

**LOS ANGELES COUNTY
BLUE RIBBON COMMISSION ON PUBLIC SAFETY**

MINUTES OF THE December 4, 2017 MEETING

Hall of Justice
Media Conference Room
211 West Temple Street
Los Angeles, California 90012

COMMISSION MEMBERS PRESENT

Erika Anzoategui, Division Chief, Alternate Public Defender's Office
Peter Bibring, Director of Police Practices/Senior Staff Attorney,
ACLU of Southern California
Kellyjean Chun, Bureau Director – Prosecution Support Operations,
District Attorney's Office
Hon. Michael Davitt, President, California Contract Cities Association
Deputy Chief Justin Eisenberg, Los Angeles Police Department
Judge Peter Espinoza, Director, Office of Diversion and Reentry
Dr. Barbara Ferrer, Director, Department of Public Health
Judge Scott Gordon, Supervising Judge – Criminal Division,
Los Angeles Superior Court
Josh Green, Criminal Justice Program Manager, Urban Peace Institute
Chief Bob Guthrie, President, Los Angeles County Police Chiefs Association
Cherylynn Hoff, Human Services Administrator II, Los Angeles County Department of
Workforce Development, Aging and Community Services
Mark Holscher, Partner, Kirkland & Ellis
Dr. Brian Hurley, Medical Director of Substance Use Related Care Integration,
Department of Mental Health
Chief Stephen Johnson, Custody Services Division, L.A. County Sheriff's Department
Jamie Kyle, Community Advocate, The Reverence Project
Judge Stephen Larson, Partner, Larson O'Brien (Commission Chair)
Chief Terri McDonald, Chief Probation Officer, L.A. County Probation Department
Brian Moriguchi, President, Professional Peace Officers Association (PPOA)
Priscilla Ocen, Professor, Loyola Law School
Jose Osuna, Principal Consultant, Osuna Consulting
John Raphling, Senior Researcher, Human Rights Watch
Robert Sass, Vice President, Association for Los Angeles Deputy Sheriffs
Brendon Woods, President, California Public Defenders Association

COMMISSION MEMBERS NOT PRESENT

Jenny Brown, Acting Chief Deputy, Public Defender's Office
Troy Vaughn, Executive Director, Los Angeles Regional Reentry Partnership
(Commission Co-Chair)

I. CALL TO ORDER / INTRODUCTIONS

The meeting was called to order at 1:35 p.m. by Judge Stephen Larson, Chair of this Commission.

II. APPROVAL OF THE MINUTES OF THE OCTOBER 30, 2017 MEETING

There were no requests for revisions to the minutes of the October 30, 2017 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the October 30, 2017 meeting was seconded and approved without objection.

III. DISCUSSION REGARDING THE CREATION OF BYLAWS FOR THE BLUE RIBBON COMMISSION

Blaine McPhillips of the County Counsel's Office provided an overview of what bylaws are and the function that they serve.

Bylaws serve as "rules of the road" for the Commission. Members may choose to adopt bylaws to determine how this Commission moves forward so long as the Commission follows federal, state, and local laws and policy, including the Los Angeles County Commissions' Manual (Manual).

Examples of topics that can be included in bylaws include debate time, video conferencing, subcommittees, proxies, and what constitutes a quorum.

A quorum is required to conduct business. Once a quorum is in place, a majority of those present is required to pass motions for most actions.

With regard to proxies, proxy representations are not allowed for members who were appointed by Board members by name. Proxies for members representing organizations that were appointed to this Commission is something that would need to be codified in the bylaws, if the members wished to do so.

A discussion was had concerning the use of proxies for agency appointments. Liliana Campos of the County Counsel's Office advised that the Brown Act would still apply to an individual designated as a proxy.

With regard to subcommittees, a standing subcommittee is subject to the Brown Act. This is a subcommittee with regularly set meetings and continuing subject matter jurisdiction. Ad hoc subcommittees are not subject to the Brown Act. These do not have continuing subject matter jurisdiction and ongoing meetings on a regular set schedule.

A discussion was had concerning videoconferencing and teleconferencing. Both are subject to the Brown Act. A member would also have to participate from a location

within the County that is open to the public and where proper notice has been given.

Judge Larson made a motion for the County Counsel's Office to provide this Commission with proposed bylaws and permutations, which should include potential options on the following topics that were discussed at this meeting: Use of proxy representation; teleconferencing and videoconferencing; and the formation of subcommittees. This should be provided to members in advance of the next meeting.

ACTION: The motion was seconded and approved without objection. The County Counsel's Office staff assigned to this Commission will prepare proposed bylaws on issues discussed for consideration at the next meeting.

