

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE **December 18, 2019** MEETING

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 739
Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Chair: Kathryn Barger, Supervisor, Fifth District and Chair of the County Board of Supervisors

Erika Anzoategui, County Alternate Public Defender
Reaver Bingham for Terri McDonald, County Chief Probation Officer
*Patricia Carbajal for Sachi Hamai, County Chief Executive Officer
David Cons for Nicola Hanna, U.S. Attorney
Ricardo Garcia, County Public Defender
Lajuana Haselrig for Alex Villanueva, Sheriff
Doug Haubert for Lane Dilg, President, County Prosecutors Association
Christa Hohmann, Directing Attorney, Post Conviction Assistance Center
Jesse Holguin for Mark Garrett, Chief, Southern Division, California Highway Patrol
T. Warren Jackson for Ed Eng, County Economy and Efficiency Commission
Shawn Landres, Chair, County Quality & Productivity Commission
Cosme Lozano, President, Southeast Police Chiefs Association
Cosme Lozano for Keith Kauffman, President, Los Angeles County Police Chiefs Association
Emilio Mendoza for Bobby Cagle, Director, County Department of Children and Family Services
Don Meredith for Joe Gardner, President, County Probation Commission
*Bryan Oh for Richard Llewellyn, Los Angeles City Administrative Officer
Robert Philibosian, Peace Officers Association of Los Angeles County
Kris Pitcher for Michel Moore, Chief, Los Angeles Police Department
Ray Regalado for Robin Toma, Executive Director, County Human Relations Commission
*Ray Regalado for Otto Solorzano, Director, County Department of Workforce Development, Aging and Community Services
Devallis Rutledge for Jackie Lacey, District Attorney and Vice Chair of CCJCC
Shoshanna Scholar for Peter Espinoza, Director, Office of Diversion and Reentry
Rachel Teitelbaum for Eric Garcetti, Mayor, City of Los Angeles
Christopher Thompson for Jonathan Sherin, Director, County Department of Mental Health
Tim Vu, President, San Gabriel Valley Police Chiefs Association
Andrea Welsing for Barbara Ferrer, Director, County Department of Public Health
Noro Zurabyan for Mary Wickham, County Counsel

***Not a designated alternate**

I. CALL TO ORDER / INTRODUCTIONS

Chair Kathryn Barger, County Supervisor, Fifth District

The meeting was called to order at 12:04 p.m. by Los Angeles County Supervisor Kathryn Barger, Chair of CCJCC.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Chair Kathryn Barger, County Supervisor, Fifth District

There were no requests for revisions to the minutes of the October 23, 2019 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the October 23, 2019 meeting was seconded and approved without objection.

III. CHAIR'S OPENING REMARKS

Chair Kathryn Barger, County Supervisor, Fifth District

Supervisor Kathryn Barger assumed the position of Chair of the County Board of Supervisors this month. As Chair of the Board of Supervisors, she will also be serving as the Chair of CCJCC.

Supervisor Barger stated that she is familiar with the work of CCJCC from her many years working for the County of Los Angeles. She added that the Board of Supervisors takes seriously the recommendations from CCJCC and noted the importance of this committee having federal, state, county, and city representation.

There will be both exciting and challenging times ahead with respect to the criminal justice system and the issues that will need to be addressed. This will create opportunities to build upon the existing system and make it more responsive to constituents.

The Supervisor remarked that she and her staff are available to discuss thoughts and ideas from the members of this committee and that she looks forward to working with them in the coming year.

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.

A handout was distributed that summarizes the Executive Director's Report, and this has been posted online at:

<http://ccjcc.lacounty.gov/LinkClick.aspx?fileticket=ap4eTNeZujc%3d&portalid=11>

Mr. Delgado discussed the following:

- Criminal Justice Evaluation Efforts

CCJCC recently supported the launch of two evaluation efforts by the Probation Department:

(1) The Chief Information Office is conducting a process and outcome study of the County's AB 109 implementation. The multi-agency review – led by the Probation Department and funded by CCJCC – will produce recidivism-type measures for the AB 109 population and will also provide information on the types of health and rehabilitative services accessed by the population.

