

MOTION BY SUPERVISORS SHEILA KUEHL AND  
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**Creation of a Criminal Justice Data Sharing Initiative in Los Angeles County**

Los Angeles County is navigating unprecedented times. In March 2020, COVID-19 began spreading widely in our communities, and a stay at home order was implemented. The COVID-19 pandemic revealed a number of flaws and inequalities in our society, including racial disparities in our health and criminal justice systems. The murder of George Floyd in Minnesota brought tens of thousands of protestors to the streets of LA County demanding reform of the criminal justice system and the ways in which it serves to further oppress Black, Indigenous, and other people of color.

In order to even begin to meet these demands, LA County needs publicly accessible data. The Los Angeles Sheriff’s Department took steps to publish data on their website. Other County Departments should also release accessible data. Data transparency is important to reform for four reasons. First, it fosters participatory democracy, allowing the public to engage with policymakers to craft new policies and reforms that are responsive to our communities’ needs. Second, it allows the public to

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hold the County accountable for policies and spending. Third, data transparency can protect progress by providing evidence that the Board's policies are working. Lastly, data transparency can help the Board to make informed and cost-effective policy decisions, which is especially important in difficult budget years.

The Board of Supervisors has supported increased data transparency in a number of ways. In 2015, Supervisor Ridley-Thomas brought a motion to establish a County Open Data Initiative under the Chief Information Officer (Supervisor Ridley-Thomas, *County Open Data Initiative*, January 20, 2015). This initiative collects data from County Departments and displays the data accessibly in one central location. The motion also established a County Open Data Task Force to lead County Departments in identifying new data sets to publish. Further in 2016, Supervisors Knabe and Solis created the Justice Metrics Framework, which measures outcomes for vulnerable populations involved in the criminal justice system (Supervisors Knabe and Solis, October 18, 2016). The Justice Metrics Framework links data across County departments in order to understand how individuals from vulnerable populations transition across the justice continuum. The Framework also reports output and outcome metrics for County efforts that target those populations and increases data sharing between County departments to improve service delivery and cross-departmental coordination (CEO, *Reports Back on the Development of a Pilot for a New County Metrics Framework*, June 20, 2017, January 29, 2018, September 26, 2018, and April 1, 2019).

Four years later, the Board again identified data transparency as a priority by adopting the five strategies in the Alternatives to Incarceration report (*Alternatives to*

*Incarceration Work Group Final Report, 2020*). This report is the culmination of a year of work by over 1,300 participants who worked together to approve 114 recommendations to further the Board's goal of "care first, jail last." The Board adopted the five strategies in the Alternatives to Incarceration report on March 10, 2020 (Supervisors Kuehl and Ridley-Thomas, *Building a System of Alternatives to Incarceration*).

Strategy five requires effective coordination around the implementation of ATI recommendations by eliminating racial disparities and engaging system-impacted individuals. This strategy is foundational because it would ensure public access to data across all relevant County justice, health, and social services departments, which will help the Board to identify needed reforms. The ATI process and recommendations focused on racial equity, and the County should similarly begin to collect the data necessary for a racial equity lens. LA County already publishes a multitude of data on the Chief Information Officer's Open Data portal, which means that it will be relatively easy for Departments to publish the data that is already collected. Accordingly, the County must expand established data initiatives and make existing data public through the County's Open Data portal, so LA County's progress towards racial equity and towards implementing the ATI recommendations can be properly measured.

**WE, THEREFORE, MOVE** that the Board of Supervisors:

1. Direct the Information Systems Advisory Body (ISAB), in collaboration with the Chief Executive Office, Chief Information Office, County Counsel, Office of the Inspector General, Internal Services Department, Los Angeles County Sheriff's Department, District Attorney, Los Angeles City Attorneys Association, Public Defender, Alternate Public Defender,

Probation Department, Los Angeles County Superior Court, Custody Health Services and the Office of Diversion and Reentry within the Department of Health Services, and the Department of Mental Health, to:

- a. Start collecting, analyzing, and publishing data that is currently and reasonably accessible about the justice-impacted population beginning in three months. The data should be published monthly with the goal of publishing data weekly within six months of the start of this data sharing initiative. The refresh should be accomplished using automation. The published data points should be stratified by gender (including male, female, transgender male, transgender female, gender non-conforming, non-binary, or other, if possible), sexual orientation, age, race, facility, and top criminal charges where possible. When appropriate, graphics, tables, and charts should be used, but the data should be easily downloadable for use by researchers. The following data points should be published:

Category	Data Points
Incarceration	<ol style="list-style-type: none"> <li>1. Total jail population by facility;</li> <li>2. Number of people newly admitted to County jail facilities per day by arresting agency;</li> <li>3. Number of people released from County jail facilities per day;</li> <li>4. Total pretrial jail population by bail amount and hold status;               <ol style="list-style-type: none"> <li>a. Bail amount can be delineated by \$1-\$25,000, \$25,001-\$26,000, \$26,001-\$50,000, \$50,001-\$100,000, \$100,001-\$500,000, \$500,001-\$1 million, or no bail.</li> </ol> </li> <li>5. Total sentenced population by sentence type and length,</li> </ol>

