

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE MAY 21, 2014 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Chair Pro Tem: Ronald Brown, County Public Defender

*Greg Blair for Sherri Carter, Superior Court Executive Officer

Daniel Calleros, President, Southeast Police Chiefs Association

Ling-Ling Chang, California League of Cities

Paul Cooper, President, Los Angeles County Police Chiefs Association

*Rachel Elliott for Philip Browning, Director, County Department of Children and Family Services

Peter Espinoza, Judge, Los Angeles Superior Court

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 Charlaime Olmedo, Supervising Judge, Criminal, Superior Court

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

Christa Hohmann, Directing Attorney, Post Conviction Assistance Center

Eve Irvine, President, South Bay Police Chiefs Association

*Dan Jeffries for Mike Feuer, Los Angeles City Attorney

*Yanira Lima for Jonathan Fielding, Director, County Department of Public Health

Mary Marx for Marvin Southard, Director, County Department of Mental Health

Georgia Mattera for William Fujioka, County Chief Executive Officer

Jonathan McCaverty for John Krattli, Acting County Counsel

Terri McDonald for John Scott, Sheriff

Edward McIntyre, Chair, County Quality & Productivity 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

Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program

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

Jerry Powers, County Chief Probation Officer

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

Devallis Rutledge for Jackie Lacey, District Attorney and Vice Chair of CCJCC

Anthony Williams, Special Agent in Charge, U.S. Drug Enforcement Administration

Lance Winters for Kamala Harris, California Attorney General

Cyn Yamashiro, President, County Probation Commission

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Don Knabe, County Supervisor for the Fourth District and Chairman of the County Board of Supervisors, Chairman of CCJCC
Cynthia Banks, Director, County Department of Community & Senior Services
Jeffrey Beard, Secretary, California Department of Corrections and Rehabilitation
Andre Birotte, U.S. Attorney
Dan Bower, Chief, Southern Division, California Highway Patrol
Carlos Canino, Special Agent in Charge, U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives
Michelle Carey, Chief U.S. Probation Officer
Arturo Delgado, Superintendent, County Office of Education
Mitchell Englander, Los Angeles City Council, 12th District
Sean Kennedy, Federal Public Defender
William Lewis, Assistant Director in Charge, Los Angeles Division, Federal Bureau of Investigation
David Marin, Field Office Director, U.S. Immigration and Customs Enforcement
Michael Nash, Supervising Judge, Juvenile, Superior Court
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
Joseph Santoro, Independent Cities Association
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

Ronald Brown, Los Angeles County Public Defender

The meeting was called to order at 12:00 p.m. by Los Angeles County Public Defender Ronald Brown, Chair Pro Tem.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Ronald Brown, Los Angeles County Public Defender

There were no requests for revisions to the minutes of the April 16, 2014 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the April 16, 2014 meeting was seconded and approved without objection.

III. COUNTY JAIL SYSTEM UPDATE

Assistant Sheriff Terri McDonald, Sheriff's Department

Assistant Sheriff Terri McDonald provided an update on County Board of Supervisors (Board) actions regarding the County Jail Plan and diversion programming.

On May 6, 2014, a Jail Construction Plan was presented to the Los Angeles County Board of Supervisors for consideration. The report was prepared by Vanir Construction Management, Inc. (Vanir), which worked in collaboration with county departments to complete its findings.

Following Vanir's presentation and a discussion of a variety of options presented in the report, a majority of the Board voted to proceed with what is referred to as Option 1B. This will continue with plans to refurbish and upgrade space at the Mira Loma facility for women, and also continue to pursue the concept of a downtown replacement of Men's Central Jail. The latter will include a plan to address the needs of mental health and substance abuse treatment services at the facility.

The projected costs are about \$2 billion for construction and several hundred million dollars for operating costs. However, Assistant Sheriff McDonald cautioned that the costs remain uncertain until an architectural firm is hired to do the design.

In authorizing the county to proceed with Option 1B, the Board requested that the CEO's Office and the Department of Public Works move forward with hiring an outside architectural design firm.