IV. PLANNING DISCUSSION ON PROCESS FOR MEETING DELIVERABLES ESTABLISHED FOR THE BLUE RIBBON COMMISSION

Judge Larson reviewed nine (9) deliverables that are required from this Commission, along with potential actions/approaches the Commission may consider for completing them.

1. Working with all stakeholders to recommend model programs and best practices to achieve successful outcomes for the justice involved population

This is an over-arching goal of this Commission, and as such will be a long-term process throughout the coming year.

2. An analysis of violent crimes that may be considered for inclusion under the California Constitution Section 32, Article 1, along with an outline of the steps necessary to accomplish this change.

Potential action

Establish an ad hoc subcommittee to analyze the applicable Penal Code statute and report back to this Commission. This may include both policy analysis as well as legal analysis.

3. Enhancing the exchange of information shared between the California Department of Corrections and Rehabilitation (CDCR) and the Probation Department by building on the relationship already established and developing and training Probation staff on a list of "key" terms used in CDCR documents to ensure accurate understanding of their clients' complete risk and needs.

The Probation Department and CDCR have discussed strategies for improving interagency information sharing, particularly as it relates to the transfer of individuals from county supervision to state custody and vice versa.

Potential action

Request that the Probation Department report back on this issue at an upcoming meeting.

4. Developing clear policies and procedures for meaningful revocation and flash incarceration for the Post Release Community Supervision (PRCS) program.

Flash incarceration (up to a 10-day jail sanction by decision of the Probation Department) was newly implemented with AB 109. Custody sanctions in excess of 10 days can only be imposed through the Court's revocation process and have a maximum of 180 days. (After credits, this is approximates 90 days.)

Potential action

Establish an ad hoc subcommittee on this issue.

5. Conducting a focused study of randomly selected "very high risk" AB 109 Post-Release Supervised persons to identify successes and challenges of supervision, based on factors such as participation and compliance during PRCS, and providing recommendations to improve treatment outcomes and enhance public safety.

Potential action

Establish an ad hoc subcommittee that will develop a plan and report back to the full Commission.

Judge Scott Gordon of the Los Angeles Superior Court noted that discussion of this deliverable will preclude participation and attendance by the Superior Court and possibly other members if it addresses specific cases that are open and ongoing.

6. Conducting an analysis of the top 100 misdemeanants under Proposition 47 with the highest recidivism rates and providing recommendations to improve rehabilitative services as well as options for detention.

The Sheriff's Department has begun the process of identifying the individuals.

Potential action

Establish ad hoc subcommittee on this issue.

Chief Probation Officer Terri McDonald advised that this Commission will need to agree upon a definition of recidivism.

7. Developing a matrix to track the recidivism rate and successes of those released under Proposition 57, Proposition 47 and AB 109, and incorporating the findings into Probation's quarterly AB-109 report.

Potential Action

Request that the Probation Department and Sheriff's Department develop options for what this tracking system can include and how tracking can be executed.

As with Deliverable 6, the Commission will need to agree upon a definition of recidivism.

Also, with Deliverables 5, 6, and 7, Departments will need to inform the Commission as to what is and isn't possible with respect to the collection of data and information.

8. A review of the process by which money is allocated to community-based organizations (CBOs) seeking to provide rehabilitative and re-entry services in the County.

Potential Action

Request that the Probation Department, Department of Mental Health, Department of Public Health, Office of Diversion and Reentry, and the Sheriff's Department provide a brief overview at an upcoming meeting on each Department's process for allocating funds to CBOs.

9. An analysis of the allocation of AB-109 funds to government and nongovernment entities.

Potential Action

Request that the County Chief Executive Office (CEO) provide a brief overview of the AB 109 budgeting process and allocation.

Summary

Based on the potential actions listed above, ad hoc subcommittees are recommended for Deliverables 2, 4, 5, and 6.

Deliverables 3, 7, 8, and 9 involve requesting information from Departments, which will in turn provide a basis for deciding how best to address these deliverables.

Action Items For Next Meeting

Based on the report back from the County Counsel's Office on bylaws and options, members will determine if ad hoc committees will be created for Deliverables 2, 4, 5 and 6, along with their composition and instructions.

Members may also decide if ad hoc committees should be formed for Deliverables 1, 8, and 9 as well.

A set schedule of Commission meetings for 2018 will be based on what the Commission members decide to do with subcommittees.

CCJCC staff will distribute a copy to Commission members of the County's definition of

recidivism prior to the next meeting.

Informational presentations by departments/agencies will begin at the next meeting.

V. PUBLIC COMMENT

There were no public comments.

VI. ADJOURNMENT

The meeting was adjourned at 3:10 p.m.

The next meeting is scheduled for Wednesday, December 20, 2017, at 3:00 p.m. in Room 140 of the Hall of Administration.