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Establishing a Care First Pretrial Agency: Maximizing the Impact of the Justice, Care and Opportunities Department

Mass incarceration in the United States has been a [profound moral and policy failure](#) - perpetuating cycles of despair, separating families and communities, and destroying countless lives. Despite Los Angeles having one of the largest jail systems in the world, the overcrowding and overreliance on incarceration have not improved public safety outcomes. In response to past societal failures, the Los Angeles County (County) Board of Supervisors (Board) unanimously adopted the “care first, jails last” vision, a transformative framework for safety grounded in support and services as alternatives to incarceration. Notably, the Board tasked the Justice, Care and Opportunities Department (JCOD) with coordinating pretrial reform, centralizing pretrial services through the establishment of an independent pretrial services agency. As reactionary forces seek to [scapegoat criminal justice reform programs](#) and stifle progress, it is essential that the County establishes a Care First pretrial agency division within JCOD to maximize its impact.

[Research](#) reveals that incarcerating individuals fails to address the root causes of crime and can often result in a cycle of trauma, poverty, and more incarceration. In addition to the criminogenic impact of jails, the practice of electronic monitoring serves as

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an [extension of mass incarceration](#). Electronic monitoring is costly—emotionally, physically, and financially—for the people forced to use it, and potentially deepens their entanglement with the criminal system. In the United States, the number of people subject to electronic monitoring has increased exponentially in recent years. A [new Vera report](#) estimates that nearly half a million people were on electronic monitoring in 2022 — ten times the number of people on electronic monitoring in 2005. [The County's Probation Department](#) contracts with a private company to provide electronic monitoring services as an alternative to custody. However, the increased use of these practices are a driving force in mass incarceration. A recent [report](#) shows the County has become so reliant on electronic monitoring “despite there being no conclusive research about its efficacy.” Moreover, a recent [report](#) explains how probation monitoring drives jail populations through stringent probation conditions that can result in revocation and the detention of people awaiting violation hearings.

It does not have to be this way. As the County builds an independent pretrial services agency, prioritizing surveillance and expanding electronic monitoring in the County is inconsistent with the Board's commitment to “care first, jails last”. Research [suggests](#) that pretrial service agencies with the following four organizational principles produce significantly better health, community, and public safety outcomes:

1. They rely on supportive services;
2. Operate with independence;
3. Collaborate with community agencies;
4. and regularly evaluate their approach.

This model emphasizes the importance of services, providing court notifications, and free transportation to court. For example, [The Bail Project](#), which uses a model aligned with these principles, has demonstrated the success of helping clients navigate the criminal justice system with voluntary supportive services, like substance use recovery and housing based on their needs. As a result, The Bail Project clients return to over 90% of their court dates even though clients have not paid bail money. Research also [finds](#) that effective pretrial services programs document and publicly share these results, seek feedback from people participating in the programs as well as partners and implement responsive changes. Moreover, the County's [Strategic Plan](#) has emphasized

the importance of Care First performance metrics and transparency.

Through collaborative efforts by various County departments and community-based providers, including some that are now housed in JCOD, several programs that serve the pre-arrest and pre-trial populations have expanded or been established in the past several years. JCOD currently administers the following three major pretrial initiatives: Prefiling Diversion, Rapid Diversion Program, and Pretrial Release Evaluation Program (PREP 2.0) and is working to develop more. The Chief Executive Officer has recommended 24 positions to begin a phased implementation of the new pretrial operating model to launch in the new fiscal year. As JCOD worked to transition functions from the Probation Department, it explored multiple staffing models. Ultimately, JCOD elected to create a new "Justice Program Associate / Analyst / Manager" classification series, to develop duty statements that align closely with the *Care First* vision for integrated, equitable, and culturally competent pretrial and diversion services. JCOD does not anticipate any direct transfer of positions or staff from the Probation Department.

