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Testimony before the 21st Century Policing Task Force Los Angeles County Sheriff Jim McDonnell



February 24, 2015

Introduction

Commissioner Ramsey, Professor Robinson, my fellow Angeleno Ms. Rice, and other distinguished Task Force members, thank you for the opportunity to participate in your important work and address you today. It is a particular pleasure to be joining on the panel my friend Commissioner Bill Bratton, as well as distinguished scholars and leading criminal justice system leaders such as Phil Goff, Larry Sherman and Jeremy Travis.

As you can likely tell, I hail from one of America's oldest great cities, Boston. I have spent most of my life and career, however, in one of our nation's youngest metropolitan areas, Los Angeles, where I was recently sworn in as the 32nd Sheriff and the first person in over a century to be elected to that position from outside of the Los Angeles Sheriff's Department.

My parents were immigrants (from Ireland) and provided me with an example of the rich multicultural fabric that makes up our great nation. I grew up in a working class neighborhood, with a deep appreciation for the value of hard work and education.

I came to Los Angeles nearly 34 years ago with little more than a dream and an abiding desire to protect and serve the community. For 29 years, I wore the uniform and badge of the LAPD, holding every rank up to second-in-command and (at that time) reporting to Commissioner Bratton — one of the finest law enforcement leaders in the country. In nearly three decades at the LAPD, including some deeply challenging times in Los Angeles' history, I learned about crime and its causes, effective policing responses and the vital importance of policing *with* and not merely *in* the community we serve.

Five years ago I was offered the opportunity to serve as the Police Chief for the City of Long Beach, the second largest city in LA County. I had the honor to serve in that capacity until November of last year, when LA County's voters elected me as their new Sheriff.

On December 1, 2014, I took command of a law enforcement agency facing many challenges. Past troubled leadership, serious allegations of excessive force and corruption, and a culture among some that failed to address misconduct or discipline wrongdoers had, for too long, eroded community trust and cast a cloud over the many dedicated and hard working men and women in our department. I also took command of an agency that has flown below the radar for years, not always appropriately acknowledged for its cutting edge work and deep institutional expertise. I have seen firsthand in these past two months incredible resilience and a strong desire to move beyond past problems and assume a place of well-deserved prominence and respect.

So, I speak to you today as both a new Sheriff with an agenda driven by the need for change, and as someone who has become fiercely proud of the organization I now lead. I know that this department has the ability and the talent to lead law enforcement nationally in so many of the vitally important areas that your Task Force is considering. And I know that we can and *should* be second to none in rebuilding community trust and modeling best law enforcement practices.

Los Angeles and the LASD

Los Angeles County spans over 4,700 square miles, with a population of over 10 million people, living in 88 independent cities and within enormous unincorporated urban, mountain, desert and island areas.

With this massive geographic starting point, it is not surprising that the Los Angeles Sheriff's Department ("LASD") is the largest sheriff's department in the country and the second-largest policing agency in the nation, behind only Commissioner Bratton's NYPD. In addition to our unincorporated areas, we police 42 of LA's 88 cities and also protect the safety of our County's 1,909-mile transit system, a court system that is the largest in the nation, as well as a massive community college system. We run an immense bus network to accommodate the many people we transport from Custody to courts to outlying facilities and also run the nation's largest jail system. We provide extensive detective, rescue, training and other services for LA County and many other cities and agencies operating in the County. With this expansive reach and coverage, the LASD is potentially the most complex law enforcement agency in the world.

The Focus of Today's Remarks

In my remarks to you today, I want to focus not on the challenges of managing a large and complex law enforcement organization, but rather on what it has taught us about the challenges and opportunities facing policing today. While there are clearly areas where we need additional resources and support, we are equally in need of fresh thinking and new strategies that can enable us to approach the job of policing in different ways and learn from each other as we do so.

At LASD we are looking at emerging priorities in law enforcement and the need to refocus resources on current challenges including cybercrime, child sex trafficking, transnational gangs, and homeland security. Today, however, I have been asked to focus on the unique role of LASD as not simply a massive law enforcement agency, but also as an agency that runs the largest jail system and largest mental health facility in the nation. I do, however, welcome the opportunity to address other areas that may be of interest to the Task Force in any follow up questions.

