 percent of the inmate population for bail deviation and/or pretrial release. During both phases of this Program, Probation and the Department will facilitate on-going informational sessions with bench officers and bail commissioners to explain the value of this Program and its positive impact on the jail population. The second phase of the Program is anticipated to begin within 18 months and be fully operational within 36 months.

Regardless of which risk assessment tool Probation uses, the ultimate decision to release inmates on OR or reduce bail amounts remains with the Bail Commissioner. The sole purpose of the above efforts is to increase an inmate's opportunity to receive an assessment and review, and ensure fundamental fairness for inmates who may not understand, or be aware of, the bail deviation process.

### **Resource Release Program**

A Resource Release Program (RRP) will potentially increase designated inmates access to pretrial release. A population of pretrial detainees have been identified that may be eligible for a conditional release if linked to the appropriate community-based services. Currently, defense attorneys spend countless hours trying to link incarcerated defendants to services without a comprehensive and centralized resource system in place. Through RRP, defense attorneys will be able to request information and direct linkage assistance to community-based treatment and service options. This will enable defense attorneys to more efficiently and effectively pursue a Detention Review Hearing to advocate for their clients' release. County bench officers stated they would likely be more amenable to make release decisions for defendants engaged in treatment services or provided with a supportive housing placement than for those without such services or placement.

The RRP will also facilitate the increased conditional pretrial releases to home confinement. Grant funds will be allocated to provide Electronic Monitoring/GPS (EM) tracking services for pretrial defendants who cannot currently afford to pay for those services. The County currently operates a very small EM program, which is funded at the defendants' expense, but many inmates are indigent. The RRP is intended to considerably increase the number of inmates eligible for the EM program.

The Department estimates that Grant funds could provide two case managers who could each serve 35 defendants per month. Grant funding will allow for a pilot program to be instituted at two locations, both anticipated to be fully operational within 12 months. The Department conservatively estimates that the RRP could support the conditional release of up to 800 pretrial defendants per year. The Department further estimates that RRP could support the conditional release of more than 600 pretrial defendants to the EM program per year, assuming each would receive an average of 90-days of monitoring services.

## **Alternative to Custody**

Through the expanded use of Alternative to Custody (ATC) community placement options, leveraging Federal, State and local resources, approximately 140 community-based substance abuse and mental health treatment beds will be acquired for use by the sentenced population. This will allow between 425 and 560 inmates per year to serve the final 90-120 days of their sentence in supervised community-based treatment programs. The Department will also use grant funding to contract for an additional 50 beds in residential treatment for mothers of young children. Through this program, children will live with their mothers as they serve the final 90 days of their sentence in ATC placement, thereby unifying and strengthening the family bonds and allowing the participants to fully focus on recovery. Currently, this service does not exist for the incarcerated population. These additional treatment beds would service approximately 200 inmates per year in the County.

The Department has partnered with the University of California, Irvine (UCI) to develop an automated static risk assessment tool (LASRA), which will be used to more quickly sort through the jail population to make timely and effective assessments on which inmates would be best suited for placement in the ATC programs. If approved by the Board, the Department anticipates this program will be fully operational in late 2016.

If funded, each program would track and report the number of defendants screened or reviewed, how many were accepted or found eligible, rejected or ineligible defendants, and the reasons for each, as well as track and monitor the outcomes and results, and analysis of the success of each program.

## **FISCAL IMPACT/FINANCING**

There is no match requirement upon the award of the Grant.

Grant awards will be made to 10 recipients in amounts ranging from \$5,000 to \$2 million. If the County is selected to receive the maximum grant amount, the Department recommends funding to be distributed as follows: \$300,000 to Probation for EM Services; \$300,000 to the Office of Diversion and Re-entry for a Linkage and Case Management Service Contract; \$1 million to the Office of Diversion and Re-entry to contract for Alternative to Custody community-based treatment services; and \$400,000 to the Department for staffing and/or overtime funding to facilitate program placements, and for complete tracking and reporting requirements.



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JIM McDONNELL, SHERIFF



December 1, 2015

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

Dear Supervisors:

## **ADVANCE NOTIFICATION OF INTENT TO APPLY FOR GRANT FUNDING FOR THE MACARTHUR FOUNDATION, SAFETY AND JUSTICE CHALLENGE GRANT**

This Board letter serves as an advance notification to the Board that the Los Angeles County Sheriff's Department (Department) intends to apply for the MacArthur Foundation (Foundation), Safety and Justice Challenge Grant (Grant). Through the Grant, the Foundation will support a nationwide network of selected local jurisdictions committed to finding ways to safely reduce jail incarceration, with a particular focus on addressing the disproportionate impact on low-income and minority communities.

If awarded, the Department will receive up to \$2 million to support a two-year planning process, which is expected to begin in May 2016, through May 2018. There is no match requirement. The application is due to the Foundation by January 6, 2015.

The Department will proceed with the Grant application prior to the submission deadline unless otherwise instructed by the Board. Acceptance of the Grant award will require Board approval and authorization to execute the Grant Award Agreement. A draft of the proposed Grant submission is attached. We welcome any feedback you may wish to impart prior to finalization of the document.

