

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE APRIL 16, 2014 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Chairman: Don Knabe, County Supervisor for the Fourth District and
Chairman of the County Board of Supervisors

Cynthia Banks, Director, County Department of Community & Senior Services

*Norma Bonalos-Garibay for David Marin, Field Office Director, U.S. Immigration and
Customs Enforcement

Dan Bower, Chief, Southern Division, California Highway Patrol

*Bernie Brown for Mike Feuer, Los Angeles City Attorney

Ronald Brown, County Public Defender

Daniel Calleros, President, Southeast Police Chiefs Association

Ling-Ling Chang, California League of Cities

*Dardy Chen for William Fujioka, County Chief Executive Officer

Mark Fajardo, County Coroner – Medical Examiner

Walter Flores for John Deasy, Superintendent, Los Angeles Unified School District

Janice Fukai, County Alternate Public Defender

*Victor Greenberg for Charlene Olmedo, Supervising Judge, Criminal, Superior Court

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

Eric Harden for Carlos Canino, Special Agent in Charge, U.S. Bureau of Alcohol,
Tobacco, Firearms and Explosives

Christa Hohmann, Directing Attorney, Post Conviction Assistance Center

Eve Irvine, President, South Bay Police Chiefs Association

*Tracey Lopez for Jackie Lacey, District Attorney and Vice Chair of CCJCC

Jonathan McCaverty for John Krattli, Acting County Counsel

*Holly McCravey for Jonathan Fielding, Director, County Department of Public Health

Edward McIntyre, Chair, County Quality & Productivity Commission

Emilio Mendoza for Philip Browning, Director, County Department of Children and
Family Services

Don Meredith for Cyn Yamashiro, President, County Probation Commission

William Montgomery for James Jones, Director, County Internal Services Department

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

Fred Nazarbegian for Richard Sanchez, County Chief Information Officer

Margarita Perez for Jerry Powers, County Chief Probation Officer

Robert Philibosian for Isaac Barcelona, Chair, County Economy and Efficiency
Commission

*Rolando Reyes for Eric Garcetti, Mayor, City of Los Angeles

*Joseph Santoro for Mario Guerra, Independent Cities Association

John Scott, Sheriff

Marvin Southard, Director, County Department of Mental Health
Anthony Williams, Special Agent in Charge, U.S. Drug Enforcement Administration
Lance Winters for Kamala Harris, California Attorney General

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Jeffrey Beard, Secretary, California Department of Corrections and Rehabilitation
Andre Birotte, U.S. Attorney
Michelle Carey, Chief U.S. Probation Officer
Sherri Carter, Superior Court Executive Officer
Paul Cooper, President, Los Angeles County Police Chiefs Association
Arturo Delgado, Superintendent, County Office of Education
Mitchell Englander, Los Angeles City Council, 12th District
Peter Espinoza, Judge, Los Angeles Superior Court
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
Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program
Jeffrey Prang, California Contract Cities Association
Richard Propster, Peace Officers Association of Los Angeles County
Phillip Sanchez, President, San Gabriel Valley Police Chiefs Association
Miguel Santana, Los Angeles City Chief Administrative Officer
David Singer, United States Marshal
Robin Toma, Executive Director, County Human Relations Commission
Mike Webb, County Prosecutors Association
David Wesley, Presiding Judge, Superior Court

I. CALL TO ORDER / INTRODUCTIONS

Don Knabe, County Supervisor, Fourth District

The meeting was called to order at 12:00 p.m. by Los Angeles County Supervisor Don Knabe, Chairman of CCJCC.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Don Knabe, County Supervisor, Fourth District

There were no requests for revisions to the minutes of the March 19, 2014 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the March 19, 2014 meeting was seconded and approved without objection.

III. PRESENTATION ON LAURA'S LAW

Marvin J. Southard, D.S.W., Director, Department of Mental Health

Dr. Marvin Southard, Director of the County Department of Mental Health (DMH), appeared before CCJCC to provide an overview of plans for implementing Laura's Law in Los Angeles County.

Assembly Bill (AB) 1421, passed and signed into law in 2002, established the Assisted Outpatient Treatment (AOT) Demonstration Project Act, which is known as Laura's Law.

Laura's Law allows Court-ordered mental health outpatient treatment under specific conditions. The purpose and intent of the law is to identify certain adults with serious mental illness and treatment non-compliance who are at substantial risk for deterioration and/or detention under Welfare and Institutions Code (WIC) Section 5150, which could be mitigated by mandated acceptance of appropriate services.

Passage of the law, which was modeled on Kendra's Law from New York State, involved substantial negotiations. Opponents of the law were concerned about civil liberties issues and didn't want the law to be too aggressive in forcing unwilling people into treatment. Advocates of the law wished to ensure that unwilling individuals in need of treatment would receive it before reaching a WIC 5150 status or before a negative incident occurs. Family members of mentally ill individuals have been the among the strongest advocates.

