

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE February 12, 2020 MEETING

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 140
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 Raymon Leyva, County Chief Probation Officer
John Curley, President, San Gabriel Valley Police Chiefs Association
Lane Dilg, President, County Prosecutors Association
Ricardo Garcia, County Public Defender
Jesse Holguin for Mark Garrett, Chief, Southern Division, California Highway Patrol
Dan Jeffries for Mike Feuer, Los Angeles City Attorney
Robin Limon for Alex Villanueva, Sheriff
Richard Llewellyn, Los Angeles City Administrative Officer
Jonathan Lucas, County Coroner – Chief Medical Examiner
Edward McIntyre for Jacki Bacharach, County Quality & Productivity Commission
Emilio Mendoza for Bobby Cagle, Director, County Department of Children and Family Services
Don Meredith for Joe Gardner, President, County Probation Commission
Dean Milligan, President, Southeast Police Chiefs Association
Robert Philibosian, Peace Officers Association of Los Angeles County
Kris Pitcher for Michel Moore, Chief, Los Angeles Police Department
Devallis Rutledge for Jackie Lacey, District Attorney and Vice Chair of CCJCC
Joanne Saliba for Ed Eng, County Economy and Efficiency Commission
Susan Sullivan Pithey for Xavier Becerra, California Attorney General
Christopher Thompson for Jonathan Sherin, Director, County Department of Mental Health
Andrea Welsing for Barbara Ferrer, Director, County Department of Public Health
Noro Zurabyan for Mary Wickham, County Counsel

I. CALL TO ORDER / INTRODUCTIONS

Chair Kathryn Barger, County Supervisor, Fifth District

The meeting was called to order at 12:00 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 January 8, 2020 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the January 8, 2020 meeting was seconded and approved without objection.

III. OVERVIEW OF THE COUNTY'S JUSTICE METRICS FRAMEWORK (JMF) INITIATIVE

Ricardo Basurto-Davila, Principal Analyst, Chief Information Office – Analytics Center of Excellence (ACE)

Ricardo Basurto-Davila, Principal Analyst with the Chief Information Office – Analytics Center of Excellence (ACE), provided an overview of the Los Angeles County Justice Metrics Framework (JMF) Initiative.

PowerPoint slides that were used for this presentation have been posted on <http://ccjcc.lacounty.gov>.

In response to instructions from the Board of Supervisors, the Chief Executive Office (CEO), CCJCC, and other county departments have worked to develop outcome metrics for the justice system, which is the JMF.

The JMF was also tasked with being in alignment with Objective 1.3.1 of the Los Angeles County Strategic Plan. This objective states the following:

- Reduce the incidence of involvement with the justice system among vulnerable populations; and
- Increase the number of justice involved juveniles and adults linked to appropriate health, mental health, and substance use disorder services.

JMF was developed around a tested model called Sequential Model Intercept. This focuses on different points of contact in which departments/organizations interact with justice-involved individuals.

Measuring the impact of the justice system on individuals includes obtaining data on such factors as recidivism, length of jail stay, diversion completion, hospital readmissions, relapse into mental health crisis, stable engagement in mental health treatment, and housing placement and retention.

The JMF initiative has been working with justice partners to gather the data that is needed to measure impacts. Data has been obtained from the Probation Department, Sheriff's Department, Los Angeles Superior Court, Department of Mental Health (DMH),

Department of Health Services (DHS), the Department of Workforce Development, Aging and Community Services (WDACS), and the Los Angeles Homeless Services Authority (LAHSA). Information is also being sought from the Department of Public Social Services (DPSS).

With information from different organizations and departments, it will be possible to measure the impact of the justice system across systems and over time. This, in turn, can assist policy makers in determining how best to improve outcomes.

Mr. Basurto-Davila provided examples of the information that can be produced by JMF. Data from the Probation Department was used to determine the percentage of supervised individuals with severe mental illness, a history of homelessness, and at least one preventable hospitalization. In another example, use of DHS and DMH outpatient services during and after supervision was presented for the supervised population used in the example.

In response to a question from Supervisor Barger, Reaver Bingham of the Probation Department stated that it is generally the case that individuals receiving mental health services during supervision are required to do so.

Mr. Basurto-Davila reviewed the framework for recidivism that was developed by CCJCC in 2013. This allows different factors to be considered when estimating recidivism, depending upon what is being measured.