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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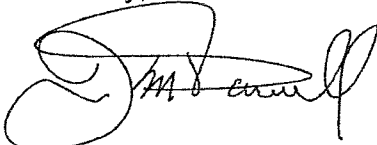


The Honorable Board of Supervisors - 2 -

December 1, 2015

If additional information is required, please contact Manager Chin Kim, Grants Unit, at (323) 526-5112.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim McDonnell". The signature is stylized with large, sweeping loops and a long horizontal stroke extending to the right.

JIM McDONNELL  
SHERIFF

## **Proposed Grant Submission**

**Version 14- 11/24/15**

### **Project Summary (2,000 Character Limit)**

1. At a time of unprecedented support for, and commitment to, jail reform and diversion programs, Los Angeles County proposes new and enhanced strategies for reducing the use of our jail and the racial and ethnic disparities therein.

Our jail is the largest in the country, housing nearly 18,000 inmates – most are people of color. What follows is a plan that addresses all decision points throughout the criminal justice system, with particular focus on the pretrial population. The pretrial population represents 50% of the total jail population; the vast majority of which are charged with felony-level offenses.

For individuals booked into the jail, a significant expansion of the County's bail deviation process will facilitate the potential release of thousands of arrestees prior to arraignment each year through own recognizance (OR) release or reduced bail. This will be accomplished by automatically screening arrestees (scaling up from 17% to 100%) using a validated static risk assessment tool.

For those defendants who do not qualify for release at the bail deviation stage or at arraignment, a new Resource Release Program (RRP) will be implemented to further increase the use of pretrial release. In close collaboration with the Defense Bar, RRP would facilitate these releases through the innovative and centralized coordination of community-based resources. This will enable defense attorneys to more efficiently and effectively pursue a Detention Review Hearing to advocate for their clients' release.

Finally, post-sentencing, grant funds would be used to increase the number inmates in community-based Alternative to Custody (ATC) treatment programs, including an innovative program for mothers of young children.

All told, the proposed plan is projected to divert and/or release approximately 4,500 individuals from the jail per year.

### **2. Goals (4,000 Character Limit)**

- a) Jail reduction target
- b) How do you address Racial and Ethnic disparities

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The Los Angeles County Sheriff's Department (LASD) and its justice system partners are committed to ensuring that jail remains a placement of last resort and to utilize all appropriate options for those who may safely and appropriately be diverted or placed in alternative to custody programs. If fully funded, our proposed initiatives have the potential to divert in excess of 4,500 individuals from jail annually.

Many of the practices currently in use within Los Angeles County are in keeping with the Brennan Center for Justice's July 2015 report *Reducing Racial and Ethnic Disparities in Jails, Recommendations for Local Practice*. The passage of California's Proposition 47 (November 2014) reduced many drug and property crimes from felonies to misdemeanors. It is LASD's current policy to release on citation the vast majority of misdemeanor offenders or those arrested on warrants with a bail amount less than \$25,000. Consistent with the *Brennan Report*, this policy effectively limits the use of incarceration for low-level offenses, resulting in approximately two-thirds of all those arrested being released at, or prior to, arraignment.

Although the incarceration rate in Los Angeles County is well below the national rate, we believe there are people being housed in the county jail who could be safely released back into the community. We further acknowledge people of color are overrepresented in the jail system, with African Americans incarcerated at three times the rate of their representation in the community. Pursuant to the *Brennan Report*, we will strive to limit the use of pretrial detention by restructuring the County's bail deviation process through the use of an evidenced-based risk assessment tool (an explanation of bail deviation is included in Section 3 of this submission). This strategy is projected to result in as many as 2,975 OR releases and 1,700 bail reductions annually, nearly doubling the current release rates.

Additionally, individuals who may not be eligible for release through bail deviation or at arraignment may still be viable candidates for release through the coordination of additional support and resources. Examples of this include enrollment in an electronic monitoring program and/or community-based residential substance abuse treatment. The Resource Release Program (RRP) was developed during the Safety and Justice Challenge planning process to target these individuals – if funded, potentially more than 800 pretrial inmates will be conditionally released into community based treatment per year and an additional 600 could be released to home confinement. With an eye toward further reducing racial and ethnic disparities, the planning team envisions that the RRP will begin as a pilot project in court houses with the highest percentages of African American defendants, such as Compton Court (47%) and Inglewood Court (60%).

For the sentenced population, the use of ATC community placements will be appreciably expanded. Approximately 145 substance abuse treatment beds will serve between 440 and 590 inmates per year, allowing them to complete the final 90-120 days of their sentences in community-based treatment programs. An additional 42 beds will be acquired to provide community-based mental health treatment and will serve between 125 and 170 individuals per year. African Americans comprise approximately 30% of the jail population, however they make up an alarming 44% (approximately 1,700 inmates) of those requiring mental health treatment; by focusing services toward the mentally ill, we hope to have a meaningful impact on racial disparities in the jail system.

### 3. Approach (8,000 Character Limit)

What are the main drivers of the population?

