

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE JUNE 19, 2013 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 140

Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Chairman: Mark Ridley-Thomas, County Supervisor for the Second District and
Chairman of the County Board of Supervisors

Lee Baca, Sheriff and Vice Chair of CCJCC

Greg Blair for William Mitchell, Superior Court Executive Officer

Dan Bower, Chief, Southern Division, California Highway Patrol

Bruce Brodie for Janice Fukai, County Alternate Public Defender

Daniel Calleros, President, Southeast Police Chiefs Association

Paul Cooper for Jim McDonnell, President, Los Angeles County Police Chiefs
Association

Robert Fager, President, South Bay Police Chiefs Association

Xiomara Flores-Holguin for Philip Browning, Director, County Department of Children
and Family Services

*Laura Green for Ronald Brown, County Public Defender

Victor Greenberg for James Brandlin, Assistant Supervising Judge, Criminal, Superior
Court

*Eric Harden for Steven Bogdalek, Special Agent in Charge, U.S. Bureau of Alcohol,
Tobacco, Firearms and Explosives

Karen Joynt for John Krattli, County Counsel

David Marin, Field Office Director, U.S. Immigration and Customs Enforcement

Georgia Mattera for William Fujioka, County Chief Executive Officer

Edward McIntyre, Chair, County Quality & Productivity Commission

Don Meredith, President, County Probation Commission

William Montgomery for Tom Tindall, Director, County Internal Services Department

Michel Moore for Charles Beck, Chief, Los Angeles Police Department

Margarita Perez for Jerry Powers, County Chief Probation Officer

Devallis Rutledge for Jackie Lacey, District Attorney

Richard Sanchez, County Chief Information Officer

Joseph Santoro, Independent Cities Association

Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner

Jim Smith, President, San Gabriel Valley Police Chiefs Association

Cheri Thomas for John Deasy, Superintendent, Los Angeles Unified School District

Robin Toma, Executive Director, County Human Relations Commission

*Robin Toma for Cynthia Banks, Director, County Department of Community & Senior
Services

John Viernes for Jonathan Fielding, Director, County Department of Public Health

Lance Winters for Kamala Harris, California Attorney General

*Janice Yu for Miguel Santana, Los Angeles City Chief Administrative Officer

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Isaac Barcelona, Chair, County Economy and Efficiency Commission
Bruce Barrows, California League of Cities
Jeffrey Beard, Secretary, California Department of Corrections and Rehabilitation
Andre Birotte, U.S. Attorney
Michelle Carey, Chief U.S. Probation Officer
Arturo Delgado, Superintendent, County Office of Education
Mitchell Englander, Los Angeles City Council, 12th District
Peter Espinoza, Judge, Superior Court
Christa Hohmann, Directing Attorney, Post Conviction Assistance Center
Sean Kennedy, Federal Public Defender
William Lewis, Assistant Director in Charge, Los Angeles Division, Federal Bureau of Investigation
Michael Nash, Supervising Judge, Juvenile, Superior Court
Charlaine Olmedo, Supervising Judge, Criminal, Superior Court
Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program
Jeffrey Prang, California Contract Cities Association
Richard Propster, Peace Officers Association of Los Angeles County
David Singer, United States Marshal
Marvin Southard, Director, County Department of Mental Health
Carmen Trutanich, Los Angeles City Attorney
Antonio Villaraigosa, Mayor, City of Los Angeles
Mike Webb, County Prosecutors Association
David Wesley, Presiding Judge, Superior Court
Anthony Williams, Special Agent in Charge, U.S. Drug Enforcement Administration

I. CONVENE/INTRODUCTIONS

Mark Ridley-Thomas, County Supervisor, Second District

The meeting was called to order at 12:00 noon by Los Angeles County Supervisor Mark Ridley-Thomas, Chairman of CCJCC.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Mark Ridley-Thomas, County Supervisor, Second District

There were no requests for revisions to the minutes of the May 15, 2013 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the May 15, 2013 meeting was seconded and approved without objection.

III. CHAIRMAN'S REPORT

There were no updates reported.