Dr. Southard emphasized that Laura's Law is meant to get mental health treatment to those individuals that are clearly in need of treatment, but are not currently a danger to themselves or others.

Counties may choose to implement the law if they enact outpatient commitment programs based on the measure. Los Angeles County was the first to partially implement the law. This was done through a pilot that was created to serve as a diversion program. The procedures allowed for an individual to choose to participate in lieu of facing the criminal charges against him or her.

While the pilot program was successful for a time, the incentive to participate began to wane as a result of decreases in the amount of time that inmates spent in jail for certain offenses. The program was then changed to an early release program for eligible individuals.

During the past four years, Nevada County in California implemented Laura's Law as written. The Los Angeles County Board of Supervisors has requested that DMH determine the feasibility of similarly implementing the law in this county.

In response, DMH conducted a broad analysis of Laura's Law and the legal, clinical, programmatic, and fiscal mechanisms required to proceed with full implementation.

A group of stakeholders formed by DMH has been meeting for the past year, and they are now close to finalizing a plan for implementation.

The analysis of Laura's Law and the feasibility of full implementation was guided by DMH, expert consultation, and community feedback from a broad range of involved agencies. Both advocates and opponents of the law have provided input.

During the process of analysis and development of procedures, a team from Los Angeles County, including both advocates and opponents, as well as the DMH Medical Director, went to Nevada County to learn how the law is being implemented. Interviews were held with Judges and Court staff, as well as representatives from the District Attorney's Office, Public Defender's Office, County Counsel's Office, and treatment specialists.

A notable finding from Nevada County is that 95% of the individuals participating in the program are doing so voluntarily. Only 5% of the participants have had a petition filed in Court to mandate their treatment.

Dr. Southard observed that this may lesson to some extent the concerns of civil liberties advocates as the program may be viewed less as a coercion treatment program and more as a very assertive engagement process.

This finding is also significant from a financing perspective in that the cost to the legal system is reduced with only 5% of the participating individuals requiring a petition being filed with the Court.

Dr. Southard reported that the Mental Health Services Act (MHSA) can fund treatment services under Laura's Law, but it does not provide funding for legal or Court costs associated the law. He noted, however, that Nevada County officials have indicated that any additional judicial or legal costs resulting from the law are minimal. This is because the individuals being served would likely otherwise be in the system through conservatorships or criminal activity.

A programmatic component associated with DMH's Laura's Law implementation plan is the Assisted Outpatient Treatment (AOT) Team. This team will screen requests, conduct extensive outreach and engagement, develop petitions, and manage the Court processes to connect AOT enrollees with service providers.

DMH is proposing an initial pilot effort in which about 500 evaluations would be conducted per year, with 300 enrollees at any given time. There would also be 60 crisis residential beds.

In terms of treatment costs, DMH estimates that staffing for the AOT evaluation team will be about \$2 million. The treatment slots would likely cost around \$10 million. DMH's proposal would fund the treatment components of this program as a pilot using one-time MHSA funding. If adopted at a public hearing of the Mental Health

Commission in May, this funding proposal would ultimately be brought to the County Board of Supervisors for approval.

DMH's operational process for implementing Laura's Law as written is a 25-step procedural plan. The first ten steps entail engagement without involving the potential use of legal force. With Step 10, the AOT team meets with the individual and conducts an examination, which the person can consent to or not.

If after Step 10 the individual does not agree to voluntary treatment, the County Counsel's Office is notified that a petition needs to be filed with the Court. Step 13 is the actual filing of the petition, and a hearing date is then set no later than five Court days after the filing.

Dr. Southard emphasized that Steps 13 through 19 (which is Court-ordered treatment) are only for those 5% of individuals who refuse voluntary treatment. And some of these individuals may chose to engage in voluntary treatment prior to Step 19.

Only specific individuals can issue a request for an individual to be placed in Court-ordered outpatient treatment under the terms of Laura's Law. Persons with standing to request that this process take place include those who are living with the individual, a close family member, a hospital director, a peace officer, a probation officer, or a parole officer.

Los Angeles County Public Defender Ron Brown expressed concern that it may not be possible for the Public Defender's Office to be prepared for a hearing in five Court days following the filing of the petition. Dr. Southard stated that this portion of the proposal, along with other procedures that raise issues of statutory compliance, have not been finalized and are still under discussion by the stakeholder workgroup.

ACTION: For information only.

IV. COUNTY JAIL SYSTEM UPDATE

Assistant Sheriff Terri McDonald, Sheriff's Department

Assistant Sheriff Terri McDonald provided an update to CCJCC on jail related matters, including facilities improvement efforts and the development of population management strategies. This is a standing agenda item at CCJCC meetings.

Since the last meeting, discussions have been held with state officials on jail bond funding. In addition, an official from the State Department of Finance (DOF) has toured the the Men's Central Jail and the Twin Towers facility.

The tour of the jail facilities provided an opportunity to show that there is a need for a new downtown facility to address crowding issues and mental health treatment, as well as reveal the impact that AB 109 has had on county lock-up facilities.