Describe your implementation plan and strategy to address racial and ethnic disparity.

Why have you chosen this approach?

In their September 2015, *Los Angeles County, California Baseline Jail Projection*, the JFA Institute acknowledges the “Los Angeles County jail incarceration rate is well below the national rate...Further reducing these already low incarceration rates will require considerable effort and will have to focus on the felony pretrial population.” We have chosen to develop an implementation plan which is in keeping with JFA’s findings. Our plan addresses all decision points throughout the criminal justice system, with particular focus on the pretrial population, which represents 50% of the jail population, the vast majority of which are people of color (49% Hispanic, 31% African American) charged with felony-level offenses.

Los Angeles County follows a set bail schedule. When an offender is arrested his/her bail is immediately set in accordance with the schedule. Without intervention, the arrestee is held in custody at a local booking facility (Police or Sheriff station) for a maximum of two court days prior to arraignment proceedings. The Los Angeles County Probation Department’s (Probation) long-standing bail deviation process affords arrestees the opportunity to have their bail reduced and/or request an OR release prior to arraignment upon the approval of a bail commissioner. Currently, arrestees must *self-initiate* the bail deviation process by calling Probation’s Pretrial Services Division and requesting review, resulting in an average of 23,114 applications per year. Of these applications, 817 (4%) resulted in a bail reduction at the bail deviation stage and 1,625 (7%) resulted in the inmate being released on their own recognizance.

## MacArthur Safety and Justice Challenge 11/13/15

Moving forward, inmates will no longer need to self-initiate the bail deviation process. Instead, during the first phase of bail deviation restructuring, 50% of the population who enter custody for non-serious/non-violent crimes will *automatically* be screened using the current interview-based modified Wisconsin risk assessment tool. This change will increase bail deviation screenings to approximately 42,500 annually, an 84% increase. This increased review could potentially result in an estimated 1,700 inmates released as a result of bail reduction and 3,000 potentially released OR, nearly doubling the current release rates.

During the second phase of the Bail Deviation Enhancement Program, through the implementation of an automated non-interview-based static risk assessment tool, Probation will screen 100% of the inmate population for bail deviation and/or pretrial release. During both phases of this project, Probation and LASD will facilitate on-going informational sessions with bench officers and bail commissioners to explain the value of this program and its impact on the jail population. We are confident that with the enhancement of the bail deviation program, the majority of low risk individuals will not remain in custody simply because they do not have the financial resources to post bail.

For defendants who do not qualify for release at the bail deviation stage or at arraignment, the Planning Team proposes to develop and implement a new RRP to increase designated inmates' access to pretrial release. In close collaboration with the Defense Bar, RRP would facilitate these releases through the innovative and centralized coordination of community based resources. The planning team has identified a population of pretrial detainees who may be eligible for conditional release if they could be linked to appropriate community-based services. Currently, defense attorneys must spend countless hours trying to link these incarcerated defendants to services without a comprehensive, centralized resource system in place. Through RRP, defense attorneys will be able to request both information about and direct linkage assistance to community-based treatment and service options. This will enable defense attorneys to more efficiently and effectively pursue a Detention Review Hearing to advocate for their clients' release and will provide the District Attorney and judicial officers with information which may encourage them to make affirmative release decisions. This plan was developed after consulting with the County's judicial leaders who stated they would likely be more amenable to making release decisions for defendants engaged in treatment services or provided with a supportive housing placement than without such services or placement.

The RRP will also facilitate the increased conditional pretrial releases to home confinement. Grant funds will be allocated to provide Electronic Monitoring/GPS (EM) tracking services for pretrial defendants who cannot currently afford to pay for those services. Los Angeles County currently operates an EM program which

is funded at the defendants' expense, but many inmates are indigent. The RRP is intended to considerably increase the number of inmates eligible for EM. The RRP is envisioned to provide defendants who rely on the services of court-appointed counsel with access to resources, which are currently available only to those defendants fortunate enough to hail from higher economic levels.

Although it is difficult to project the impact of the RRP program, we estimate that grant funds could provide two case managers who could each serve 35 defendants per month. Based on this, we conservatively estimate that the RRP program could support the conditional release of up to 800 pretrial defendants per year. We further estimate that RRP could support the conditional release of more than 600 pretrial defendants through the electronic monitoring program per year, assuming each would receive an average of 90 days of monitoring services.

Although we believe the largest impact to our jail population rests with pretrial release, we also believe very strongly that in-custody and community-based treatment programs are crucial to inmates' successful reentry into society and to reduce the risk of future recidivism. Through the expanded use of Alternative to Custody (ATC) community placement options, leveraging Federal, State and local resources, approximately 140 community-based substance abuse and mental health treatment beds will be acquired for use by the sentenced population. This will allow between 425 and 560 inmates per year to serve the final 90-120 days of their sentences in supervised community-based treatment programs. In an effort to bring innovative treatment to an overlooked population, LASD will use grant funding to contract for an additional 50 beds in residential treatment for mothers of young children. Through this program, children will live with their mothers as they serve the final 90 days of their sentences in ATC placement, thereby unifying and strengthening the family bonds and allowing the participants to focus more fully on recovery. Currently, this service does not exist for the incarcerated population. These additional treatment beds would service approximately 200 inmates per year.