IV. EXECUTIVE DIRECTOR'S REPORT

Mark Delgado, Executive Director, Countywide Criminal Justice Coordination Committee

Mark Delgado, Executive Director of the Countywide Criminal Justice Coordination Committee (CCJCC), provided the Executive Director's Report to the committee.

Trial Court Funding

At last month's meeting, Judge Victor Greenberg made a presentation on the Los Angeles Superior Court's consolidation plan and staffing reductions that have become necessary due to ongoing budget cuts. Following Judge Greenberg's presentation, this committee approved a motion to support the Los Angeles Superior Court's request for additional funding from the state.

As a follow-up to that motion, the Chairman signed a letter that encourages the state to restore needed funding for local courts. This letter was sent to the Governor's Office and to leaders of the State Legislature.

Mr. Delgado noted that the final state budget agreement includes an additional \$60 million for local courts.

Definition of Recidivism

At the request of the Chairman, the Public Safety Realignment Team (PSRT) has engaged in discussions to formulate a uniform definition of recidivism. These discussions have led the PSRT to set forth a proposal for measuring recidivism in the County of Los Angeles.

The proposal is a tiered definition that allows for flexibility to analyze data depending upon what it is being compared to. The primary part of the proposed definition is as follows:

"A qualifying return to custody during a specified time period."

There are three sub-definitions, or clarifications, that provide more detail. These are:

1. **Time Period:** A three (3) year period immediately following custody release. This time period would run regardless of what that person's supervision status may be (i.e., parole, post release community supervision, probation, no supervision, etc.).

2. **Custody:** Whether the person is in jail, prison, or assigned to an alternative sentencing option.
3. **Qualifying Returns:** This includes the following four categories:
 - a. **New arrests with judicial finding of probable cause**
 - b. **Convictions**
 - c. **Revocations**
 - d. **Flash incarceration**

The intention of this approach to defining recidivism is to recognize that other jurisdictions may use some or all of the criteria above, and a comprehensive approach is needed by this county in order to make comparisons.

Deputy Chief Reaver Bingham of the Los Angeles County Probation Department also appeared before this committee to address the process by which the recidivism definition was developed. He added that there was much discussion concerning whether to add flash incarceration as one of the categories under qualifying returns. While there is no judicial finding of whether the individual is in violation, it is included in the definition so that it may be utilized in certain comparisons.

The proposed definition allows the county to analyze some or all categories under qualifying returns. This is useful for the purpose of comparative analysis with other jurisdictions that may or may not utilize all of these categories in their respective recidivism definitions.

Chief Robert Fager of the Hawthorne Police Department inquired as to whether consideration has been given to extending the time period that is measured post supervised release. Mr. Delgado stated that the three year time period was agreed to in order to make the definition as consistent as possible with previous measurements that the state has used. In addition, some of the AB 109 recidivism data will be measuring post supervision individuals, such as N3s released from custody without a supervision tail.

Mr. Bingham added that individuals on Post Release Community Supervision (PRCS) must be released after 12 months if they have been in full compliance. This will still leave two years under the proposed definition during which they will not be under supervision.

In response to a question regarding how the proposed definition compares to what the state and other counties are doing, Mr. Delgado reiterated that the proposed definition attempts to be consistent with what the state has used, and particularly the California Department of Corrections and Rehabilitation (CDCR). He added that while there is no uniform definition of recidivism throughout the 58 counties, the California Attorney General's Office is interested in facilitating discussions with the goal of creating a common definition.

Deputy Chief Michel Moore of the Los Angeles Police Department emphasized that the value of the proposed definition is that it provides the ability to parse out the qualifying returns separately. This will allow the county to adjust its recidivism formulas accordingly when making inter-jurisdictional comparisons.

In response to another inquiry, Mr. Delgado stated that the three year time period does not restart after a qualifying return incident takes place. The three year time period runs once from the initial custody release date.

Supervisor Ridley-Thomas inquired as to the next steps and how the proposed definition will advance the goal of creating a commonly held definition. He advised that the practical value of recidivism data is that it provides an indication of whether treatment/rehabilitation/reentry programs are effective or not. This, in turn, provides policy makers with the information they need to efficiently allocate existing resources.