Running the Nation's Largest Jail System

The LA County jail system provides housing for up to 20,000 inmates at any given time in seven facilities that extend as far as 50 miles away from each other. We have over ten thousand people circulating in and out of our facilities every month, with roughly half serving sentences and the other half being housed pre-trial. All inmates receive legally mandated medical care in our facilities.

We are facing many challenges in our jails, which I saw firsthand a few years ago as a member of a citizens' commission appointed to investigate jail conditions and allegations of abuse. We manage a jail population that includes rival gang members, inmates of varying security and threat levels, LGBT inmates and more. Most of our facilities are antiquated and poor management in the past resulted in unacceptable inmate abuse. Recidivism rates are far too high.

Many of the inmates in our charge need to be separated from society. But many are also there because society has left them behind. They are among the 20 percent of our inmates who are committing crimes due to untreated mental illness or substance abuse or because they cannot afford to make bail. For too long and for too many, jail has become a default placement. And too often, it is merely the latest step in a cycle that, upon release, repeats itself. Too many people leave jail more damaged than when they came in. *None of us* benefits from this state of affairs.

While I have seen these many challenges, I have also seen how far we have come in improving conditions in our jails despite daily hurdles and intolerable physical facilities. In Los Angeles, we have come to see custody as an opportunity to break the cycle. We are embracing education-based programs that enabled over 300 inmates to secure high school graduation diplomas over the past year; we are developing (in partnership with our Attorney General's Office) a "back on track" program that will provide intensive in-custody and reentry programming in a collaborative approach involving education institutions, case managers, probation and non-profit providers. We are also partnering with the Department of Veterans Affairs, increasing drug treatment programs, and targeting the homeless population for housing assistance.

These efforts are happening *despite* the environment in which we work, not *because* of it. Yet we can and we must do more. But we can't get there alone. We need federal help in developing:

1. Support for building **correctional treatment facilities**, rather than jails where we simply warehouse offenders – Federal funding streams need to help us address, for those who need to be removed from society, the panoply of substance abuse, mental health and health concerns they bring with them into our jails.
2. Resources to **expand education and vocational training** within the custody environment – The only way we can truly break the justice system cycle for many is by helping them build the skill set to end up on a better and different path upon release.
3. **Flexible funding streams** that can enable us to address the medical and mental health concerns of those in our charge in the most effective and least restrictive manner.
4. **New strategies** that can **embed principles of community-based policing** in a custodial setting – We are exploring with the COPS Office an innovative pilot that will enable us to train inmates and deputies on how to manage conflict through community-based policing approaches.
5. Support for efforts, as Assistant Attorney General Vanita Gupta spoke about last week, to design a **bail system** which is more equitable for those charged with crimes and also for taxpayers who often bear the cost of unnecessary pre-trial incarceration.
6. **Reentry planning and system coordination** that can help us break through bureaucratic walls and existing obstacles and provide a better pathway to housing, vocational and other resources for those leaving our charge and returning to our communities.

Addressing the Unique Needs and Concerns of the Mentally Ill

One of law enforcement's biggest challenges today stems from how we interact with and manage the needs of those who are dealing with mental illness. Our jails in LA County house over 3,500 inmates (from 17 to 21% of our total jail population) in need of mental health services and we are running what amounts to the largest mental health facility in the nation. Roughly 70% of our mentally ill inmate population are in our jail pending trial due to lack of resources in the community and approximately 30% of the mentally ill are in custody for non-serious, non-violent and non-sex related offenses. We have around 300 inmates in need of inpatient mental health treatment, but have only 40 licensed beds. Over 95% of the mentally ill also suffer from addiction disorders and over 80% are homeless or lack stable housing upon release.

Jails were not built as treatment centers or with long term treatment in mind. Moreover, in California, and in particular in Los Angeles County, the mentally ill population has the highest recidivism rate of any offender group, averaging roughly a 73-75% return rate within a three year period. In short, jail is the worst possible place to house or attempt to treat the mentally ill. We simply cannot cope with a complex population that could be better served in a different setting, where more effective and efficient strategies would not only be more humane, but also better advance public safety.

We are similarly ill equipped to address the challenges of this population in patrol. Patrol personnel lack the requisite mental health training and we have a dearth of Mental Evaluation (or "MET") Teams and community supports to help deputies properly handle and deescalate contacts with mentally ill persons. In 2013, nearly 40% of all use of force incidents involved individuals suffering from mental illness and in too many cases we "arrest" our way out of these encounters rather than diverting individuals to the community treatment and care they need.

