

MOTION BY SUPERVISOR JANICE HAHN

Supporting Assembly Bill 1231 to Offer Diversion Programs and Services for Low-Level Non-Violent Felonies

Research shows that people who have had contact with the criminal legal system are less likely to be re-incarcerated if they participate in programs that provide them access to high-quality job training, educational opportunities,¹ and behavioral health therapy.² Conversely, recidivism is more likely to occur when people are incarcerated without access to these types of rehabilitative and reentry programs.³ These kinds of services help prevent crime and bolster public safety, in part because they are more likely to help people find high quality jobs post-incarceration so they have the tools to support themselves and their families in a meaningful way. Access to therapeutic programming can also help people address the root challenges that may have contributed to their incarceration or arrest and enable them to succeed once back in their community. It is essential to enhance opportunities to participate in these kinds of programs on the local level in order to enhance community safety and improve individuals' success.

In 2011, former California Governor Jerry Brown signed Assembly Bill 109 into law, which realigned certain low-level, non-violent felonies to local jurisdictions, so that people

¹ [Evaluating the Effectiveness of Correctional Education](#)
² [How Better Access to Mental Health Care Can Reduce Crime](#)
³ [The Impact of Incarceration on Recidivism](#)

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convicted with these types of offenses would serve their sentences in county jails rather than State prisons. This has led to more people serving longer terms in Los Angeles County jails, which have fewer vocational, educational, and behavioral-health focused programs compared to community-based alternatives and even compared to State prisons. Additionally, in November 2024, California voters approved Proposition 36, which reclassifies certain misdemeanors as felonies, and will further increase the number of people serving their sentences in already overcrowded county jails.

It is in everyone's best interest to increase opportunities for diversion for people charged with low-level, non-violent offenses: jail population will not increase dramatically, thereby lightening the load on local sheriff and health departments, people who participate in diversion will be more likely to succeed and less likely to recidivate, and communities will be safer and healthier. In fact, people charged with low-level non-violent offenses who are diverted are three times less likely to reoffend if they participate in programming versus being incarcerated.⁴ They are also less likely to face the many consequences that come with having a felony conviction on their record, such as being unable to get a job or find stable housing.

Assembly Bill 1231⁵ (Elhawary), will provide a legal pathway for judges to consider offering diversion programs and services for some people charged with low-level, non-violent felonies. The bill will give judges a tool to divert people pre-trial and give them the opportunity to participate in programs that are proven effective in reducing recidivism. And in many cases, these diversion programs can be implemented without additional resources: many people who qualify would benefit from existing programs that are already

⁴ [Diversion in the Criminal Justice System](#)

⁵ [AB 1231](#)

funded and offered in their communities. Additionally, Assemblymember Elhawary is submitting a budget request in tandem with the Assembly Bill, that would fund a pilot project in Los Angeles County. The “Jails to Jobs” pilot would create hundreds of jobs for peer support specialists, case managers, healthcare workers, and social workers, who will provide services to people who are granted diversion – as well as train program participants to help rebuild critical infrastructure and support fire-impacted Angelenos seeking disaster relief. These attempts to increase diversion opportunities on the State level align with Los Angeles County’s “Care First Jails Last” priority and are needed now more than ever as Los Angeles recovers from the devastating January wildfires.

I, THEREFORE, MOVE that the Board of Supervisors:

Direct the Chief Executive Office’s Legislative Affairs and Intergovernmental Relations branch to advocate in support of Assembly Bill 1231 (Elhawary) and the budget request to fund the “Jails to Jobs” employment training and case management pilot program in Los Angeles County.

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