

OPINION

EDITORIALS

Diverting mentally ill offenders

L.A. County can safely release and treat thousands of inmates with mental ailments. So do it already.

JAILS ACROSS THE nation are crowded with mentally ill inmates who are there because of a broken promise. Over the course of several decades, states closed mental hospitals and vowed to replace them with community-based psychiatric treatment and housing. But the treatment and housing failed to materialize.

Now people whose mental health problems go unaddressed get arrested for conduct they often can't control. They sit in jail, awaiting trial. They are convicted, return to jail, serve a few weeks or months, and are released with no continuing care and often no place to live but the street. With their illnesses still untreated, they offend again, and the cycle repeats. The sick remain sick, the streets and jails fill, the costs mount.

In Los Angeles County, ambitious proposals to move thousands of sick inmates out of jail and into psychiatric care have been frequently met with fear and skepticism. At one point, jail officials estimated the number of inmates who could be safely freed as being in the single digits.

They were wrong. In 2015, Dist. Atty. Jackie Lacey presented the Board of Supervisors with a framework for diverting mentally ill inmates from jail into treatment, and the board responded by creating an Office of Diversion and Reentry. Judge Peter Espinoza left the Superior Court to lead the office, which since 2016 has successfully diverted more than 3,200 people.

That has meant better and longer-lasting care for ex-inmates, who otherwise would have no intensive case management after jail. That, in turn, means lower recidivism and better public safety, studies have suggested. In many cases it also means savings, because it costs \$600 a day to keep an inmate in jail, but only about \$70 to house the same person in supportive housing.

So last August, the board asked: If there are about 16,000 inmates in L.A. County jails, and an estimated one-third of them are mentally ill, just how many could be safely diverted to out-of-jail treatment and housing?

Now we have an answer. On Monday, the diversion office will present the preliminary results of a study showing that well over half of the jail's mental health population could be safely released to community-based services. That's nearly 2,900 people.

The study undercuts long-held assumptions about how best to deal with mentally ill people arrested on suspicion of committing petty or even serious crimes.

For years, L.A. County officials (just like their counterparts in other counties and states) responded to the growing number of inmates by planning bigger jails. As recently as February, a "Consolidated Correctional Treatment Facility" was on track to replace an existing jail and would have been devoted to custodial treatment of inmates with psychiatric and other health problems.

But experts, civil rights groups and community activists argued that jail was no place for mental health care, and that armed, uniformed sheriff's deputies were the wrong people to respond to illness-related behavioral problems. The board was persuaded to change course. The numbers from the diversion office back up their decision.

Now, how does the county increase the pace and get closer to diverting everyone eligible? The process takes time. It requires a study of each defendant's criminal and medical records, background reports from the Probation Department and negotiations among prosecutors and defense lawyers. The county diversion office has a housing program that directs former jail inmates to supportive housing and case management; but until recently, all participants went through downtown Los Angeles courtrooms. Capacity was limited.

Now, though, the Los Angeles Superior Court is opening a second hub for the program at its huge courthouse near Los Angeles International Airport. Additional hubs — at courthouses in Van Nuys and Lancaster — are due to open by the end of the year.

L.A. County may have reached a turning point. It is ready finally to take on, on a large scale, the kinds of reforms that have been discussed and tried in dribs and drabs over the years — improving treatment of the mentally ill, reserving jail for the most dangerous people, reducing costs while enhancing public health and public safety. The numbers released by the Office of Diversion and Reentry show the way. The missing ingredient now is the funding to expand the program. So, Board of Supervisors — get on with it.

OP-ED

Three Earth Day lessons

By Rhea Suh

IN APRIL 1970, about 20 million Americans turned out for the first Earth Day, attending speeches, demonstrations and other community-based events in what the New York Times called "among the most participatory political actions in the nation's history."

Nearly 50 years on, the movement spawned by that historic gathering is rallying around calls for a Green New Deal to embody the aggressive action required to fight global climate change, create good-paying jobs and advance a more just and equitable society.

As Congress begins crafting legislation to turn those bold aspirations into law, the original Earth Day provides three key lessons.

First, national movements are born of local concerns.

In the year before the first Earth Day, industrial pollution was so bad in Ohio that the Cuyahoga River caught fire. An estimated 3.3 million gallons of oil spilled along the Santa Barbara coast, killing thousands of birds, fish and sea mammals. Acid rain was taking out Adirondack forests. Every car in America was spewing lead into the air we breathed.

Those local crises, and dozens more, sparked the national environmental movement. Similarly, climate change is imposing mounting costs and growing peril on families and communities across the country — including the drowning of the Midwest in epic spring floods, catastrophic wildfires in California, and Gulf Coast hurricanes and sea-level rise.

Climate change amps up these kinds of natural disasters and makes them more devastating. That's why seven in 10 respondents told Monmouth University pollsters they expect national action to fight it.

Second, national solutions flow from local opportunities.

On the first Earth Day, neither state nor federal governments were fully organized to confront toxic pollution, reckless development or industrial ruin. We were a nation in search of solutions. It was, though, an earnest search that we faced as Americans, not something that



Los Angeles Times

SIXTH-GRADERS march along Wilshire Boulevard on the first Earth Day in April 1970.

split us into red and blue factions.

Out of a national consensus for change came bedrock federal safeguards such as the Clean Air Act, the National Environmental Policy Act, the Clean Water Act and the Endangered Species Act — laws that passed Congress with overwhelming bipartisan majorities. States set up environmental agencies to help monitor pollution and enforce those laws.