(2) On December 17th, the Board of Supervisors approved a joint Board Letter by the Probation Department and CCJCC to approve a work order with RAND for an evaluation of Juvenile Justice Crime Prevention Act (JJCPA)-funded programs designed to curb youth crime and delinquency.

The evaluation will help Probation improve and enhance JJCPA programming by providing stakeholders with an analysis regarding the efficacy of existing services, gaps in services, and recommendations to direct and coordinate resources.

The solicitation for the JJCPA evaluation was conducted through CCJCC's Master Agreement program, which currently has an agreement in place with nine pre-qualified organizations for such services. In addition to approving the resulting work order with RAND, the Board also extended the Master Agreement term to November 2025.

- Psychiatric Social Workers in Defense Agencies

Earlier this year, CCJCC submitted a \$1.5 million funding proposal to the California Department of Corrections and Rehabilitation (CDCR) to support the placement of psychiatric social workers (PSWs) in the county's two defense agencies. The funding agreement has been approved by CDCR and work is underway to finalize the funding agreement through which up to four (4) PSWs would be deployed to develop social histories on defendants facing potential prison commitments. It is anticipated that the finalized agreement will be brought to the Board in early 2020.

- CCJCC Meeting Schedule and Membership Updates

Beginning in January 2020, CCJCC meetings will be held on the second Wednesday of each month. In addition, as several member organizations have appointments to CCJCC that change at the beginning of the year, staff will be following-up with all members in the coming weeks to obtain any membership updates.

Supervisor Barger inquired about whether PSWs will work with the homeless population. Mr. Delgado stated that the specific focus of the CDCR grant is on female offenders that face a prison sentence.

ACTION: For information only.

V. LEGISLATIVE UPDATE

Patricia Carbajal, Legislative Analyst, Legislative Affairs and Intergovernmental Relations, Chief Executive Office

Patricia Carbajal, Legislative Analyst with Legislative Affairs and Intergovernmental Relations of the Chief Executive Office, provided an overview of public safety-related legislation in 2019 and anticipated focus areas in 2020.

A handout was distributed that summarizes bills and legislation discussed in this presentation. This has been posted online at:

<http://ccjcc.lacounty.gov/LinkClick.aspx?fileticket=ap4eTNeZujc%3d&portalid=11>

Review of 2019 legislation

The following recently enacted legislation was discussed in this presentation:

- AB 1076 - Criminal Records: Automatic Relief (County supported)

This requires the Department of Justice, on a weekly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for relief by having their arrest records, or their criminal conviction records, withheld from disclosure. It requires the department to grant relief to an eligible person, without requiring a petition or motion. Ms. Carbajal noted that this does not take effect until January 2021.

- AB 728 – Homeless Multidisciplinary Personnel Teams (County sponsored)

This expands the goals of the Homeless Adult and Family Multidisciplinary Personnel Team to include facilitating the expedited identification, assessment, and linkage of individuals at risk of homelessness, including justice-involved individuals, to housing and supportive services, and the expedited prevention of

homelessness. It also allows members of the Team to access and share confidential information.

Ms. Carbajal noted that this will be a five-year pilot program lasting from January 2020 through January 2025. Los Angeles County will be one of several California counties selected to participate.

- SB 375 – Victims Compensation (County supported)

This extends the deadline for victims to apply for the California Victims' Compensation program from three (3) years to seven (7) years.

- SB 389 – Mental Health Services Act (County supported)

This bill, which was sponsored by the Los Angeles County District Attorney, amends the Mental Health Services Act (MHSA) to authorize the counties to use MHSA money to provide services to persons who are participating in a pre-sentencing or post-sentencing diversion program, or to those who are on parole, probation, post-release community supervision, or mandatory supervision.

- SB 394 – Criminal Procedure: Diversion for Primary Caregivers (County supported)

This creates a pre-trial diversion program for defendants who are primary caregivers of a minor child and who are charged with a misdemeanor or a non-serious, non-violent felony. It requires the defendant to participate in classes relating to subjects that may include parenting, anger management, and financial literacy, and also to receive services relating to housing, employment, and drug, alcohol, and mental health treatment, among others.

Ms. Carbajal reviewed five county supported bills referenced in the handout that concern the issue of reducing gun violence.

Anticipated focus areas in 2020

In 2020, the County of Los Angeles will be seeking additional funding from the state for AB 1810 mental health diversion programs.