If the county proceeds with building a new jail facility, the funding comes through state bonds in which the county places the property in the possession of the state during the life of the bond. However, if a downtown mental health and drug treatment complex is built, it will be more expensive than the bond that the state would provide to the county. In addition, there is no legal method with which to double bond on the same piece of property.

One possible alternative, if the Board of Supervisors approves, would be for the county to carry the bond and let the state reimburse the county. This has an added benefit in that there would be a lower interest payback rate due to the county having a better bond rating than the state. This suggestion is still pending consideration.

The county is continuing to advocate to the state legislature regarding the need for jail construction. The Governor's proposed budget revision will be released in May, at which time there will be an opportunity to see if any changes have been made to proposed jail construction funding.

Vanir has released a draft report on its jail construction plan to each of the Board offices. As a reminder, the report provides five potential options for jail construction, each of which includes the construction of a mental health drug treatment medical center.

The jail construction plan report will be presented to the Justice Deputies next Wednesday, April 23rd, and then to the Board of Supervisors on May 6th. Assistant Sheriff McDonald praised staff from the Department of Public Health Substance Abuse Prevention and Control (DPH-SAPC), DMH, and the Sheriff's Department for their work in assisting with this report.

At the previous meeting, Assistant Sheriff McDonald referenced various jail capacity solutions that the Sheriff's Department has proposed following meetings by the Jail Overcrowding Committee. The report with these proposals is currently being reviewed by the County CEO's Office. Once finalized, this jail population management plan will be presented to the Justice Deputies and then to the Board of Supervisors.

Currently, the population in County Jail remains at around 19,400.

Supervisor Knabe added that he was informed through a subsequent conversation that the jail tour did impress upon the DOF official the impact of AB 109 and the need for jail construction funding.

ACTION: For information only.

V. CRIMINAL JUSTICE RESEARCH AND EVALUATION SERVICES

Mark Delgado, Executive Director, Countywide Criminal Justice Coordination Committee

Mark Delgado, Executive Director of the Countywide Criminal Justice Coordination Committee (CCJCC), provided a briefing on efforts to create a Master Agreement for criminal justice research and evaluation services.

CCJCC will soon release a Request for Statements of Qualifications (RFSQ) to identify qualified organizations that provide criminal justice research and evaluation services. The intent is to establish a Master Agreement with pre-qualified organizations that departments can utilize as needed in a more flexible, responsive manner than under the current contracting process. The Master Agreement will also promote results-based criminal justice programming in Los Angeles County.

It is anticipated that, following the release of the RFSQ, there will be about a three month period before CCJCC can go before the Board of Supervisors and request authorization to establish the Master Agreement.

The RFSQ will seek organizations that can perform research and analysis in any or all of the following three categories:

1. Evaluation/Impact/Outcome Services. This refers to standard program evaluations in which a department may wish to evaluate an existing program or process and determine what outcomes have resulted.
2. Forecast/Projection Services. This category involves the development of forecasting and projections, such as with the jail population.
3. Development, Analysis, Validation, and Norming of Criminal Justice Tools Services. This refers to validating existing or proposed assessment tools that are used for decision making purposes.

Examples of projects that may be covered under the RFSQ include, but are not limited to:

- Evaluation of county implemented criminal justice and/or criminal justice-treatment programs and their impact on recidivism;
- Analysis, validation, and norming of criminal justice assessment tools utilized in Los Angeles County;
- Development of criminal justice initiative recommendations based on evaluation results and research/analysis of best practices; and

- Analysis of local criminal justice trends and development of justice projections.

Through a Memorandum of Understanding (MOU) process with CCJCC, county departments may use the Master Agreement and will:

- Develop and issue the Request For Services (RFS);
- Evaluate responses consistent with county guidelines;
- Execute work orders jointly with CCJCC; and
- Monitor performance on a work order.

Mr. Delgado stated that the RFSQ will likely be released in early May and that he anticipates going before the Board of Supervisors in August for authorization to establish the Master Agreement.

Assistant Chief Michel Moore of the Los Angeles Police Department inquired as to how CCJCC will notify potentially qualified organizations of the RFSQ. Mr. Delgado stated that the RFSQ will be posted on the Los Angeles County website and CCJCC's website, and that it will also be forwarded to the members of this committee. He added that organizations can apply to be on the Master Agreement at any time, even after it has been established.

Assistant Sheriff Richard Barrantes inquired as to who will evaluate the applications to be placed on the Master Agreement list. Mr. Delgado stated that it will be a group consisting of CCJCC staff and volunteers from various departments. Assistant Sheriff Barrantes offered Sheriff's Department representation on the selection committee. Mr. Delgado thanked Assistant Sheriff Barrantes for this offer of assistance.

ACTION: For information only.

VI. OTHER MATTERS/PUBLIC COMMENT

There were no public comments.

VII. ADJOURNMENT

The meeting was adjourned at 12:40 p.m.