As a possible next step, Mr. Bingham suggested that, if adopted by this committee, the proposed definition should be forwarded to the California Attorney General's Office for consideration in developing a statewide definition. He added that the proposal moves the discussion forward within the county in that there would be agreement among local entities as to what constitutes a recidivist event.

Los Angeles County Sheriff Lee Baca remarked that the common assumption about recidivism is that it refers to commission of a new crime. He also noted that supervision is a form of serving time in the community, which is distinguishable from no custody and no supervision. In this sense, there is a difference between a revocation and a new conviction from someone not under supervision.

Sheriff Baca added that, given the size of this county, any definition of recidivism that is agreed upon by this committee will receive attention from the state.

With respect to flash incarceration, Sheriff Baca stated that this qualifying return is similar to a revocation, just for a temporary period of time. He surmised that the use of revocations and flash incarcerations in the definition will be a cause for further discussion at the state level in their efforts to create a statewide definition of recidivism.

Mr. Bingham acknowledged the Sheriff's observations and stated that a great deal of consideration was given to including these as qualifying returns. He noted that the advantage of this proposed definition is that these elements can be taken out if needed so that the qualifying returns can be analyzed in aggregate, separately, or in any combination. Responses to recidivism data can be tailored to the specific aspects that are being studied.

Deputy Chief Moore noted that the vast majority of the recidivism experienced by CDCR has been due to administrative charges, not commission of new crimes. For example, testing positive for illegal narcotics may be the basis for a parole violation. If a recidivism definition relied solely on new arrests and convictions, it would not be

comparable to CDCR's recidivism data which has historically included violations for lesser offenses.

Additionally, Deputy Chief Moore remarked that parole has often been revoked on absconders. Locally, this offense may result in a flash incarceration. Consideration of revocations and flash incarcerations in the qualifying return categories allows the county to more closely compare AB 109 recidivism data to the recidivism data collected by CDCR over the past ten years.

Mr. Bingham added that the inclusion of flash incarcerations and revocations measures behavior that some would view as potentially leading to a new offense.

Assistant Chief Margarita Perez of the Los Angeles County Probation Department stated that it will always be difficult to make an "apples to apples" comparison of recidivism data due to the differences in policies, practices, and procedures in different counties and jurisdictions. For example, different levels of tolerance for certain violations can affect comparisons even if two entities utilize the same definition of recidivism.

Supervisor Ridley-Thomas acknowledged that local differences may apply, but emphasized that a clear standard or baseline is needed in order to measure the success of efforts to rehabilitate individuals. He emphasized that agreement upon a definition of recidivism is not an academic exercise, but should instead serve as a practical method by which to do this.

Mr. Delgado suggested that sample recidivism data can be provided at the next meeting that will demonstrate how the proposed definition would be applied to populations with different custody statuses.

Supervisor Ridley-Thomas agreed that test runs of various scenarios would be useful and that the accompanying recidivism data should be presented at the next meeting on July 17th. In the interim, he requested that the members of this committee give further consideration to this matter and be prepared to raise any questions or concerns.

The Supervisor advised that this committee can move forward in concept with the current proposed definition of recidivism, with the understanding that modifications may be made based upon the next meeting's presentation. A final vote will be taken at that time.

A motion was made to adopt the proposed definition of recidivism in concept.

ACTION: The motion to adopt the proposed definition of recidivism in concept was seconded and approved without objection.

V. PUBLIC SAFETY REALIGNMENT

Deputy Chief Reaver Bingham, Probation Department

This Agenda Item was combined with the previous Agenda Item's discussion on a definition of recidivism.

VI. COMMUNITY BASED ALTERNATIVES TO CUSTODY – SUBSTANCE ABUSE TREATMENT SERVICES

Lieutenant Ed Ramirez, Sheriff's Department

Holly McCravey, Acting Program Administrator, Adult Treatment and Recovery Services, Department of Public Health Substance Abuse Prevention and Control

Lieutenant Ed Ramirez of the Sheriff's Department appeared before this committee to make a presentation on Community Based Alternatives To Custody (CBAC) – Substance Abuse Treatment Services, which is a model for expanding in-custody and community-based treatment services.