In tandem with this, the Board also voted to have criminal justice agencies and county departments continue with efforts to pursue evidence-based diversion and alternatives to custody programs. One such effort is the District Attorney's initiative on mental health, which has been discussed at previous CCJCC meetings this year.

In sixty days, the CEO's Office and the Department of Public Works will report back to the Board on their progress toward hiring an architectural design firm. Also at that time, the District Attorney's Office will provide a status on the mental health initiative and the Sheriff's Department will report on the status of diversionary alternative custody programs.

ACTION: For information only.

IV. EXPANSION OF ELIGIBILITY CRITERIA FOR ADULT DRUG COURTS

Gina Satriano, Director, Bureau of Central Operations, District Attorney's Office

Gina Satriano, Director of the Bureau of Central Operations for the District Attorney's Office, appeared before CCJCC to provide a briefing on expanded eligibility criteria for Post-Plea Drug Courts and the Sentenced Offender Drug Court (SODC).

Ms. Satriano stated that District Attorney Jackie Lacey is committed to evidence-based alternative sentencing programs for those offenders that are amenable to treatment and recovery. During the past year and a half, the District Attorney's Office has sought opportunities for expanding alternative sentencing options where feasible. The goal of this is to reduce recidivism among lower level offenders and to help ensure that custody space is available for more serious offenders.

With this as a background, the District Attorney's Office developed a proposal for expanding the eligibility criteria for adult drug courts and presented this for consideration to the Drug Court Oversight Subcommittee, a standing subcommittee of CCJCC.

Following discussions at its meetings on January 28th and March 25th, the subcommittee approved the following expanded eligibility criteria for post-guilty plea Drug Court programs and for the Sentenced Offender Drug Court (SODC) program:

1. For post-guilty plea Drug Court programs, where all parties agree, eligibility is expanded to include specified theft-related felonies in cases where there is minimal or no financial loss, the defendant has a demonstrated history of addiction, and the defendant has indicated a willingness to participate in treatment. Eligible theft-related offenses include violations of Penal Code §§ 459 (second degree), 487, 496, 666, and 484 and Vehicle Code § 10851 when there is no evidence of organized criminal activity.

Violations of PC § 487(d)(2) (grand theft-firearm); PC § 368 (crimes against elder or dependent adults); and any crimes charged with PC §§ 186.11 or 12022.6 enhancements alleged are not included as eligible theft-related offenses.

There is no early termination of probation when restitution is outstanding and no dismissals at the completion of the probationary term without a criminal order for outstanding restitution.

2. For post-guilty plea Drug Court programs, criteria for Drug Court acceptance is also expanded to include defendants with prior misdemeanor convictions involving acts of violence. Head Deputy District Attorney approval is required on prior misdemeanor convictions involving violence.
3. The Sentenced Offender Drug Court (SODC) is located in Department 42 and serves defendants from throughout the county. Where all parties agree, acceptance criteria is expanded to include defendants with current low level sales, transportation, or possession for sale of narcotics charges. This only applies where there is clear evidence that the sales activity is driven by a documented history of addiction. Furthermore, eligibility of such defendants requires approval of the Head Deputy District Attorney.

Exceptions to SODC eligibility criteria may be authorized with the approval of the District Attorney's Head Deputy and Director of Central Operations.

It was emphasized that these eligibility changes do not increase the number of drug courts or drug court slots in the county. This expansion of eligibility criteria is intended to maximize the use of available drug court slots that are not currently filled.

Eligibility expansion also does not presume a defendant's placement into the program. Suitability must still be determined by officers of the Court prior to a defendant's placement in drug court, and is subject to the agreement of all parties, including the judicial officer, prosecutor, defense counsel, and treatment provider.

A memorandum was sent to justice partners on May 15, 2014 to inform them of the expanded drug court eligibility criteria.

Ms. Satriano informed the committee that the District Attorney's Office is implementing an alternative sentencing court designee program to ensure uniformity throughout the county. Individuals in the office will be trained in each of the specialty courts and drug courts to increase accessibility and understanding of these programs. She noted that the Public Defender's Office is implementing a similar program.

The District Attorney's Office will continue to work with its criminal justice partners to promote effective alternative sentencing programs.