Two other measures of recidivism include the following:

- A conviction for a new felony or misdemeanor committed within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction (California Board of State and Community Corrections (BSCC) definition).
- Re-arrest with charges filed – An arrest resulting in a charge within three years of an individual's release from incarceration or placement on supervision for a previous criminal conviction (California Department of Justice (Cal DOJ) definition).

The Los Angeles County's Information Management Committee has approved all three approaches to estimating recidivism.

JMF has the data to use the different components of the CCJCC framework, as well as both the BSCC and Cal DOJ definitions.

An estimate has already been completed using the BSCC definition of recidivism, which is based on the population of individuals that were either released from jail or started supervision in 2015. Of nearly 142,000 in this population, just over 48,000 were

reconvicted within three years of release from custody or supervision start. This results in a recidivism rate of 34%.

Mr. Basurto-Davila noted that this does not include convictions outside of the county. Additionally, the base population does not include individuals released from state or federal prisons.

The 34% number can be broken down further by felony and misdemeanor reconvictions. It can also be broken down among different populations to reveal areas where resources should be focused. For instance, homeless individuals that were on mandatory supervision had a much higher recidivism rate than the average, while females on summary probation had a lower recidivism rate.

JMF can also provide graphic information of how individuals in the aggregate do over time. As an example, of nearly 235,000 probation supervision cases from 2010 through 2018, about 45% had at least one violation of supervision, and 55% had no violations. Roughly 57% of this population successfully completed supervision, whereas 18% ended in custody either because of a violation or a new offense, and 22% still have active cases.

While this example uses data from Probation, the inclusion of information from the Sheriff's Department, DMH, DHS, social services, and others can provide an understanding of what happens to justice-involved individuals over time and what pathways lead to the highest rates of recidivism.

Supervisor Barger inquired as to the relationship between recidivism rates and homelessness. Ms. Basurto-Davila stated that the current data that JMF has on homelessness does not have a date attached to when the person became homeless, but a partial analysis can still be done based on when some organizations identified individuals as being homeless.

Los Angeles County Public Defender Ricardo Garcia stated that many individuals that are arrested may be put at risk of homelessness due to indigence and/or the precariousness of their life situations. For example, being held in custody for three days may result in loss of work and an inability to pay rent.

Mr. Garcia also noted that many homeless people may recidivate by being arrested for crimes related to their homelessness, such as trespassing.

He added that recidivism data does not always account for long-term success. For instance, an individual may have several violations while being on supervision, but may nevertheless be successfully rehabilitated in the end.

Mr. Basurto-Davila acknowledged that the different definitions of recidivism are not perfect measures of success and that there are various factors that can be analyzed to provide a complete perspective on rehabilitation efforts. The JMF initiative will continue

to incorporate these suggestions in seeking provide the best information for policy makers.

A public comment was made by the following individual:

Mr. Joseph Maizlish

ACTION: For information only.

IV. UPDATED PROCEDURES FOR PROTECTIVE CUSTODY WARRANTS

Alyssa Skolnick, Principal Deputy County Counsel, Office of County Counsel
Guninder Singh, Director, Technology and Support Division, Sheriff's Department
Sergeant Laura Barron, Technology and Support Division, Sheriff's Department

Alyssa Skolnick, Principal Deputy County Counsel, provided a background on procedures for the processing of Protective Custody Warrants and Warrants of Arrest Parent/Guardian.

Guninder Singh, Director of the Sheriff's Department Technology and Support Division, and Sergeant Laura Barron, also of the Technology and Support Division, provided an overview of an update to these procedures.

PowerPoint slides and a flowchart that were used for this presentation have been posted on <http://ccjcc.lacounty.gov>.

Ms. Skolnick reported that this presentation is different from the presentation on removal orders that was made to this committee at its meeting on December 18, 2019. Protective Custody Warrants and Warrants of Arrest Parent/Guardian pertain to situations where a minor has been removed from the jurisdiction of the Court, often by a parent, guardian, caregiver, or other non-custodial individual who is not authorized to take the child.

California Welfare and Institutions Code (WIC) Section 339 addresses a Warrant of Arrest against a parent, guardian, or caregiver. WIC Section 340 addresses the Protective Custody Warrant where a minor has either left or been removed from Court-ordered placement.

Ms. Skolnick reviewed the juvenile warrant process flow. The first step when the child is removed from placement is for the social worker or caregiver to request a Missing Person's Report (MPR) with law enforcement. Law enforcement enters the MPR into the Missing and Unidentified Persons System (MUPS) and it is uploaded to the National Crime Information Center (NCIC) so that it can be seen nationwide.

The social worker will also request a Child Abduction Report from law enforcement when the minor is removed from placement.