	<p>including:</p> <ul style="list-style-type: none"> <li>a. County sentenced,</li> <li>b. AB 109 sentenced,</li> <li>c. Parole and probation revocation,</li> <li>d. Partially sentenced,</li> <li>e. Awaiting transfer to State Prison, and</li> <li>f. Total population conditionally sentenced and awaiting admission to another facility (e.g., sentenced to the Office of Diversion and Reentry or a mental health or substance abuse treatment program);</li> </ul> <ul style="list-style-type: none"> <li>6. Total jail population experiencing homelessness;</li> <li>7. Total jail population of veterans; and</li> <li>8. Total jail population of pregnant people.</li> </ul>
Mental Health	<ul style="list-style-type: none"> <li>1. Total mental health population in jail, including a breakdown of the number of people housed in: <ul style="list-style-type: none"> <li>a. Forensic In-Patient (FIP) Unit,</li> <li>b. High Observation Housing (HOH),</li> <li>c. Moderate Observation Housing (MOH), and</li> <li>d. General population on psychotropic medication;</li> </ul> </li> <li>2. Number of cases where doubt was declared about a person's competency by misdemeanor or felony charge in the prior seven days;</li> <li>3. Number of cases where a person was found to be mentally incompetent to stand trial by misdemeanor or felony charges in the prior seven days;</li> <li>4. Total population awaiting transfer to a State Hospital;</li> <li>5. Number of days that a person found incompetent to stand trial stayed in a jail waiting for transfer to a State Hospital;</li> <li>6. Number of cases where a person was found to be mentally incompetent to stand trial and the person was ordered to a local</li> </ul>

	<p>service provider by misdemeanor or felony charges and program type;</p> <p>7. Number of days that a person found incompetent to stand trial stayed in jail waiting for transfer to a local service provider by misdemeanor or felony charges and program type;</p> <p>8. Number of days of treatment received before a person was found to be restored to competency by misdemeanor or felony charge and program type;</p> <p>9. Number of people found incompetent to stand trial who were restored to competency in the jail before transfer to a State Hospital or other treatment program; and</p> <p>10. Number of people who were found to be incompetent to stand trial multiple times during the same criminal case.</p>
Immigration	<p>1. Number of ICE detainees received; and</p> <p>2. Number of undocumented people transferred to ICE custody from a jail.</p>
Use of Force	<p>1. Number of use of force incidents on patrol broken down by: month, category, contributing factors, and patrol division and station;</p> <p>2. Number of deputy-involved shootings broken down by whether the shooting was a hit or non-hit, whether the person was killed, and patrol division and station;</p> <p>3. Number of decisions to file charges against deputies involved in shootings and of findings that the involved deputy acted lawfully in self-defense and in defense of others;</p> <p>4. Number of use of force incidents in custody broken down by: month, category, and facility;</p> <p>5. Number of assaults by people who are incarcerated on staff and on other incarcerated persons; and</p> <p>6. Number of deaths among people who are incarcerated, including</p>

	the number of suicides.
Probation	<ol style="list-style-type: none"> <li>1. Number of people on Probation;</li> <li>2. Number of people with new Probation terms in the prior seven days;</li> <li>3. Number of people with closed Probation terms in the prior seven days; and</li> <li>4. Number of Probation violations filed and number of people who were found to have violated their Probation by type of violation.</li> </ol>
Prosecution	<ol style="list-style-type: none"> <li>1. Number of cases presented to prosecutorial agencies for filing in the prior seven days;</li> <li>2. Number of cases filed by a prosecutorial agency by charge in the prior seven days;</li> <li>3. Number of cases where a plea deal was reached in the prior seven days by charge; and</li> <li>4. Number of cases that proceeded to trial by charges in the prior seven days and outcome (e.g., guilty or not guilty, misdemeanor or felony, Penal Code of conviction, and sentence imposed, if applicable).</li> </ol>
Diversion	<ol style="list-style-type: none"> <li>1. Number of cases where the defendant was diverted out of the criminal justice system in the prior seven days by type of diversion program; and</li> <li>2. Number of cases diverted to the Office of Diversion and Reentry in the prior seven days by program type.</li> </ol>

- b. Work with the Alternatives to Incarceration Initiative (ATI Initiative) that was created by motion on March 10, 2020 (Supervisors Kuehl and Ridley-Thomas, *Building a System of Alternatives to Incarceration*) to develop a long-term plan for collection, analysis, and publication of criminal justice, diversion, and health data that

includes individual-level data with appropriate privacy protections and considers the recommendations included in the ATI Work Group Final Report (March 2020), and report back to the Board in six months.

2. Direct the CEO and CIO, with technical assistance from the Center for Strategic Partnerships, to explore all potential funding sources, including grant applications and other public-private partnerships, to fund short-term data collection and publication in directive 1.a along with the implementation of the long-term data plan outlined in directive 1.b.