Mark Delgado, Executive Director of CCJCC, reported that the Eleventh Annual Drug Court Conference is scheduled for Thursday, June 12, 2014, at The California Endowment. This is an all day event that will include presentations from treatment experts on how best to engage clients and address their treatment needs. Supervisor Knabe is hoping to attend to make opening remarks. District Attorney Lacey will also speak at the conference and will discuss her office's efforts to increase access to alternative sentencing programs.

ACTION: For information only.

**V. JUSTICE AUTOMATED INFORMATION MANAGEMENT SYSTEM (JAIMS)
Eugene Cabrera, Information Systems Advisory Body (ISAB)**

Eugene Cabrera of the Information Systems Advisory Body (ISAB) appeared before CCJCC to provide a status briefing and demonstration of initial Justice Automated Information Management System (JAIMS) reports. Mr. Cabrera appeared on behalf of John Ruegg, the Director of ISAB.

Mr. Cabrera stated that JAIMS is a statistical reporting web portal that uses anonymized consolidated criminal justice/health data to measure: (1) Outcomes from community based treatment programs; (2) Public Safety impacts; (3) Recidivism; and (4) Workload.

The data gathered is linked from multiple justice and health agencies (i.e., law enforcement, courts, prosecution, probation, defense, public health, mental health, and

social services). An anonymized version of the consolidated data is then produced in a statistics reporting database.

Data sources that provide information to JAIMS include the Consolidated Criminal History Reporting System (CCHRS), Adult Probation System (APS), and the Trial Court Information System (TCIS). Specific software masks the data for privacy purposes and places the newly anonymized data into a zone from which statistical reports can be produced.

In the near future, it is hoped that additional data sources from other departments and agencies will be included in the interface with JAIMS.

JAIMS business intelligence software will measure workload statistics over time, identify and monitor performance measures, analyze data by multiple dimensions (i.e., time, organization, type of crimes, age, etc.), and measure recidivism rates.

The main focus of Phase 1 of JAIMS is Public Safety Realignment (AB 109). The following five reports are to be made available through the system:

- 100 – Post-release Supervised Persons (PSP) Released to L.A. County
- 110 – PSPs Assessed at the Probation Department Hub Offices
- 120 – PSPs with Treatment Conditions Imposed by Probation
- 130 – PSP Arrests and Convictions after HUB Assessment
- 140 – PSPs with Treatment Conditions Arrested or Convicted After Hub Assessment

From this framework, more complicated reports can be created.

Mr. Cabrera reviewed the following next steps for JAIMS implementation:

- Create a steering committee to vet Phase 1 reports. The purpose of this is to ensure the accuracy of the numbers and reports.
- Register JAIMS users. JAIMS is only available to those who register for access.
- Release Phase 1 reports. At this point, Phase 1 will be complete.
- Define reports for Phase 2 of JAIMS.
- Define required data interfaces for Phase 2 of JAIMS.
- Identify requirements related to data analytics.

A demonstration of JAIMS was shown to those in attendance.

Robert Philibosian of the County Economy and Efficiency Commission inquired as to whether the County Chief Information Office (CIO) is participating in the implementation of JAIMS. Mr. Cabrera stated that the County CIO has been involved in the process, such as with software purchases.

Mr. Philibosian asked if ISAB has a plan in place to measure usage and to survey the users. Mr. Cabrera replied that the measurement of usage is a built-in function of the system, and that the information can be provided if needed. Similarly, the users can be surveyed if requested.

ACTION: For information only.

VI. PUBLIC SAFETY REALIGNMENT

Jerry Powers, Chief Probation Officer

Chief Jerry Powers of the Los Angeles County Probation Department provided an update on public safety realignment (AB 109). Chief Powers serves as the Chair of the County Public Safety Realignment Team (PSRT).

Chief Powers noted that an update on the status of AB 109 was presented to the County Board of Supervisors on Tuesday, May 13, 2014.

The number of individuals on Post Release Community Supervision (PRCS) has plateaued between 8,000 and 8,200 active cases per month during the past six months. As of the end of February 2014, there were 8,148 PRCS individuals under supervision.

The PRCS individuals have a maximum term of three years on supervision. As AB 109 was implemented in October 2011, about 250 individuals that have not successfully or unsuccessfully completed PRCS supervision will have their supervision terminated in October of this year.