This was a co-presentation between the Sheriff's Department and the Department Of Public Health Substance Abuse Prevention and Control (DPH-SAPC).

The CBAC – Substance Abuse Treatment Services is a pilot program that focuses on the sentenced inmate population. This population will be targeted by a risk and needs assessment; selected individuals will be placed in a residential drug rehabilitation treatment facility. The participants will remain under the control of the Sheriff's Department and they will serve the remainder of their sentence while being electronically monitored with a Global Positioning System (GPS) or, in some instances, a Radio Frequency (RF) device.

The goal of the program is to reduce recidivism and improve public safety by:

1. Providing drug and/or alcohol rehabilitation assistance to the incarcerated;
2. Reducing the inmate population while requiring them to complete their adjusted sentence in certified treatment facilities; and
3. Reintegrating them back into their communities as healthy, rehabilitated individuals.

In order to manage the inmate population, there are a number of CBAC programs currently in effect. Current placements under CBAC include station trustee, home confinement, and electronic monitoring. This pilot program will expand CBAC to include a substance abuse treatment model.

Enrollment in the Sheriff's Department Maximizing Education Reaching Individual Transformation (MERIT)/Education Based Incarceration (EBI) programs will be the first prerequisite for participation in the program.

The following eligibility requirements must be met for participation:

- Must be fully sentenced and willing to participate;
- Appropriately screened through COMPAS and Wisconsin risk based assessment tool;
- No serious medical or psychological problems;
- Must be classified with a security level of 7 or below;
- No major behavioral problems while incarcerated;
- No active restraining orders;
- No active gang affiliation;
- No immigration holds or outstanding warrants; and
- No exclusionary charges.

All inmates are subject to discretionary review and disqualification.

MERIT is the flagship program within EBI, and is one of the most successful. It is based on a close and active partnership between the Los Angeles County Sheriff's Department, community based organizations, and faith based organizations.

The strength of the MERIT program is its ability to bring each participant to the point that they recognize the necessity of a personal commitment to reaching their goals, accepting responsibility for their actions, and being accountable for their choices in life.

Programming includes interpersonal communications, creative thinking, anger management, addiction, relationships, communication, managing emotions, creating new choices, and goal setting. MERIT students learn how to make those choices in a rational manner and to employ their positive attributes toward building a successful family, career, and future.

Lieutenant Ramirez introduced Holly McCravey to discuss the substance abuse treatment services component of the pilot program. Ms. McCravey is the Acting Director of Adult Treatment and Recovery Services of the Department of Public Health Substance Abuse Prevention and Control (DPH-SAPC).

Ms. McCravey provided background information on SAPC. She stated that SAPC has an annual budget of \$230 million and provides for approximately 70,000 alcohol and drug admissions annually through services contracted with over 200 community-based agencies. Additionally, SAPC directly operates the Antelope Valley Rehabilitation Center (AVRC), which has a large residential program as well as an outpatient program.

SAPC manages substance abuse services that include Prevention, Treatment, Epidemiology, and Technical Assistance and Training, including:

- Criminal Justice Programs (e.g., Drug Court, PC 1210, and AB 109);
- Co-Occurring Services;
- Medication Assisted Treatment (MAT);

- CalWORKs substance abuse program;
- Youth Service Network; and
- Perinatal Services.

The implementation of AB 109 in October 2011 created an influx of inmates into the local jail system who are no longer eligible for state prison.

On July 24, 2012, the Board of Supervisors requested that the Los Angeles County Sheriff's Department develop strategies for a continuum of resources providing rehabilitative oversight during incarceration and after release.

The Sheriff's Department has established a number of partnerships with county departments. However, there continues to be an unmet need in support services for inmates struggling with Substance Use Disorders (SUD).

In response to the Board's motion, the Sheriff's Department entered into discussions with DPH-SAPC.

DPH-SAPC has had previous experience with in-custody and focused criminal justice SUD programs. These include the Sentenced Offender Drug Court, Adult Drug Court Program, Female Offender Treatment Program, Women's Reentry Court Program, Parolee Services Network Program, AB 109, Proposition 36, and Co-Occurring Disorders Drug Programs.