These efforts to expand pretrial resources does not go unnoticed. However, the needs of those in our jail system are often multigenerational, complicated, and urgent. Despite considerable effort, there are a significant number of people in our jails who are awaiting trial. Specifically, while all other sentence statuses in the County jails have decreased or remained the same since March 30, 2021, the pretrial jail population has grown from 5,7113 to 6,435, or 12.6%, according to [data from the Vera Institute of Justice](#). Although the County's jail population has dropped from an average daily population of 14,212 in 2020 to 13,241 in 2023 due to bail reforms since COVID-19, [recent data](#) shows an increase in those being held pretrial. As of [December 20, 2023](#), the pretrial population in the County jails comprised 6,218 of 12,177 or 52.7% of total individuals. Of those held pretrial, 65.2% or 4,257 were facing serious or violent charges.

[On April 30th, 2024](#), the Vera Institute of Justice, in partnership with The California Endowment, convened over 225 community members, service providers, and County representatives from over 90 organizations and 20 different offices to discuss progress and challenges in implementing the County's Alternatives to Incarceration (ATI) Work Group's final recommendations. One key takeaway from the event was the need to close Men's Central Jail and build pretrial services through regular community partnerships and

collaboration across departments. Given the Board's commitment to "care first" and closing Men's Central Jail, and the growing number of people in jail that have been charged but not been convicted of a crime, it is urgent that JCOD coordinate with the Departments of Health Services , Mental Health, Public Health, Economic Opportunity , the District Attorney's Office , the Public Defender , the Alternate Public Defender , Sheriff, Probation, and other relevant Departments to prioritize and coordinate pretrial service delivery with outcomes that are accessible, viable and measurable. On any given day, it is essential that justice involved individuals and justice stakeholders can access County and community services that are impactful, and that we can measure that impact over time. Moreover, JCOD must continue to reject a law enforcement pretrial model and prioritize identifying the needs of justice-impacted people. This will require the targeted expansion of integrated service delivery and data to show the success of its strategies. With a "care first" strategic plan and clear data reporting, JCOD will continue to establish a transformational vision for public safety.

I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Direct the Director of the Justice, Care and Opportunities Department (JCOD) to report back to the Board in writing within 60 days on the Department's plans and timeline for establishing a Care First independent pretrial services agency as a distinct division within JCOD that prioritizes and coordinates service delivery with outcomes that are accessible, viable and measurable, while continuing to reject the use of JCOD staffing or funding in furtherance of functions such as surveillance and an electronic monitoring program.
2. Direct the Chief Executive Officer (CEO) and Director of JCOD to pause the implementation of the Board's March 1, 2022, directives to transition the Probation Department's pretrial functions and services to JCOD, and corresponding impacts to staff, until CEO and Probation perform an analysis on the short and long-term impact on Probation's staffing challenges.
3. Direct the Director of JCOD, in coordination with the Departments of Health Services (DHS), Mental Health (DMH), Public Health (DPH), the District Attorney's Office (DA), the Public Defender (PD), the Alternate Public Defender (APD), Sheriff, Probation, and, the Jail Closure Implementation Team, to report

back to the Board in writing in 60 days on a proposed plan to assemble and coordinate a Permanent Steering Committee composed of community stakeholders, including people with lived experience, experts in creating pretrial services models based on national best practices, former Alternatives to Incarceration workgroup voting members, and other representatives from the Public Safety Realignment Team (PSRT), Gender Responsive Advisory Committee (GRAC), Jail Closure Implementation Team (JCIT), the Men's Central Jail (MCJ) Closure Workgroup, JCOD's Pretrial Advisory Committee, and the Reentry Health Advisory Collaborative. The purpose of this steering committee to JCOD is to develop and drive forward recommendations to ensure the delivery of pretrial services are accessible, viable and measurable.

I FURTHER MOVE THAT THE BOARD OF SUPERVISORS:

Direct the Interim Chief Information Officer to work with JCOD, DHS, DMH, DPH, DEO, PD, APD, DA, Probation, Sheriff, and other relevant Departments and report back to the Board in writing within 60 days with the available data listed below and a plan to post the data at an aggregate and de-identified level on the Open Data Portal and/or the [County Pretrial Data Center](#) and include the data in the quarterly [Pretrial Data Initiative](#) presentations.