African Americans comprise 44% of the inmates receiving mental health treatment in the jail and 26% of the inmates incarcerated for drug offenses (these inmates may have additional charges). By providing targeted community-based treatment in these two areas, we will not only divert a high percentage of African Americans from custody, but will also provide them with the tools they need to more successfully reintegrate into society and reduce their risk to recidivate. To support these efforts, LASD has partnered with the University of California, Irvine (UCI) to develop a static risk assessment tool (LASRA), which will be used to more quickly sort through the jail population to make timely and effective assessments on which inmates would be best suited for placement in the ATC programs.

**4. Results (16,000 Character Limit)**

- a. If awarded implementation funding, what is the vision for how your jurisdiction criminal justice system will change and in what time frame?
- b. How will you know that this vision for success has been achieved, and what indicators of success will you track along the way?

We believe that, by providing judges, prosecutors, defense counsel, and law enforcement with better information about defendants. By providing safe alternatives to incarceration, our three proposed programs will result in a criminal justice system in which significant numbers of pretrial and convicted criminal defendants will be safely returned to the community – defendants who might, without grant funding, find themselves in jail instead. Through the implementation of the strategies outlined in section 3, we envision the diversion or release to community-based placement of approximately 4,500 inmates who are currently incarcerated each year. These strategies reflect the recommendations of the *Brennan Report* and will be implemented with the explicit goal of reducing racial and ethnic disparities in the jail.

As previously stated, Los Angeles County has a long history of utilizing innovative methods to achieve and maintain a low incarceration rate. Yet both necessity and a commitment to reform drive us to do even more. Our vision of true justice system reform would be the assurance that jail beds were being used for the County's most serious and violent offenders and release decisions are based upon risk factors, not random percentages or arrestees' financial resources.

Despite our efforts, the Los Angeles County jail remains an overcrowded system. Pursuant to Federal litigation (Rutherford), LASD has maintained its jail population level using a percentage release system. Historically, inmates sentenced to the County Jail have served as little as 10% of their court-ordered sentences. Currently, inmates sentenced to County Jail time are serving between 50% and 70% of their court-ordered sentences. Those offenders sentenced to less than 120 days are *not housed in the jail*—they are processed and immediately released from custody. These release practices are contingent upon crowding conditions; it is not within the Sheriff's authority to arbitrarily make release decisions.

This crowding was exacerbated with the passage of Assembly Bill 109 (AB109). Intended to reduce overcrowding in state prisons, AB109 relocated thousands of state prisoners to our jail. Today, 21% of the County's jail population is comprised of felony-convicted state prisoners serving their lengthy sentences in the County. The average AB109 sentence is 2.9 years; however, 52 inmates are serving sentences in excess of 10 years. This population is not subject to LASD's

## MacArthur Safety and Justice Challenge 11/13/15

percentage release practices and will serve 100% of their court-ordered sentences, minus any time credits earned for good behavior and/or program participation.

Based upon population data from October 1, 2015, UCI statisticians determined that the jail population in Los Angeles County would be 21% higher if we discontinued the use of percentage release (actual population in jail beds 17,088, with an estimated population of 21,630 if serving 100% of sentence). Currently, the decision regarding which inmates to release on percentage time is based solely upon the inmates' current charge and does not take into account his/her past criminal history or risk for future criminal behavior.

This vision for the increased use of risk-based decision-making will be realized with the enhancement of the bail deviation process. By switching to a static risk assessment tool (vs. the current interview-based assessment) inmates will no longer be required to be proactive in seeking pretrial release. This will be of particular benefit to persons with language barriers and those unable to read and comprehend posted instructions. Upon the procurement of an automated static risk assessment tool, 100% of pre-arraignment inmates will receive assessments for bail deviation/OR release, as opposed to the 17% currently receiving this service under the existing model. The first phase of implementation, assessing approximately 50% of the incarcerated population using the existing interview-based risk assessment, will be immediately implemented. It is anticipated we will reach our goal of assessing 50% of the pre-arraignment population within 6 months. As indicated above, this strategy will have an immediate and profound effect. This will include enhanced communication protocols between LASD and Probation to ensure the prompt identification and screening of new arrestees; the assignment of pretrial service staff to the larger station Jails; ongoing outreach to Bail Commissioners / Judges; and training for personnel in more than 70 booking locations. Above all, we anticipate seeing an immediate increase in the number of pretrial detainees screened for potential release. Subsequently, phase two of the bail deviation program is anticipated to begin within 18 months and be fully operational within 36 months. The number of assessments will be tracked, along with the concurrence rate, number of OR releases, and number of bail deviations received.