Ms. McCravey explained that screened individuals from the MERIT program will be offered MERIT Beginnings, which is a 30 day drug education program providing early intervention. Based on assessments, individuals may be placed in Enhanced MERIT Pillar, which is a 12 week drug education program.

Those who are assessed as having an addiction disorder may qualify for In-Custody Education and Treatment (ICET), which is a 12 week program that includes individual sessions, group sessions, drug education (relapse prevention), peer recovery support sessions, drug testing, and Vivitrol suitability screening and referral. Individuals that successfully complete ICET may become the mentors for others.

MERIT participants identified for community sentencing will be referred to the Sheriff's Department Community Transition Unit (CTU), which has co-located Community Assessment Service Center (CASC) staff. The individuals will be assessed for SUD and referral. Vivitrol suitability screening and referral for opioid/alcohol users will also take place.

Eligible participants in community reentry treatment may receive residential medical detoxification services, residential treatment services, medicated assisted treatment, outpatient narcotic treatment, and outpatient treatment service tied to sober living. Community reentry treatment lasts 180 days.

The pilot project will incorporate evidence-based SUD treatment and educational services to inmates in the following areas: 1) The ICET component within the MERIT program, focusing on drug education; 2) SUD treatment services to inmates in need; 3) Reentry to SUD treatment facilities contracted by DPH-SAPC, as an alternative to incarceration; and 4) Evaluation.

Ms. McCravey stated that the CBAC pilot project will provide the following benefits:

- Reduce recidivism and relapse after incarceration;
- Develop skills to reintegrate family and create a pro-social environment, including education and employment;
- Reduce criminal justice system costs;
- Linkages to services after release; and
- Enhance collaboration between re-entry service providers and county partners.

Lieutenant Ramirez emphasized that there is no early release component to this program. Instead, it is earned release by inmates in the MERIT program.

The Sheriff's Department COMPAS assessment tool will not only address the risk and needs of the inmate population; it will also allow the Department to link substance abusers to a framework that will assist the collaborative in:

- Building a system of efficiencies;
- Developing programs and activities;
- Creating a process for meeting client, community, and system needs; and
- Conducting a process to measure outcome and impact evaluation of the implemented programs.

The COMPAS assessment will cover the inmate's prior criminal history, education, employment, financial situation, family/marital relationships, accommodations, use of leisure time, companions, alcohol/drug use, emotional/mental health, and attitude.

The Sheriff's Department review and interview procedures for the program include:

- Interview appropriately screened inmates who may be eligible for placement into the program;
- Conduct a complete review of the inmate's criminal history and security level, and check for active restraining orders and outstanding warrants;
- Provide screening by Immigration and Customs Enforcement (ICE) to verify United States citizenship;
- Review record jackets and ensure that all court documents are accounted for;
- Conduct an additional in-depth risk assessment based on the certified Wisconsin Risk Assessment;
- A comparison review of both assessment tools by CBAC personnel shall be completed; and

- Qualified participants will be scheduled for release consistent with the ability to coordinate transportation and placement into the program.

The electronic monitoring case manager(s) will:

- Review participants' curfew, monitor activity and time records, and provide verbal communication of non-compliance issues to Sheriff's Department personnel;
- Report violations to the facility counselors and Sheriff's Department personnel for corrective measures; and
- Prepare non-compliance reports for Sheriff's Department personnel to review for proper follow up.

All participants will be case managed by Sheriff's Department and Community-Based Organization (CBO) personnel, with input from contracted treatment providers. A pre-release/post release reentry discharge plan will be prescribed.

Sheriff's Department personnel will address program violations to ensure successful compliance and program completion.

The Sheriff's Department Compliance Team will be comprised of designated Sheriff's Department personnel. Duties will include:

- Performing random site visits;
- Verifying good standing in the program;
- Progress evaluations;
- Motivational counseling;
- Status reports; and
- Attendance at recognition and graduation ceremonies.

The Sheriff's Department also has a Non-Compliance Team within the Inmate Reception Center (IRC) that is responsible for the return of non-compliant inmates to custody. Non-compliance issues include absconding, aggressive or violent behavior, illegal activities, and minor program violations.