Fighting climate change now means once again connecting the dots between national policies and local opportunities.

For example, even as national climate progress stalls under President Trump, more than 3,700 city, state, business and academic leaders have pledged to put in place policies that support the aims of the 2015 Paris climate accord. And 25 cities nationwide — including Los Angeles, San Jose and San Diego — are working to accelerate climate action through participation in the Natural Resources Defense Council-sponsored American Cities Climate Challenge. Meanwhile, policies

Environmental policy should grow out of local issues and serve all.

that speed a just and equitable transition to clean energy are supporting millions of good-paying local jobs.

Already, the NRDC affiliate Environmental Entrepreneurs counts about 3.3 million Americans working to make our homes and workplaces more efficient; building all-electric, hybrid and fuel-efficient cars; and helping us get clean, home-grown American power from the wind and sun. That's nearly three times the jobs fossil fuel production provides.

We must make sure these clean-energy jobs spread to the regions and people that need them most. That includes areas — rural and urban — traditionally dependent on coal, gas and oil production.

Earth Day's final lesson is connected to environmental justice. The effort Earth Day

kicked off relied on grass-roots citizen activism forged in the 1960s movements for civil rights, women's rights and opposition to the Vietnam War. It was about empowering people who'd not been heard to stand up, speak out and work for change. A half-century later, we must listen again to the voices that have been silenced too long, from people of color, low-income communities, indigenous people and others who often pay the highest price for environmental hazard and harm.

As a new generation brings fresh energy and ideas to the mission of protecting our environment and health, we're called to confront environmental injustice, to achieve 100% clean energy and to protect ourselves from the dangers and costs of climate change. I believe we can build on what we've learned; bridge racial, economic and political chasms; and spark a renewed national effort to save the planet and leave our children a livable world.

RHEA SUH is president of the Natural Resources Defense Council.

Pig brain study isn't mind-blowing

Bioethicists overstate the implications for the definition of death and organ donation.

By Robby Berman

IT'S ALIVE! Like something out of Mel Brooks' "Young Frankenstein," a group of scientists at the Yale School of Medicine recently tried to revive dead brains from pigs. As reported Wednesday in the journal *Nature*, by pumping and filtering nutrient-filled fluid through the brains' blood vessels, the scientists managed to preserve some brain cells that were dying and restore some cellular function.

A technological feat, to be sure. Does this call into a question the finality and irreversibility of brain death as death? I think not.

I've been a passionate activist on behalf of organ donation for 18 years, so this is not an abstract issue to me. If a person declared brain dead is not actually dead, or if that condition is reversible, it would be immoral to remove organs for transplantation because that would be killing the donor. That is not what this study shows, however. And yet the response seems completely disproportionate to its findings.

Bioethicist Nita Farahany of Duke University School of Law remarked: "It was mind-blowing.... We had clear lines between 'this is alive' and 'this is dead.' How do we now think about this middle category of 'partly alive'?" We didn't think it could exist." Hank Greely, president of the International Neuroethics Society and a Stanford law professor, said: "It blew me away.... Assuming always that this work is replicated, I think it's going to force us to think harder about how we declare somebody dead or not."

Frankly, I'm amazed at their amazement. For years, researchers have been culturing cells taken from brains that were oxygen-deprived for more than eight hours. The only thing new here is that the cells remained within the brain structure instead of being put in a petri dish. There was very limited restoration of cellular function. More importantly, there was no restoration of brain function — no communication between cells or coherent organized neurological processes.

And what indeed are the ramifications of extending the life of cells in an organ that doesn't work? Professors of bioethics Stuart Youngner and Insoo Hyun at Case Western Reserve University School of Medicine suggest this means that the medical community needs to debate when it's reasonable

to abstain from removing organs from brain-dead, heart-beating bodies in order to focus on "brain resuscitation."

But there is a world of difference between cells and an organ. Live heart cells can be found inside a dead heart; that doesn't make the heart alive. Just because there are living cells in a brain doesn't mean there is consciousness, thoughts, pain or pleasure.

The brain of a person with a fatal head injury inevitably begins to swell inside the skull to the point that the heart can no longer pump oxygenated blood into it. Without oxygen, chemical reactions cause the cell membranes to break down and liquefy. Once this process starts, the person's brain is decaying in the same manner of someone who had died of a heart attack. Should we also re-think burial or cremation for heart attack victims?

The media circus around this study implies that researchers created a Lazarus-type technology that can resurrect the dead. They did not. They simply found that cells die more slowly than previously thought and they were able to support the cells and enable them to regain limited function.

In spite of the oohs and ahhs of the public, the Yale scientists were very careful in describing their findings. "It is important to distinguish between resuscitation of neurophysiological activity and recovery of integrated brain function (that is neurological recovery)," they wrote. "The observed restoration of molecular and cellular processes ... should not be extrapolated to signify resurgence of normal brain function. Quite the opposite: at no point did we observe the kind of organized global electrical activity associated with awareness, perception, or other higher-order brain functions."

The Yale study shows that some brain cells die over a longer time period than previously thought. If researchers can use these findings to reverse brain damage before brain death, more power to them. But medical imaging shows that after a day or so without oxygen, brain cells begin to liquefy. And once liquefaction is underway, the brain is most definitely irreversibly dead and viable organs should be donated to save other lives.

ROBBY BERMAN is the founder and director of the Halachic Organ Donor Society. Twitter: @robbyberman

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Los Angeles Times

FOUNDED DECEMBER 4, 1881

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