Furthermore, many automatic disqualifiers from pretrial release will be mitigated should LASD receive implementation funding. Qualifying pretrial inmates who could benefit from alternative placements prior to trial, including the homeless, those with substance abuse disorders, the mentally ill and other low to moderate level offenders, will, with the concurrence of the defense attorney, the prosecutor and the judge, be linked to appropriate services which will allow their safe pretrial release while assuring their subsequent court appearance. Funding would also allow qualified defendants to be released to home confinement utilizing



## MacArthur Safety and Justice Challenge 11/13/15

Electronic Monitoring/GPS (EM) tracking services at no cost to the inmates. In addition to providing much needed pretrial services and a reduction in failure to appear (FTA), this strategy should result in more efficient case processing with improved case resolutions. This strategy also holds great promise for addressing racial and ethnic disparities in our jail. The contracting process for the Resource Release Program (RRP) will begin upon receipt of funding and will be piloted in two court locations. It is anticipated the program will be fully operational at the pilot locations within 12 months. The number and type of conditional releases associated with the program will be tracked. Those referrals to the RRP who are not released will also be tracked. Case managers will follow the progress of the program participants and track their success rates, including appearance for court, services provided and additional unmet needs. Tracking the success/failure rate will provide us with direction as to how we can better engage and assist this hard-to-place population.

LASRA, a static risk assessment tool is currently in development by UCI, and is anticipated to be operational in 2016. LASRA will be used by LASD to quickly pair the sentenced population into in-custody programs, allowing inmates to reduce their average length of stay through enhanced credit earning programs, and to determine appropriate ATC community based placements. A robust ATC program will allow for inmates nearing the end of their incarceration to serve the last 90-120 days of their confinement in a community program intended to address the underlying cause of their incarceration and thereby reduce recidivism. If sufficient funding is allocated, there will be special focus on programs for mothers of young children that are specifically intended to provide services to facilitate family reunification, and result in a healthy and safe environment for mother and children. The expansion of LASD's current ATC programs is underway. It is anticipated that 42 beds for mentally ill male offenders will be available within 3 months of the grant selection. Additional substance abuse treatment beds are being negotiated and are anticipated within 12 months. Tracking of the ATC programs will include: The number of ATC placements, the number of inmates who complete the program, the number who fail to complete the program, and the reasons for failure.

### **5. Context/Opportunity (12,000 Character Limit)**

- a) Why is now the best time to engage in jail reform? What impact has the planning process had on the context in which you are working?
- b) What Challenges do you anticipate and how will you overcome them?
- c) How does this proposal complement other ongoing work in your jurisdiction?

This is a very exciting time in the Los Angeles County justice system. Many of our criminal justice leaders, including the Sheriff and Board of Supervisors, have

## MacArthur Safety and Justice Challenge 11/13/15

committed to the pursuit of, innovative ideas and have supported new programs aimed at changing the way the County thinks about and uses the jail system. This leadership team has provided unprecedented support for diversion programs, alternative to custody placements and other re-entry services, as well as a commitment to providing enhanced in-custody treatment and services to prevent re-arrest. This is clearly the County's time. Never before have the stars aligned so completely to allow for significant change in the way we view and use our jails in the County.

Having already implemented expansive policies that keep most low-level offenders out of custody, Los Angeles County has committed to continue to advance efforts to remove harder to place individuals from the jail environment. While other jurisdictions struggle over the release of offenders charged with possession of a marijuana cigarette, LASD has shown courage and forward thinking by placing non-violent felons into alternative to custody treatment services.

Additionally, LASD has formed a dynamic and groundbreaking partnership with Cook County, Illinois, and New York City, New York. The three largest jail systems convene quarterly to discuss common concerns and best practices. The LASD commits, funding permitting, to implementing any jail management plans developed by these agencies proven to have safely and effectively reduce their jail populations.

Evidence of the unprecedented support for justice system reform currently in place in the County includes Probation's commitment to restructuring its penalty schedule for probationers who have committed technical violations of probation. One goal of implementing an evidence-based graduated sanction matrix is to reduce the number of technical violations that result in County jail sentences. An additional goal is to reduce the number of overall technical violations by addressing a probationers' behavior before it escalates to the point when a court violation hearing is required. An evidence-based graduated sanctions matrix would include the increased use of alternative sanctions for technical violations such as verbal admonishment, increased: office visit reporting, referrals to the Probation Adult Alternative Work Service (PAAWS), referrals to community service, referrals to mental health services; and an increase in referrals to substance abuse inpatient/outpatient treatment in lieu of county jail sentences. Using an evidence-based approach in the handling of appropriate sanctions for technical violations will positively enhance community supervision outcomes, which in turn should have a significant impact on the probationer, the community, and various stakeholders.

The County's leadership, including Sheriff Jim McDonnell, unanimously support the District Attorney's recently created *Mental Health Blueprint for Change*, which outlines multiple interagency strategies to divert the mentally ill population from the jail. As previously stated, it is an unfortunate fact that the Los Angeles

County Jail is the largest mental health institution in the nation, with an average daily population of approximately 4,000 (44% of whom are African American) receiving some form of mental health treatment while in custody. This is an increase of approximately 100% within the past 5 years. The average daily population requiring mental health treatment in 2010 was just under 2,000.