The Sheriff's Department Compliance Team and treatment facility staff will meet regularly to discuss the participant's status in the program. All status report information will be entered into COMPAS.

Statistical data and monthly reports will be prepared for this pilot program. The data will allow the program team members to track the progress of participants, referrals, use of services, program compliance and non-compliance, and analyze possible causes of recidivism in order to improve services.

It will be each collaborative member's responsibility to communicate potential risks to ensure swift mediation, allow for proactive intervention, and ensure that the lowest risk to communities is maintained and prioritized.

Lieutenant Ramirez added that the Sheriff's Department will be notifying Chiefs of Police as to when and where these placements will be taking place.

In response to a question, Lieutenant Ramirez stated that there are about 3,000 inmates in the MERIT program and about 500 will be targeted for this particular program. The intention is to start with female inmates and expand to include males at a later date.

Lieutenant Ramirez also stated that the MERIT program has recidivism data and a measurement system to evaluate success.

Supervisor Ridley-Thomas suggested that MERIT program data can be run against the Sheriff's Department existing operational definition of recidivism as well as the definition agreed to in concept in Agenda Item IV. This can be presented at the next meeting as a comparative analysis.

ACTION: For information only.

VII. TASKFORCE ON CRIMES AGAINST THE HOMELESS

Robin Toma, Executive Director, County Human Relations Commission

Robin Toma, Executive Director of the County Human Relations Commission (HRC), appeared before CCJCC to provide an update on the Task Force on Crimes Against the Homeless.

On March 24, 2009, the Los Angeles County Board of Supervisors passed a motion that requested the County Human Relations Commission to address crimes against the homeless and to work with criminal justice agencies throughout the County to explore the feasibility of implementing a system to track crimes against the homeless. This motion was passed in response to several incidents in which victims of crimes were seemingly targeted because of their homeless status.

CCJCC subsequently voted to establish the Task Force on Crimes Against the Homeless to facilitate the process of tracking crimes against the homeless. The task force includes representatives of the County Chief Executive Office, Los Angeles County Sheriff's Department, Los Angeles County District Attorney's Office, Los Angeles Police Department, Los Angeles City Attorney's Office, Long Beach Police Department, Pasadena Police Department, Santa Monica Police Department, and County Human Relations Commission.

It was determined that few agencies currently capture data on crime incidents involving homeless victims, and none currently analyze the data on a regular basis.

The task force researched and agreed upon a definition of "homeless" based on the Federal Housing and Urban Development (HUD) definition, and this definition was proposed to be used by all agencies when tracking crime victims who are homeless.

Additionally, the task force agreed upon the types of data to be collected by each agency.

A pilot project was launched to track and collect data on homeless victims of crime in the five participating jurisdictions (i.e., Sheriff's Department, LAPD, Long Beach PD, Pasadena PD, and Santa Monica PD). Data on crimes in which homeless were victims was compiled by each agency and merged.

It was discovered that the participating agencies use almost no common crime codes for the homeless victims of crime. Each agency would have to change its database structure to reflect common crime codes for collective analysis, or create a program to automatically translate codes of each agency into the same codes.

As this is resource intensive and costly, it was decided that a pilot survey of homeless encampments in each of the participating jurisdictions would be conducted to determine crime victimization rates and non-reporting rates.

The findings revealed that 56% of those homeless who were surveyed reported being the victim of one or more crimes in the previous year. Furthermore, 62% of those homeless victims of crime did not report the crime to the police.

The next steps for the task force include the following:

- Further analyze data on non-reporting of crime by homeless in encampments;
- Survey the homeless who don't live in encampments in each of the jurisdictions;
- Each agency to determine what it can do to systematically track these crimes; and
- Explore possible sources of funding for such changes.

Supervisor Ridley-Thomas inquired as to the sample size of the individuals that were interviewed. Mr. Toma stated that a minimum of 25 individuals were interviewed at each encampment, so at least 150 were interviewed across the five jurisdictions.

ACTION: For information only.

VIII. OTHER MATTERS/PUBLIC COMMENT

Public comments were made by the following two individuals:

Joseph Maizlish
Annabella Mazariegos

IX. ADJOURNMENT

The meeting was adjourned at 1:09 p.m.