The strategies that can enable us to change this paradigm exist and are in place in pieces around the nation, but have yet to be brought to scale throughout the country. We need:

1. **Resources to support crisis intervention ("CIT") training** so deputies working the streets (as well as within Custody) know how to identify and respond to individuals with mental disorders and, wherever possible, divert entry into the justice system.
2. **Support for MET teams** where we pair deputies with mental health clinicians and create a comprehensive response to those in crisis. In LA these teams are few and far between – often they operate only during business hours and can be as much as an hour away from a critical incident.
3. Support for community-based resource centers with multidisciplinary treatment in a therapeutic environment that avoids incarceration. These models exist elsewhere and, in the long run, result in improved outcomes as well as fiscal savings.
4. **A new paradigm** with strategies that focus on **alternatives to incarceration** – including mental health courts and other diversion strategies.

For too long, jailing the mentally ill has somehow passed as an acceptable way of keeping out of sight and out of mind human beings who need our help. Our jails should be the last resort, rather than our first response. As someone who became a police officer to help people, I see a population and a public who need our help on this issue. I believe we must prepare law enforcement to address the needs of this population, rather than continuing to perpetuate failure.

Addressing the Impact of Trauma and Investing in our Next Generation

Finally, it is my view that an officer's public safety role must, necessarily, go beyond enforcement. For generations, police have responded to violence, arrested the suspect, and ignored the family and trauma left behind. So many of our youth -- particularly those in urban communities -- are exposed to a level of violence equivalent to that of a war zone. While the young person or victim of trauma may not have been physically struck by a bullet, we know that their brains are permanently damaged by exposure to violence.

Law enforcement needs to strengthen communities so that they are and *feel* safe. Taking guns off the streets is important, but so is having an officer nearby at all times to reduce the likelihood someone will use a gun in the first instance. Safe tactics are important, but so is a thorough and fair investigation, which results in just convictions and fortifies faith in the justice system. We must realize that law enforcement's responsibility does not end when the yellow tape comes down; violent crime has many victims and we must do more to support them. We should be tough on crime but also provide options for children and teens at risk of, or already heading down, the wrong path.

There is a saying that up until the third grade you are learning to read, and after that time you are reading to learn. But, if a community is unsafe, if children are not well-supported, if their schools are inadequate or discipline practices overly punitive, and they have not learned to read by as young as the third grade, they are behind. Many will never catch up and we then too often see the predictable justice system results that have brought us together here today.

With these challenges in mind:

1. We must better **understand the needs of the traumatized communities** in which we operate and recognize that *every interaction* we have shapes the future, both of individuals and of our community.
2. Law enforcement must be **trained on how to interact on the street with young people and those who are trauma-impacted**. We need to tailor law enforcement responses to the needs, age and characteristics of the individual.
3. We need to help create and support an **environment in which our children can learn, develop and thrive** and move away from punitive discipline approaches that push young people out of schools and into our justice system.

As Sheriff, my job is to ensure we do a better job making *all parts* of our community safer. But it is also my job to tell you that we cannot do it alone -- that other parts of our system need more help, none more so than our schools. And that every dollar and bit of creatively harnessed energy not spent investing in our children through our schools and a supportive education environment is spent many times over through the price we all pay when individuals end up in our criminal justice system.

Closing

In 1776 our Founding Fathers wisely wrote that to "preserve" our nation's precious hard-fought rights, "governments are instituted among men, deriving their just powers from the consent of the governed." As this timeless message reminds us, whatever authority we have as a government is granted to us, and derived from, those in our community.

Community-oriented policing is not something we do on the side or to satisfy critics -- it is how a well-run police department operates. But it is also a two-way street. While we must explain to the public what we are doing and why, we must also communicate with them about the challenges we are facing and our needs. And we must *all* engage in responsible and respectful dialogue in regard to these challenges and how we can do better.

Peace officers are type-A personalities. We don't like asking for help. But to do what is expected of us in today's challenging times, we need help. And I am here before you today to say that I, for one, welcome it.

Thank you for your work, your wisdom, and your help. I welcome any questions you may have.



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