To address this concern, LASD will begin providing patrol personnel with 40 hours of advanced Crisis Intervention Training for interacting with individuals with mental illness during Fiscal Year 2015-16. Similar training is also being sponsored by the Los Angeles County District Attorney and the Criminal Justice Institute for members of the 48 smaller policing agencies within the County. There are several benefits to providing such training, but most applicable to the Safety and Justice Challenge is the belief that educating first responders about community-based treatment options will encourage them to use those options instead of booking persons with mental illness into jail. This training will be augmented by the addition of 15 mental health evaluation (MET) teams (deputy sheriff/mental health clinician pairs) to provide 24 hour 7 day per week coverage throughout Los Angeles County. These MET teams will assist patrol personnel by arranging placement or providing for the transportation of mentally ill persons to an appropriate treatment facility.

The LASD recently entered into an agreement with the United States Department of Justice (DOJ). While the Department has had a long-standing agreement with the DOJ, it has been recently updated and revised to improve the health and welfare of our inmates. The agreement focuses on issues such as force used on inmates, however, it specifically looks at the overall treatment and programming offered to the inmates with mental illness. The LASD and the County are investing heavily in resources to fulfill these commitments and has outlined detailed plans and timelines that will improve our jail operations internally. As these policies and implementation plans take effect, we will be better able to structure our internal procedures that will better align and prepare our inmates for referral and placement programs we are proposing.

In addition to improving the in-custody conditions for the mentally ill, the County is committed to expanding community capacity for treatment of this population. In a cross-jurisdictional effort spearheaded by the bench upon the request of the District Attorney, the Community-Based Restoration of Competency Working Group is dedicated to finding alternative placements for those misdemeanor offenders found incompetent to stand trial. The program has already assisted several individuals who were released from custody and placed into supportive housing as a result of the efforts of the Working Group's efforts. Additionally, unlike most jurisdictions, alternative placements for the mentally ill will not be limited to misdemeanants: forty-two beds are being procured for alternative to custody placement for non-violent felons who require mental health treatment.

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The County is also currently addressing the unfortunate reality of a homeless population approaching 45,000 (Los Angeles 2015 Biennial Homeless Census) that creates a situation where a significant number of individuals arrested for minor offenses are held in custody solely due to their lack of a verifiable address. According to the Institute for the Study of Homelessness and Poverty at the Los Angeles Weingart Center, African Americans comprise half this population while Latinos are one third and Caucasians are less than 15%. The current jail population that reports to be homeless have different percentages: African American 39%, Latinos 33%, and Caucasians comprise 25% of the claims.

The Department of Public Health's (DPH) Housing for Health Program, which provides permanent supportive housing for homeless individuals with chronic medical conditions, has worked with LASD to develop a pilot project for the justice-involved population. DHS is conducting in-reach to inmates with chronic medical and/or mental health treatment needs and has placed them into housing upon their release. This effort to reduce the devastating effects of homelessness will be augmented in the coming year by two additional grant awards, *Nemo Resideo* (MIOCR) and the Just in Reach (3.0) pay-for-success program. These efforts are in-line with the priorities of the County's Board of Supervisors, which has committed up to \$100 million a year (growth over 5 years) in funds to provide housing for the homeless. These strategies and resources will assist us in our efforts to reduce the jail population through recidivism reduction, as studies have shown the homeless are incarcerated at a rate 7.5 to 11.3% times higher than the general population (Jail Incarceration, Homelessness and Mental Health: A National Study 2008).

Efforts toward criminal justice reform are not limited to our County agencies, the Los Angeles City Attorney's Office is also working on a number of programs focused on diversion efforts. Their programs are engaging business and community members to get involved in the diversion process, allowing the offender to work with the people they have affected and allow the community to have a voice. One such program is Neighborhood Justice, which will allow first time, non-violent offenders who commit one of eight offenses to be offered the opportunity to participate before any charges are brought against them. These offenders will appear before a community panel that will hear the circumstances and decide the appropriate response. Such responses may include community service, a letter of apology, education, or restitution.

The mayor of the city of Los Angeles has also declared war on homelessness and committed to secure \$13 million in emergency funding to expand homeless services and housing for the city's homeless population. The City's Homeless Engagement and Response Team (HEART) is another program that includes people who are homeless or at risk of being homeless, persons with mental illness, substance or alcohol addiction, co-occurring disorders, or who may be a veteran. The program currently holds two Homeless Citation Clinics per year that resolve certain traffic and quality of life citations, some low level

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misdemeanor charges, and related warrants or fines. Nearly 500 people attended the last two clinics.

The Safety and Justice Challenge has had an unexpected impact on the context in which we are working. The mere awareness of the planning team and their work has impacted decision-makers at the highest levels, including the Board of Supervisors. As the County has struggled to manage the change in the jail population, it is also faced with the challenges associated with the replacement of an aging jail facility. The process of jail construction has forced the County over the last several years to analyze the population trends and forecasting necessary to plan for long-term incarceration of AB109 inmates, the medical needs of an aging population, and the population growth of an increasing number of persons with mental illness. As the County has moved forward, the County agencies have realized the need for all of us to work together to find a cohesive and comprehensive plan for the future.