At the federal level, the county will be seeking exceptions from the Medicaid inmate exclusion policy. Congressional action will be sought to allow for a continuation of federal health benefits for eligible individuals who are in jail and pending a disposition. As an example, an individual may be in jail pending trial, but the person has not been convicted.

The county will also continue to support proposals related to alternatives to incarceration efforts, as well as proposals concerning reform of the juvenile justice system.

In addition, the county will be advocating for the state to provide additional funding for trial court security. Costs to the county to provide these services have outpaced state funding.

The Chief Probation Officers of California (CPOC) have announced that they will support legislation that would raise the age limit for Juvenile Court jurisdiction up to the age of 19. The intent would be to provide eligible 18 and 19-year old individuals with age-appropriate intensive rehabilitation services.

Ms. Carbajal reviewed three pending bills that are of interest to the county, but the county has not taken a formal position on them. These will all continue as two-year bills:

- AB 1185 – This concerns Sheriff’s Department oversight boards and related subpoena powers.
- SB 144 – This concerns the elimination of certain fines and fees.
- SB 555 – This concerns limitations to jail telephone service contacts.

Questions

Supervisor Barger inquired about the Keep California Safe Initiative that is scheduled to be on the ballot in 2020. Ms. Carbajal stated that her office will be following activity related to that as well as other justice-related initiatives that may be on the ballot in 2020.

In response to a query about data sharing across departments, Ms. Carbajal stated that there is still legislation that impacts upon this issue. As an example, she cited AB 728 (discussed above), which provides for sharing of confidential information.

ACTION: For information only.

VI. ELECTRONIC SUSPECTED CHILD ABUSE REPORTING SYSTEM (ESCARS) BRIEFING

Christine Von Helmolt, Deputy-In-Charge, ESCARS Unit, District Attorney’s Office

Christine Von Helmolt, Deputy-In-Charge of the Electronic Suspected Child Abuse Reporting System (ESCARS) Unit of the District Attorney’s Office, provided an overview of ESCARS and multi-agency cross-reporting of suspected child abuse.

PowerPoint slides that were used for this presentation have been posted online at:

<http://ccjcc.lacounty.gov/LinkClick.aspx?fileticket=ap4eTNeZujc%3d&portalid=11>

As background, ESCARS facilitates the mandated duty to cross-report allegations of suspected child abuse between all affected agencies in order to be compliant with state law. The system expedites the secure electronic transmission and receipt of Suspected Child Abuse Reports (SCARs) and helps eliminate errors associated with paper-based methods of reporting.

The guiding statute is the Child Abuse and Neglect Reporting Act (CANRA), California Penal Code Section 11164. The state requires the Department of Children and Family Services (DCFS) to cross-report allegations of suspected child abuse to law enforcement and the District Attorney so as to prevent cases from “falling through the cracks.”

The reported information includes the child victim, the perpetrator, and any physical abuse, sexual abuse, neglect, and/or emotional abuse.

A SCAR may also be triggered by the presence of alcohol, drugs, guns, or domestic violence where the child is present, as well as from child endangerment and human trafficking/Commercial Sexual Exploitation of Children (CSEC).

Ms. Von Helmolt reviewed the ESCARS reporting connections among law enforcement, DCFS, and the District Attorney’s Office.

The benefits of ESCARS include, but are not limited to:

- Access to historical SCARs relating to either a victim/suspect from various jurisdictions within the county;
- Ability to monitor the progress and status of a SCAR; and
- Protect children by way of information sharing and teamwork.

ESCARS also aids in separate but parallel investigations by facilitating the transfer of information between social workers and law enforcement. This potentially minimizes the number of victim interviews, as well as provides more timely communication between relevant agencies.

The ESCARS responsibilities of the District Attorney’s Office, ESCARS Unit, law enforcement agencies, and DCFS are listed in the accompanying PowerPoint presentation.

In 2018, there were 56,025 SCARs in the County of Los Angeles. Every SCAR is a call for service.

An ESCARS Steering Committee meets monthly to discuss policy/legal questions, fixes/issues, upgrade suggestions, and training and seminar planning.

Ms. Von Helmolt noted that ESCARS can aid in discovery investigations and prosecutions by revealing patterns and trends. She added that allegations that don't make it onto a RAP sheet may be in ESCARS.