Currently, there are about approximately 450 individuals released from prison and placed on PRCS supervision in this county each month, while that same number is also graduated each month by the Probation Department. Beginning in October, however, the number of active PRCS individuals on supervision will begin to decrease as some reach the three year mark.

From October 2011 through February 2014, the county has received 20,944 Post-release Supervised Persons (PSPs) released from prison. Of those, 9,861 cases have been closed, 1,859 have outstanding warrants, and 1,076 have been deported, which leaves the 8,148 active cases.

Two other populations related to AB 109 that the Probation Department is responsible for are those P.C. 1170 individuals that have been given a split sentence, and those Proposition 36 (three strikes) individuals that have been released onto PRCS.

About 5% of the P.C. 1170 sentenced individuals are given a split sentence in which they receive a reduced in-custody sentence in exchange for a supervision term in the community under probation supervision. There were 180 active cases under this category as of the end of February.

The recently passed Proposition 36 (of 2012) allowing for the resentencing of certain three-strikes inmates has resulted in some individuals being released from prison and placed under PRCS supervision. There were 60 of these active cases as of the end of February.

Of 9,861 PRCS terminations, 6,210 were successfully terminated, meaning that they completed 12 consecutive good months and were discharged. In addition, 2,206 were returned to State Prison through a Los Angeles Superior Court (LASC) case, 505 were transferred (outgoing P.C. 1203.9), 443 were transferred to Parole, 185 were sent to County Jail through an LASC case, 140 were sent to State Prison through a non-LASC case, 134 are deceased, 21 were due to administrative error (not a CDCR case), 9 had an appeal granted and the conviction was overturned, 6 were sent to a County Jail through a non-LASC case, and 2 were terminated by Court order.

As the PRCS population declines, the number of outstanding warrants will correspondingly decline and will likely remain at about 10% of the PRCS population at any given time.

Of the 20,944 total PRCS cases accepted, 7,432 (35.5%) of the individuals have had at least one arrest for a misdemeanor or felony (not flash incarcerations or technical violations). The remaining 13,512 (64.5%) have had no arrests.

Chief Powers noted that the arrest numbers can be misleading in that some of those arrested may have been on supervision for two and a half years and sustained multiple arrests, but not enough to be resentenced to prison, while some of the no arrest numbers may include individuals who were only just released from prison.

Assistant Sheriff McDonald reported that the population of N3s (P.C. 1170) incarcerated in the County Jail has remained steady, although their average sentences have increased from about 2.1 years when AB 109 began to about 2.6 years today.

A discussion was had concerning the possible impact of the state's enhanced credit earning policy for inmates with two strikes. This policy was implemented as a response to the federal three-judge panel's order to relieve prison overcrowding.

The policy will accelerate the release of these inmates from custody. Those placed on PRCS will become the responsibility of the Probation Department earlier than had been anticipated. It is likely that the numbers will total about 25 to 30 individuals per month.

Mary Marx of the Department of Mental Health (DMH) reported that her department has thus far received two cases from the enhanced credit releases.

Assistant Chief Michel Moore of the Los Angeles Police Department inquired as to the number of deputy probation officers that are handling AB 109 cases.

Chief Powers stated that his department has filled 270 of 360 positions that have been allocated. Caseload ratios now average about 50 to 1, whereas they previously were about 100 to 1. He cautioned, however, that the caseloads will depend upon the individuals being supervised. Probation agents with ultra-high risk populations may have caseloads of 20 to 1, while those with less risky populations may have caseloads of 75 to 1.

The Probation Department will provide an update to the Board of Supervisors on its GPS program. The report will focus on enhanced training that has been conducted and new equipment that has been received.

In response to a query from Assistant Chief Moore concerning the primary charge associated with N3s, Assistant Sheriff McDonald replied that drug related cases comprise a larger number than other cases due to drugs being the primary motivation in many crimes.

ACTION: For information only.

VII. OTHER MATTERS/PUBLIC COMMENT

A public comment was made by Joseph Maizlish.

VIII. ADJOURNMENT

The meeting was adjourned at 12:55 p.m.