

CHIEF OF DETECTIVES

NOTICE

1.8

June 8, 2021

TO: All Concerned Personnel

FROM: Chief of Detectives

SUBJECT: ALTERNATIVES TO INCARCERATION INITIATIVE LOS ANGELES CITY
JAIL PRE-FILING DIVERSION SCREENING PROCESS

BACKGROUND:

On February 12, 2019, the Los Angeles County Board of Supervisors passed a motion to bring together community advocates, service providers, community members, and multiple County departments to develop a roadmap for diverting people from jail into care, Alternatives to Incarceration (ATI) for adults. Those brought together included, but were not limited to, the Los Angeles County District Attorney's Office, the City of Los Angeles Office of the City Attorney, and the Los Angeles County Office of Diversion and Reentry (ODR). The ATI Pre-Filing Diversion Program (diversion) will divert individuals arrested for select misdemeanors and non-violent felonies to community support programs in lieu of filing criminal charges, prosecution, and transportation to County jail facilities. Each jail facility will be staffed around the clock with the provider's personnel who have been vetted by the Department.

The list of criminal offenses that have been approved for pre-filing diversion (when all other required eligibility requirements are met) will be accessible on the Department's Local Area Network (LAN) under "Reference Library," *"Alternatives to Incarceration Initiative Los Angeles City Jail Pre-Filing Diversion Eligible Criminal Offenses for Consideration."* **Officers shall ensure that only the most current eligibility list posted on the LAN is referenced at the time of booking, as the list will be frequently updated by Detective Bureau.**

PROCEDURES:

Arrestees eligible for ATI (all requirements apply):

- Individuals who identify with having a **mental health disorder**, a **substance use disorder**, or are **experiencing homelessness** (determined by the arresting officers);
- Individuals whose arrest involve an eligible offense (listed on the screening form);
- Individuals who meet other participant eligibility requirements (listed on the screening form); and,
- Meet medical requirements.

Once Department personnel determine an arrestee's eligibility status for diversion, jail staff shall book the arrestee, then present them to an ATI counselor who will offer them the opportunity to participate in the diversion program. If the arrestee agrees, jail staff shall update the individual's

release status and release them to the provider's care for transportation to the approved treatment program and/or services.

Note: At no point should any Department personnel provide an arrestee's record of arrest and prosecution (RAP) sheet to any ATI personnel or other individuals not explicitly authorized by law to have Criminal Offender Record Information (CORI).

Criminal Offender Record Information is data compiled by law enforcement agencies that identify criminal offenders and their offenses, including arrest records, criminal identification numbers, Federal Bureau of Investigation (FBI) numbers, or other identifiers linking them to criminal justice data systems.

OFFICER'S RESPONSIBILITIES. All arresting officers are responsible for the following:

- Arresting officers shall take an updated arrestee's RAP sheet, along with the booking approval with them to the jail facility;
- Complete the ATI Los Angeles City Jail Pre-Filing Diversion Screening Tool (screening form), located at all jail facilities; and,
- Complete all additional arrest and booking forms and process as required.

Officers shall complete a screening form regardless of an arrestee's eligibility or willingness to participate in the diversion program.

WATCH COMMANDER'S RESPONSIBILITIES. All Watch Commander's shall be responsible for the following:

- Ensure that an arrestee qualifies for participation in the diversion program at time of booking approval;
- Document the qualification on Los Angeles Police Department (LAPD) Form Number 12.31.00, titled BOOKING APPROVAL utilizing the space titled, 1. EVIDENCE TO BE BOOKED;
- Documentation shall state "Arrestee qualifies" or "Arrestee does not qualify"; and,
- Ensure that arresting officers take an arrestee's updated RAP sheet to the jail facility, which shall be attached to the screening form.

DETENTION OFFICER'S RESPONSIBILITIES. Detention Officers (DOs) shall complete the following steps after completion of the booking process for eligible arrestees:

- Review the screening form for completeness;
- Present the eligible arrestee to an ATI counselor;
- Release the arrestee into the care of the ATI service provider and immediately update the arrestee's release status indicating their acceptance into the ATI diversion program;
- Ensure release code "ATI" is exclusively utilized for all adult inmates that are released into the ATI Pre-Filing Diversion Program;
- Issue the arrestee a Non-traffic Notice to Appear, Release From Custody (RFC), using a pre-approved, court-provided extended court appearance date; and,
- Collect and submit all ATI Los Angeles City Jail Pre-Filing Diversion Screening Forms to the Principle Detention Officer/Watch Commander.