1. Electronic Monitoring Program administered in accordance with California Penal Code 1203.016 (Probation Department):

- i. The number of people assessed for this program.
- ii. The number of people placed under this program.
- iii. What other programs or services people placed under this program are connected to.
- iv. Alternatives to EM person may be eligible for but did not receive.
- v. The number of clients who return to jail due to non-compliance with probation conditions.
- vi. The percentage and raw numbers of program participants that fail to return to court.
- vii. The rate of re-arrest and re-arrests for serious or violent offenses of people under this program.
- viii. Demographic data for all assessed individuals including, but not limited to:

1. Race
2. Ethnicity
3. Age
4. Caregiver responsibilities, if any.
5. Voluntary report of Gender / Gender Identity
6. Voluntary report if identify as Intersex
7. Housing status
8. Zip code of arrest
9. Zip code of residence
10. Charge level (misdemeanor/felony)
11. Charge type (specific statute under which they were charged)
12. Arrest date
13. Release date
14. Jail at which the person was assessed
15. Date at which the person was assessed
16. Result of assessment
17. Program referrals
18. Service provider referral information
19. Program participation
20. Length of participation
21. Successful exit from or transfer to different program (if applicable)
22. Health conditions (mental health diagnoses, etc.)/disability diagnosis
23. Primary language
24. Immigration status
25. Employment status
26. Income (if available)
27. Public benefit participation (if available)
28. Individual's involvement in foster care (if available)
29. Past criminal history
30. Educational attainment
31. Individual's further involvement in criminal legal system (if applicable).

2. JCOD Support Center (JCOD)

- a. The number of calls that have been received by the JCOD Support Center, since its launch.
- b. Information on what services people released under different PARP categories, post-arraignment, and after bail reconsideration are connected to through the JCOD Support Center.
- c. The number of outgoing calls made by the JCOD Support Center (833-522-5263 or 833-LAC-JCOD).
- d. The number of referrals to services that were made by the JCOD Support Center.

- e. Out of these referrals, the number of referrals where the service was received.
- f. What KPM/I does JCOD to assess the benefit to constituents who call into the JCOD Support Center

3. Prefiling Diversion Program (JCOD)

- a. The number of people assessed for pretrial diversion.
- b. Demographic data for all assessed individuals including, but not limited to:
 - ii. Race
 - iii. Ethnicity
 - iv. Age
 - v. Caregiver responsibilities, if any.
 - vi. Voluntary report of Gender / Gender Identity
 - vii. Voluntary report if identify as Intersex
 - viii. Housing status
 - ix. Zip code of arrest
 - x. Zip code of residence
 - xi. Charge level (misdemeanor/felony)
 - xii. Charge type (specific statute under which they were charged)
 - xiii. Arrest date
 - xiv. Release date
 - xv. Jail at which the person was assessed
 - xvi. Date at which the person was assessed
 - xvii. Result of assessment
 - xviii. Program referrals
 - xix. Service provider referred to
 - xx. Program participation
 - xxi. Length of participation
 - xxii. Successful exit from or transfer to different program (if applicable)
 - xxiii. Health conditions (mental health diagnoses, etc.)/disability diagnosis
 - xxiv. Primary language
 - xxv. Immigration status
 - xxvi. Employment status
 - xxvii. Income (if available)
 - xxviii. Public benefit participation (if available)
 - xxix. Individual's involvement in foster care (if available)
 - xxx. Past criminal history
 - xxxi. Educational attainment
 - xxxii. Individual's further involvement in criminal legal system (if applicable)
- c. Documents containing the conditions for eligibility and the exclusions to eligibility, legal or otherwise.
- d. Documents containing information on the types of data collected on individuals assessed for pretrial diversion.

4. Pretrial Services (“PREP 2.0”), broken down by each of the locations at which the “PREP 2.0” program operates. (JCOD)

- a. The number of Criminal Court Assessment Tool (CCAT) needs assessments administered (by month).
- b. The number of people released after a CCAT needs assessment, broken down by the following types of release (by month):
 - i. Supervised release
 - ii. Own recognizance release
 - iii. Bail release
- c. Of those people released on supervised release, please provide the numbers of people released on conditions including drug testing, electronic monitoring, SCRAM, stay away orders, and any other conditions of release.
- d. The number of people who were detained after a CCAT needs assessment (by month).
- e. The number of requests made to service providers for assessment (by month).
- f. The number of people assessed by service providers who were connected to services.
- g. The number of people connected to services who utilized those services.
- h. The number of referrals to services that were made by JCOD pursuant to a CCAT needs assessment.
 - i. The number of referrals utilized.
- i. The number of people released via this program who then were violated and the outcome of that violation (i.e., referred back to court, returned to jail).
Number of people recommended for violation by JCOD sponsored program.
- j. Number of people JCOD recommended for re-release pre-trial, after initial violation.
- k. The number of individuals who have been housed in the dedicated JCOD Pretrial housing and the number of days they were each housed there.
- l. Demographic data for all above individuals:
 - i. Race
 - ii. Ethnicity
 - iii. Age
 - iv. Gender
 - v. Housing status
 - vi. Caregiver responsibilities, if any.
 - vii. Zip code of arrest
 - viii. Zip code of residence
 - ix. Charge level (misdemeanor/felony)
 - x. Charge type (specific statute under which they were charged)
 - xi. Arrest date
 - xii. Release date
 - xiii. Location at which they were assessed
 - xiv. Date at which the person was assessed
 - xv. Result of assessment
 - xvi. Program referrals
 - xvii. Health conditions (mental health diagnoses, etc.)/disability diagnosis

- xviii. Primary language
- xix. Immigration status
- xx. Employment status
- xxi. Income (if available)
- xxii. Public benefit participation (if available)
- xxiii. Individual's involvement in foster care (if available)
- xxiv. Past criminal history
- xxv. Educational attainment
- m. A line-item budget with total expenditures for PREP 2.0.
- n. Documents containing information on the types of data collected on individuals assessed.
- o. Please provide any line-item budget projections for future expenditures for PREP 2.0.

5. Rapid Diversion (RPD) (JCOD)

- a. The number of referrals made to RDP branch coordinators.
- b. The number of people deemed suitable and eligible for RDP by RDP branch coordinators.
- c. The number of people deemed suitable and eligible for RDP by in-court clinicians.
- d. The number of people ultimately granted RDP.
 - i. Of those granted, the number of referrals to services that were made.
 - ii. Of those referrals made, the number of referrals in which services were received.
 - iii. The number of days each person remained in the RDP program.
- e. Of those people released via RDP, please provide conditions of release ordered, including drug testing, electronic monitoring, SCRAM, stay away orders, and any other conditions of release.
- f. The number of people released via RDP who then were violated and the outcome of that violation (i.e., referred back to court, returned to jail).
- g. Demographic data for all above individuals:
 - i. Race
 - ii. Ethnicity
 - iii. Age
 - iv. Gender
 - v. Housing status
 - vi. Caregiver responsibilities, if any.
 - vii. Zip code of arrest
 - viii. Zip code of residence
 - ix. Charge level (misdemeanor/felony)
 - x. Charge type (specific statute under which they were charged)
 - xi. Arrest date
 - xii. Release date
 - xiii. Courthouse at which they were assessed
 - xiv. Date at which the person was assessed
 - xv. Result of assessment

- xvi. Program referrals
- xvii. Health conditions (mental health diagnoses, etc.)/disability diagnosis
- xviii. Primary language
- xix. Immigration status
- xx. Employment status
- xxi. Income (if available)
- xxii. Public benefit participation (if available)
- xxiii. Individual's involvement in foster care (if available)
- xxiv. Past criminal history
- xxv. Educational attainment
- h. A list of providers contracted to work with RDP and the services they offer.
- i. The conditions for eligibility and the exclusions to eligibility, legal or otherwise
- j. Plans and timelines for expansion of RDP across Los Angeles County

Further, direct JCOD, in coordination with DHS, DMH, DPH, DEO, PD, APD, DA, Sheriff, and other relevant Departments to annually report to the Board on how the Department will analyze data to evaluate the success of County programs, inform equitable service delivery improvements, and set department priorities.

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