The second step is for the social worker to request a protective custody warrant and an arrest warrant from the Court. The social worker will indicate on the Department of Children and Family Services (DCFS) warrant request form the name of the police station where the MPR was taken and the Originating Agency Identifier (ORI) for the station.

The Court then issues the warrants and the Sheriff's Department enters the warrants into the California Wanted Persons System (WPS).

If the warrant is successfully executed, then the social worker requests that the warrant be cleared from the system.

In response to a question from Edward McIntyre of the County Quality & Productivity Commission, Ms. Skolnick stated that approximately 200 to 250 children are removed from placement each year, and these procedures are undertaken to recover them.

Andrea Welsing of the Department of Public Health inquired as to how often domestic violence is involved in these cases. Ms. Skolnick noted that some cases may involve domestic violence, but this will often involve the victim/parent that abducts the child returning to the perpetrator.

Ms. Skolnick reported that an upcoming training conference on handling child abduction cases will be made available to law enforcement agencies in May. CCJCC staff will provide information on this conference to local law enforcement agencies.

Director Singh and Sergeant Barron addressed the committee on changes to the procedures for processing the protective custody warrants and the warrants of arrest.

Cal DOJ conducted an on-site California Justice Information System (CJIS) audit of the Los Angeles County WIC 339 and WIC 340 entries into WPS, which necessitated modifications to the current process.

The Sheriff's Department Records and Identification Bureau worked with Cal DOJ, the Los Angeles Superior Court, and DCFS to arrive at a process that would delineate each agency's role and responsibilities as they relate to protective custody (WIC 340) and parent/guardian arrest (WIC 339) warrants.

In order to adhere to CJIS guidelines, a law enforcement agency ORI accessible 24 hours needs to be entered for every child/parent or guardian warrant.

To ensure that California warrant information is shared nationwide, the filing of an MPR executed (which serves as the Master Case Record for the warrants) is an effective corresponding solution since DCFS is not an authorized law enforcement agency to obtain this ORI, as per CJIS requirements. In other words, the MPR is attached to the warrant so that the law enforcement agency taking the report is identified on the warrant.

By combining the warrants and the MPR, law enforcement has information immediately accessible to reunite the minor to the social worker or guardian and make an arrest on the warrant.

The Sheriff's Department Records and Identification Bureau has sent letters to all Los Angeles County law enforcement agencies to inform them of the updated procedures (effective January 6, 2020) for Protective Custody Warrants (WIC 340) and Warrants of Arrest Parent/Guardian (WIC 339). All letters cited appropriate CJIS guidelines.

All Los Angeles County Sheriff's Stations have also been informed of the updated procedures.

As a side note, a similar process has been replicated involving the Probation Department warrants, Sheriff's Department criminal warrants, and the Sheriff's Department Detective Division bench warrants and criminal warrants.

ACTION: For information only.

V. DRIVING UNDER THE INFLUENCE – BLOOD DRAW PROCESS

Phil Glaviano, Head Deputy, Training Division, District Attorney's Office
Garrett Dameron, Deputy in Charge, DUI Training and Prosecution Section,
District Attorney's Office

Phil Glaviano, Head Deputy of the District Attorney's Office Training Division, provided an overview of the blood draw process with Driving Under the Influence (DUI) cases. Garrett Dameron, Deputy in Charge of the DUI Training and Prosecution Section (DTPS) of the District Attorney's Office, joined in this presentation.

PowerPoint slides that were used for this presentation have been posted on <http://ccjcc.lacounty.gov>.

Mr. Dameron stated that DTPS is a state-funded program based on a grant from the Office of Traffic and Safety that is intended to address the increase in the number of DUI drug and marijuana incidents and fatalities. DTPS implements and presents comprehensive standardized training to prosecutors and law enforcement throughout the county on DUI related issues, but with an emphasis on DUI drug and marijuana cases.

Obtaining blood evidence near the time of the stop may be critical in order to prove a case in Court that an individual was operating a motor vehicle while under the influence of drugs.

When a driver is suspected of driving under the influence of an apparent substance, law enforcement may obtain a blood sample by either the driver's consent or by a judicial

officer approving a warrant. The method for obtaining the blood sample is to either have this done at a hospital or performed by a licensed professional.

With some drugs, if the blood sample is not taken within one to three hours of the time of driving, the active component of the drug in the blood will rapidly dissipate and disappear. This can also be the case where alcohol is in the blood.