Arrestees who do not wish to participate in the diversion program shall be processed according to existing protocols.

Note: In addition to the responsibilities mentioned above, DOs shall not provide ATI personnel or other unauthorized personnel with the arrestee's RAP sheet. Detention Officers shall follow the usual protocol to retain or dispose of an arrestee's RAP sheet or other CORI.

PRINCIPLE DETENTION OFFICER / WATCH COMMANDER'S RESPONSIBILITIES.

- Ensure the jail facility has a sufficient supply of screening forms;
- Ensure DOs utilize the proper release code for inmates being released into the ATI Pre-Filing Diversion Program; and,
- Collect and maintain copies of all ATI Los Angeles City Jail Pre-Filing Diversion Screening Forms in a secure location.

DETECTIVE/INVESTIGATING OFFICER'S RESPONSIBILITIES. Detectives and Investigating Officers (IO) are responsible for the following:

- Review the arrestee's "SI01" status, verifying admittance into and participation in the diversion program;
- Review the extended court appearance date;
- Include, at the top of a Follow-Up Investigation Form 03.14.00, the arrestee was admitted to and participated in the ATI diversion program, the RFC citation number, and the court appearance date; and,
- Prepare and file a suitable criminal case package with the City Attorney's or District Attorney's Office, based on the appropriate criminal charge(s).

Note: In addition to the responsibilities mentioned above, IOs shall investigate and handle each case per Department policy.

COMMANDING OFFICER'S RESPONSIBILITIES. Area Commanding Officers shall be responsible for compliance with this Notice.

Should you have any questions, please contact Detective Bureau at (213) 486-7000.



KRIS E. PITCHER, Deputy Chief
Chief of Detectives

APPROVED:



DANIEL RANDOLPH, Commander
Chief of Staff
Office of the Chief of Police

Attachments

DISTRIBUTION "D"

**ALTERNATIVES TO INCARCERATION
LOS ANGELES CITY JAIL PRE-FILING DIVERSION ELIGIBLE CRIMINAL
OFFENSES FOR CONSIDERATION
EFFECTIVE DATE – JUNE 1, 2021**

The below criminal offenses have been approved for pre-filing diversion when all other required eligibility is met:

PENAL CODE FELONY CHARGES

- 337(a) BOOKMAKING
- 470 FORGERY
- 470(a) FORGERY/COUNTERFEITING DRIVER LICENSE OR I.D. CARD
- 470(b) DISPLAYING OR POSSESSING FORGED DRIVER LICENSE OR I.D. CARD WITH INTENT TO ACCOMPLISH A FORGERY
- 471 FORGERY, FALSE ENTRIES IN RECORDS OR RETURNS
- 472 FORGERY OR COUNTERFEITING ANY PUBLIC OR CORPORATE SEAL
- 475 FORGED BILLS OR NOTES, POSSESSION OR RECEIPT
- 476 FICTITIOUS CHECKS, MAKING, UTTERING
- 476(a) NONSUFFICIENT FUND CHECKS
- 477, 479, 480 COUNTERFEITING OF COIN
- 484(b) THEFT, DIVERSION OF MONEY RECEIVED FOR SERVICES, LABOR, MATERIAL, etc.
- 484(c) EMBEZZLEMENT OF FUNDS FOR CONSTRUCTION
- 484(e)-484(i) VARIOUS FELONIES RELATING TO CREDIT CARDS
- 487(a) GRAND THEFT OF HORSE OR OTHER LIVESTOCK IF VALUE EXCEEDS \$950, OR WITH QUALIFYING PRIOR CONVICTION(S) IF VALUE DOES NOT EXCEE \$950
- 487(d) GRAND THEFT OF GOLD DUST, AMALGAM OR QUICKSILVER IF VALUE EXCEEDS \$950, OR WITH QUALIFYING PRIOR CONVICTION(S) IF VALUE DOES NOT EXCEED \$950
- 487(e) GRAND THEFT OF DOG IF VALUE EXCEEDS \$950
- 487(g) GRAND THEFT OF ANIMAL FOR PURPOSE OF SALE, MEDICAL RESEARCH, SLAUGHTER OR OTHER COMMERCIAL USE IF VALUE EXCEEDS \$950, OR WITH QUALIFYING PRIOR CONVICTION(S) IF VALUE DOES NOT EXCEED \$950
- 487(h) GRAND THEFT OF CARGO IF VALUE EXCEEDS \$950, OR WITH QUALIFYING PRIOR CONVICTION(S) IF VALUE DOES NOT EXCEED \$950
- 487(i) DEFRAUD A HOUSING PROGRAM OF A PUBLIC HOUSING AUTHORITY OF VALUE EXCEEDING \$950, OR WITH QUALIFYING PRIOR CONVICTION(S) IF VALUE DOES NOT EXCEED \$950
- 487(j) GRAND THEFT OF COPPER MATERIALS IF VALUE EXCEEDS \$950, OR WITH QUALIFYING PRIOR CONVICTION(S) IF VALUE DOES NOT EXCEED \$950
- 496 RECEIVING STOLEN PROPERTY IF VALUE MORE THAN \$950, OR WITH QUALIFYING PRIORS IF VALUE DOES NOT EXCEED \$950
- 497 STOLEN PROPERTY, BRINGING INTO STATE
- 502 COMPUTER RELATED CRIMES