The Los Angeles County Board of Supervisors announced in August 2015, that it will create the Office of Diversion and Reentry that will work to create a comprehensive system that integrates community care. It will focus on diversion alternatives that enhance public safety, develop supportive housing and treatment plans with integrated services that focus on the treatment of offenders who would benefit from education, housing, and treatment programs. The population focus would be on those persons with mental illness and addictions and will work toward community-based alternatives to incarceration. While the Office of Diversion is still in the initial stages of creation, the Board committed in their motion to reaffirm their commitment to safely reduce incarceration, as evidenced by their acceptance of the MacArthur Safety and Justice Challenge (SJC). The Office of Diversion and Reentry will work in conjunction with the County's MacArthur SJC Planning Team and assist with the expansion of the reform strategies proposed within this application. We are convinced that this ethos will ultimately lead to the ongoing commitment of resources and personnel to ensure the sustainability of criminal justice reform.

All humility aside, the performance of our team after our receipt of the Safety and Justice Challenge Planning Grant has been absolutely exemplary. In one of the largest jail jurisdictions in the country facing incredible obstacles to reducing our jail population, we nonetheless have come up with bold and ambitious plans intended to dramatically impact literally thousands of currently incarcerated inmates and their families. It is hard to conceive that any program from any other competing jurisdiction will have as significant an impact on as many people.

### **6 Leadership (4,000 Character Limit)**

- a) Who will be the lead agency why are they best positioned to lead your jurisdiction through implementation?
- b) What other organizations or individuals will participate in implementation?

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- c) How would you characterize the roles, expertise, and experience of your full team engaged in this project?
- d) How would you describe the level of commitment from the other relevant criminal justice agencies that will be involved in the implementation of your reform plan?

The LASD, under the leadership of Sheriff McDonnell, is the lead agency in this initiative and is best suited for that role for a variety of reasons. As the lead law enforcement officer for the County, the Sheriff routinely works with all 88 municipalities and elected officials at the local, state, and federal levels. The Sheriff also operates the County jails and oversees the reception, custody, care, programming, transportation, in-custody court appearance, and release of the vast majority of pre-sentenced and all sentenced inmates in the County. The Sheriff also oversees unincorporated County patrol and serves in a collaborative role with the Los Angeles Police Department and 43 other local law enforcement entities.

The LASD routinely takes a leadership position in public safety initiatives at the local, state, and federal level. In each of these endeavors, the greatest challenge has always been the size and scope of any public safety enterprise within the County of Los Angeles. Despite these challenges, there are many examples of how LASD and specifically Custody Services Division has taken the lead implementing innovative and collaborative programs countywide.

The other organizations and/or individuals participating in implementation (and their years of experience in their field of expertise) include:

**Los Angeles County Alternate Public Defenders Office**

Chief Deputy Bruce Brodie (24 years)

Division Chief Kelly Buck (30 years)

**Los Angeles City Attorney's Office**

Assistant Chief of Criminal and Special Litigation Maureen Siegel (40 years)

**Los Angeles County District Attorney**

Special Assistant DA Tracey Lopez (21 years)

**Department of Health Services / Office of Diversion and Re-Entry**

Interim Director Doctor Mark Ghaly

**Los Angeles County Sheriff's Department**

Commander Jody Sharp (28 years)

Captain Paula Tokar (25 years)

Lieutenant Sandy Petrocelli (19 years)

**Los Angeles Police Department**

Lieutenant Scott Fairchild- Head of Jail Operations (26 years)

**Los Angeles Superior Court**

Senior Advisor to the Court Executive Officer Bryan Borys, Ph.D. (15 years)

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Judge David Herriford

### **Department of Mental Health**

Clinical Supervisor Monica Lujan

### **Los Angeles County Probation Department**

Bureau Chief Ed Johnson, Third District, Adult and Juvenile Services  
Senior Director Richard Giron, Adult and Juvenile Field Services (25 years)

Director Edwin Monteagudo, Pretrial Services Division (25 years)

### **Department of Public Health**

Holly McCreavy

### **Los Angeles County Public Defender**

Division Chief Ramon Quintana, Central Felonies (27 years)

While each of the stakeholders above came into this process with a unique perspective and differing expectations, the SJC Planning Team came together with the shared vision of ensuring that jail beds were being used for only the County's most serious and violent offenders and each fully supports the strategies outlined in this submission. Additionally, each gained the full commitment of their agency heads to move forward with the implementation process. This commitment was reaffirmed when the Sheriff convened a meeting of the agency heads on October 28, 2015, to review the proposals of the planning team and to gain their approval to move forward.

### **7. Policy Implications (8,000 Character Limit)**

- a) What are the legislative or policy implications of this project? Are there hurdles to overcome?

Each of the proposed strategies are working within existing statutory frameworks and do not require legislative changes for implementation. With respect to administrative policy changes, none of our partnering agencies have expressed concern about significant changes required to implement the plan.

### **8. Learning (4,000 Character Limit)**

- a) What is the most important thing you expect to learn during the implementation of your jurisdiction's reform plan?

The implementation of evidenced based static risk assessment tools for pretrial release decisions for in-custody treatment and ATC placements, will provide the County with an accurate view of the justice involved population. Utilizing the knowledge gained from these tools the County can predict the type and level of community capacity needed to divert low and moderate risk individuals from our jails. The risk tools will also help to determine the level and type of housing needed for those individuals who pose a credible threat to the safety of our communities. It will also aid the planning to replace the County's aging jail facilities, reduce crowding levels, and to ensure those who must be incarcerated are held in a safe and humane manner.

Building on this enhanced risk-based understanding of the jail population in Los Angeles County we hope to further identify opportunities to meaningfully and safely reduce the use of jail and the racial disparities therein.

**9. Sustainability/Next Stages (4,000 Character Limit)**

- a) What from this project do you expect to spark interest in replication by other jurisdictions?
- b) Which aspects of your proposal do you plan to sustain over the long-term, and after the grant concludes?

Due to our involvement in the MacArthur Safety and Justice Challenge, we have already received inquiries about our Bail Deviation Program Enhancement, we anticipate that other jurisdictions may adopt similar protocols to more effectively screen individuals who may safely receive reduced bail or own recognizance releases earlier in the process.

We also anticipate our successful alternatives to custody placements of felons, to spark conversation within other jurisdictions. We feel that the ability to provide substance abuse and other treatment services to inmates prior to their release to the community enhances public safety in the long term and is worth the small amount of risk associated with making such release decisions. By providing these community-based treatment options for mothers of young children, allowing children to reside with their parent as she finishes the final 90-120 days of her jail sentence in alternative custody community-based treatment, Los Angeles County will set a new bar for innovative programming and will lead the nation with our efforts toward family reunification.

As indicated above, each of the proposals included in this submission are in keeping with the Board of Supervisor's vision to change the way the County thinks about and uses jails. We believe each of our proposals will be implemented and sustained to varying degrees utilizing County resources, regardless of grant funding. Evidence of the County's commitment to justice system reform can be found in their recent funding approvals of: a total of \$101 million for programs aimed at helping the homeless and \$30 million toward other diversion efforts and the creation of the Office of Diversion and Re-entry.

**10. Past Performance (8,000 Character Limit)**

The LASD was honored to be selected as a recipient of the MacArthur Foundation Safety and Justice Challenge Planning Grant earlier this year. Upon acceptance and the work thus far in the preparation of the second submission of the grant, the LASD created a MacArthur SJC Planning Team that includes representatives from the major County agencies that meet weekly to discuss and prepare for the second phase of the grant application.



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As the SJC Planning Team identified and created the system map, we all became familiar with the practices and procedures of the other agencies. It forced each agency to look at its own successes, limitations, and focus. This became significant as we moved forward into extracting the data necessary to complete the aggregate data template.

The SJC Planning Team became painfully aware of the deficiencies of the data collection systems within the County as we began to work on the data template required for the application. Many of the data systems are not configured to talk to each other, but with programming some links may be created. Some data separation is intentional for confidentiality, storage, or legal ownership of data. However, as the team worked together to extract the data, we discovered much of the data cannot be computed, must be manually extracted, or cannot be determined. Our County data managers (ISAB) had to write and create queries that took months to review, analyze, recreate, and rerun to gather usable, but not necessarily completely accurate data. This effort highlighted the spirit of cooperation and camaraderie which exists within the County.

This process also strengthened the bonds between the County and local Community Advocates and Victims Groups. We met with these groups at various stages during the planning process to listen to their concerns and solicit their input. While these meetings took a considerable amount of time and resources, the feedback has been invaluable. The majority of the groups have been very supportive of the interaction and many are willing to provide advice, comments, and critiques. This community interaction has helped us to develop a plan for jail reform which is comprehensive and more responsive to the community and its needs.

One of the early successes of the Planning Grant was the opportunity for LASD and the Probation Department to form a collaborative effort to immediately impact the number of inmates assessed for pretrial release. Directly resultant from the MacArthur Working Group meetings, LASD and the Probation Department have implemented a program to provide pretrial services to inmates processed into the Sheriff's three largest station booking locations and the Inmate Reception Center. Probation Officers are now present in these jails to help arrestees apply for bail deviation and to begin the evaluations for OR release.

The planning process for the Safety and Justice Challenge has required a Herculean effort by our team of knowledgeable, experienced, and impassioned individuals who willingly devoted their time and energy to this project. The team members, while each have their own view and responsibility, all share the vision of ensuring the safety of our communities by thoughtfully diverting from incarceration those who do not belong in jail and only utilizing jail beds for the County's most serious and violent offenders. Though grueling, this process has

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forged an unexpected bond between our team members. These relationships will serve us all well for years to come and for that we are eternally grateful.

### 11. Budget

If provided the maximum \$2 million funding amount, Los Angeles County would distribute it in the following manner:

Electronic Monitoring Services- \$300,000  
Linkage/Case Management Service Contract- \$300,000  
Alternative to Custody Treatment Placements- \$1,000,000  
Staff overtime to facilitate program placements and reporting- \$400,000

DRAFT