There has been an increasing problem of obtaining a blood sample from suspected DUI drivers in a timely manner. Many hospitals are not viable options for obtaining the sample because they are either refusing or delaying the blood draw for a significant amount of time. As a result, the blood sample is either never obtained or the delay is of such a long period of time that the apparent substance dissipates and the evidence is no longer useful.

In 2019, through a grant from the Office of Traffic Safety (OTS), and with the approval of the Board of Supervisors, DTPS contracted with an on-call phlebotomist to help address the issue of hospitals refusing or delaying blood draws in DUI cases. This is a 24-hours a day, seven days a week on-call service that sends a licensed nurse or phlebotomist to any location, including a crime scene, collision scene, hospital, or police station.

Once there is confirmation of consent by the driver or a lawfully obtained judicial warrant, the phlebotomist will take the blood sample in a medically approved manner.

This program was successful in 2019, but the initial grant of \$50,000 was exceeded in four months. In 2020, through another Board approved OTS grant, DTPS was again awarded \$50,000 for the on-call phlebotomist program. Even with greater restrictions on the use of this funding, it is still estimated that the funding will be exhausted in six months.

Mr. Dameron provided an example of a case in which the on-call phlebotomist was successfully used to obtain a blood sample.

It is the recommendation of the Los Angeles County District Attorney that CCJCC create a task force to address this issue of blood draws with DUI cases. It is further recommended that the following departments be included on the task force:

- District Attorney's Office
- County Police Chiefs Association
- Sheriff's Department
- Los Angeles Police Department
- County Chief Executive Office
- County Counsel
- Department of Health Services
- Any other agency/department that CCJCC sees fit

In response to a question from Assistant Sheriff Robin Limon, Mr. Dameron stated that the blood draw can take place without the person's consent once the warrant has been obtained after having been signed by a judicial officer.

Robert Philibosian of the Peace Officers Association of Los Angeles County inquired as to how the warrant is obtained and how the phlebotomist is called out to take the sample.

Mr. Dameron stated that there is a standard one-page form that is used by law enforcement agencies and the Superior Court. The form is completed by officers in the field and sent electronically to the on-call judicial officer.

For the phlebotomist, DTPS contracts with a company that has one point of contact that law enforcement agencies can call 24/7. The contact then sends the nearest phlebotomist to the scene.

Ms. Welsing inquired as to why some hospitals are refusing to take the blood sample.

Mr. Dameron stated that reasons may include hospital policy, concerns about HIPPA violations, and concerns by medical staff that they may be required to testify in Court.

Mr. McIntyre asked about how other jurisdictions are handling this matter. Mr. Dameron stated that the response has been mixed. Orange County presents an example of a jurisdiction that has addressed this well. Their law enforcement agencies contract with a provider that will send an on-call phlebotomist to the scene where needed. Others have had problems similar to what has been experienced in Los Angeles County.

Dan Jeffries of the Los Angeles City Attorney's Office inquired about cross-training drug recognition experts as phlebotomists. Mr. Dameron stated that he was not aware of jurisdictions that have done this. He added that DTPS encourages local law enforcement agencies to have one or more officers trained and qualified as a drug recognition expert.

In response to a question from Ms. Welsing, Mr. Dameron stated that the estimated cost for the on-call phlebotomist program is about \$250,000 to \$300,000 per year for the entire county, which would include testing for alcohol as well as drugs.

Los Angeles County Alternate Public Defender Erika Anzoategui inquired about what happens to those individuals that consent to the blood draw. Mr. Dameron stated that they will typically be taken to a hospital that will agree to take the blood sample.

In response to a question from Supervisor Barger, Mr. Dameron stated that the consent or lack of consent from the individual does not tend to have an impact on the willingness of the hospital to take the sample.

Supervisor Barger stated that the Public Defender's Office and Alternate Public Defender's Office should be included on the task force. She added that local hospitals should also have a representative on the task force to keep open channels of communication.

Devallis Rutledge of the District Attorney's Office recommended adding the Los Angeles City Attorney's Office to the task force.

Additional members should include the Los Angeles County Prosecutors Association and the County Coroner – Chief Medical Examiner.

Supervisor Barger advised that additional departments/agencies not mentioned at this meeting can be added to the task force as deemed necessary.

A motion was made to create a DUI Blood Draw Task Force to develop procedures and improvements for the process of obtaining blood samples with DUI cases.

ACTION: The motion to create a DUI Blood Draw Task Force was seconded and approved without objection.

VI. OTHER MATTERS / PUBLIC COMMENT

There were no public comments.

VII. ADJOURNMENT

The meeting was adjourned at 12:59 p.m.