Don Meredith of the County Probation Commission inquired as to whether ESCARS will indicate if there has been no action taken on a case within a certain period of time. He also inquired as to whether it will indicate if the suspected perpetrator has been named in a prior case.

Ms. Vol Helmolt stated that an investigative alert is expected to be added to ESCARS. This will alert investigators in certain circumstances about prior suspected activity. This may assist with investigations where the suspected perpetrator has moved among different jurisdictions.

In addition, an investigator can search for a name in ESCARS and it will show all of the associated SCARs for a specific individual.

ACTION: For information only.

VII. DCFS/LAW ENFORCEMENT COORDINATION OPPORTUNITIES

Huntington Park Police Chief Cosme Lozano, President, Southeast Police Chiefs Association

Huntington Park Police Chief Cosme Lozano, President of the Southeast Police Chiefs Association, appeared before the committee to discuss best practices for coordination on enforcement of child removal orders.

As background, law enforcement agencies are at times called by Department of Children and Family Services (DCFS) staff for assistance with the enforcement of removal orders. The County Police Chiefs have identified areas to enhance coordination on such efforts and suggest the development of best practices guidance that would enable law enforcement to best support on these matters.

When a minor is to be removed from a residence, a social worker from DCFS seeking to remove the minor may encounter resistance. In such a case, law enforcement assistance may be requested.

However, law enforcement agencies may have their own internal protocols for removal, which may result in a delay in executing the order if they do not have prior notice that the attempt to remove the minor will be made.

For example, a law enforcement agency may need to do research on the residence to determine who the occupants are and what prior police activity has occurred at that home. They may also need to assemble the appropriate personnel if a forced entry is needed, as well as address any other potential safety issues.

Municipal police departments in the county would like to develop uniform protocols and policies that apply countywide in these types of situations. This would ensure timely and accurate communication between DCFS and law enforcement and minimize delay in enforcing a removal order.

Supervisor Barger inquired as to how often the execution of a removal order escalates to the point of requiring law enforcement intervention. Chief Lozano estimated that this is likely minimal, but he noted that even one incident can have a bad outcome if it is not addressed properly.

Emilio Mendoza from DCFS reported that there is an operational understanding between law enforcement and the DCFS Multi Agency Response Team (MART), which coordinates directly with law enforcement agencies. The concern raised in this discussion involves DCFS regional offices and their coordination with local municipal police departments.

Deputy Chief Kris Pitcher of the Los Angeles Police Department (LAPD) reported that the LAPD is working with the Office of Child Protection (OCP), District Attorney's Office, Sheriff's Department, and others on enhancing protocols and coordinating with DCFS. He invited Chief Lozano to attend these meetings and discuss this issue.

Shawn Landres of the County Quality and Productivity Commission (QPC) noted that the QPC has previously funded an upgrade to the Countywide Warrant System (CWS). He inquired as to whether ESCARS can be integrated with this, which could assist with coordination between law enforcement and DCFS.

Chief Lozano stated that the situations that he is referring to in this discussion usually involve DCFS having already decided that the minor needs to be removed. For instance, a social worker may have become aware of something that requires a removal of the child.

In response to another query, Chief Lozano noted that ESCARS and removal orders are separate. The issue that he is raising is specific to removal orders.

Los Angeles County Public Defender Ricardo Garcia asked if any countywide protocol would include training for officers.

Deputy Chief Pitcher stated that law enforcement officers receive training for these types of situations. For the LAPD, when a removal order is given, officers will work with the case worker and make appropriate preparations. This will include a review of ESCARS and the notes of the caseworker.

Mr. Delgado reported that Judge Michael Nash, Executive Director of OCP, was unable to attend this meeting, but did note that a task force is being assembled to address coordination of removal orders, and he invited the County Police Chiefs Association to participate in this.

ACTION: The County Police Chiefs Association will be connected with the Office of Child Protection to continue coordination on this issue.

VIII. OTHER MATTERS / PUBLIC COMMENT

Public comments were made by the following individuals:

Mr. Joseph Maizlish
Ms. Genevieve Clavreul

IX. ADJOURNMENT

The meeting was adjourned at 1:11 p.m.