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- 502(c)(1)-(7) UNLAWFUL ACCESS, DATA USAGE/DAMAGE/DELETION/
ALTERATION, NON-PERMITTED USE, DENIAL OF SERVICES
- 502(c)(8) INTRODUCTION OF A CONTAMINANT
- 502(c)(10)-(14) GOVERNMENT COMPUTER SYSTEM OR PUBLIC SAFETY INFRASTRUCTURE
- 504(a) EMBEZZLEMENT, DISPOSAL OF PERSONAL PROPERTY UNDER
LEASE OR LIEN
- 505 EMBEZZLEMENT BY CARRIER OR INDIVIDUAL TRANSPORTING
PROPERTY FOR HIRE
- 506 EMBEZZLEMENT, MISAPPROPRIATION BY TRUSTEE, CONTRACTOR
- 518, 519 EXTORTION, NOT AMOUNTING TO ROBBERY
- 522 EXTORTION, OBTAINING SIGNATURE BY THREATS
- 523(a) EXTORTION, THREATENING LETTERS
- 523(b) EXTORTION, RANSOMWARE
- 529 FALSE PERSONATION OF ANOTHER
- 530.5 UNAUTHORIZED USE OF PERSONAL INFORMATION TO OBTAIN
CREDIT, GOODS, ETC
- 532 FALSE PRETENSES
- 548 DEFRAUDING INSURER
- 550 FALSE OR FRAUDULENT INSURANCE CLAIM
- 653w(a) FAILURE TO DISCLOSE ORIGIN OF RECORDING OR
AUDIOVISUAL WORK

PENAL CODE MISDEMEANOR OFFENSES

- 369i(a) TRESPASSING ON RAILROAD
- 369i(b) TRESPASSING ON TRANSIT RELATED PROPERTY
- 459.5 SHOPLIFTING
- 484 PETTY THEFT
- 490.1 PETTY THEFT
- 555 TRESPASS ON POSTED PROPERTY
- 594 VANDALISM
- 602(a)-(v) TRESPASS
- 602.1(a)-(b) TRESPASS
- 647(b)1 SOLICITING, AGREEING TO, ENGAGE IN ACT OF PROSTITUTION
- 647(e) ILLEGAL LODGING
- 647(f) UNDER THE INFLUENCE OF ALCOHOL, DRUGS, CONTROLLED
SUBSTANCE OR COMBINATION
- 653.22(a)(1) LOITERING WITH THE INTENT TO COMMIT PROSTITUTION

VEHICLE CODE

- 10851(a) DRIVING A VEHICLE WITHOUT CONSENT-WITHOUT PRIOR(S)

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HEALTH AND SAFETY CODE

- 11350 ILLEGAL POSSESSION OF CERTAIN SPECIFIC OR CLASSIFIED
CONTROLLED SUBSTANCES WITH QUALIFYING PRIOR CONVICTION
- 11364 POSSESSION OF DRUG PARAPHERNALIA
- 11377 POSSESSION OF CONTROLLED SUBSTANCES WITH QUALIFYING
PRIOR CONVICTION(S)
- 11532(a) LOITERING FOR DRUG ACTIVITY
- 11550 UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE