

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE July 19, 2017 MEETING

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 140
Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Chairman: Mark Ridley-Thomas, Supervisor, Second District and Chairman of the County Board of Supervisors

*Tracie Andrews for Jonathan Sherin, Director, County Department of Mental Health

*Bob Baker for Jackie Lacey, District Attorney and Vice Chair of CCJCC

Reaver Bingham for Terri McDonald, County Chief Probation Officer

Kevin Brazile, Assistant Presiding Judge, Superior Court

*Corrin Buchanan for Peter Espinoza, Director, Office of Diversion and Reentry

Sherri Carter, Superior Court Executive Officer

David Cons for Sandra Brown, U.S. Attorney

Beatriz Dieringer, California League of Cities

*Xiomara Flores-Holguin for Brandon Nichols, Acting Director, County Department of Children and Family Services

Janice Fukai, County Alternate Public Defender

Kelly Emling, Acting County Public Defender

Michael Garcia, Assistant Supervising Judge, Criminal Division, Superior Court

Scott Gordon, Supervising Judge, Criminal Division, Superior Court

Bob Guthrie, President, Los Angeles County Police Chiefs Association

*Felicia Hall for Charlie Beck, Chief, Los Angeles Police Department

Christa Hohmann, Directing Attorney, Post Conviction Assistance Center

*T. Warren Jackson for Ed Eng, Chair, County Economy and Efficiency Commission

*Stephen Johnson for Jim McDonnell, Sheriff

*Kelly Jones for Eric Garcetti, Mayor, City of Los Angeles

Jonathan Lucas, County Coroner – Chief Medical Examiner

Jonathan McCaverty for Mary Wickham, County Counsel

Edward McIntyre for Rodney Gibson, Chair, County Quality & Productivity Commission

William Montgomery for Scott Minnix, Director, County Internal Services Department

Sam Ohta, Assistant Supervising Judge, Criminal Division, Superior Court

Chris O'Quinn, Chief, Southern Division, California Highway Patrol

*Felicia Orozco for Richard Llewellyn, Interim Los Angeles City Administrative Officer

Robin Toma, Executive Director, County Human Relations Commission

Robin Toma for Cynthia Banks, Director, County Department of Workforce Development, Aging and Community Services

*David Turla for Sachi Hamai, County Chief Executive Officer

Darneika Watson-Davis for Michelle King, Superintendent, Los Angeles Unified School District

Lance Winters for Xavier Becerra, California Attorney General

***Not a designated alternate**

I. CALL TO ORDER / INTRODUCTIONS

Chairman Mark Ridley-Thomas, County Supervisor, Second District

The meeting was called to order at 12:00 p.m. by Los Angeles County Supervisor Mark Ridley-Thomas, Chairman of CCJCC.

Self-introductions followed.

Supervisor Ridley-Thomas recognized the following new members and attendees:

- Jonathan Lucas is the new County Coroner – Chief Medical Examiner
- Darneika Watson-Davis is the new representative on the committee for Michelle King, Superintendent of the Los Angeles Unified School District
- Isaac Bryan is from the Los Angeles City Mayor’s Office of Reentry

II. APPROVAL OF THE MINUTES

Chairman Mark Ridley-Thomas, County Supervisor, Second District

There were no requests for revisions to the minutes of the June 21, 2017 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the June 21, 2017 meeting was seconded and approved without objection.

III. 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.

Evaluation of Annual Drug Court Conference – June 8, 2017

CCJCC’s 14th Annual Drug Court Conference was held on June 8, 2017. As requested at the CCJCC meeting on June 21st, staff have conducted an analysis of the evaluation forms submitted by conference attendees to help inform future training efforts.

There were over 200 attendees at the conference, which included bench officers, prosecutors, defense attorneys, community service providers, and mental health clinicians, among others.

A total of 112 evaluation forms were turned in at the end of the conference. Of these, there were 73 responses that rated the program overall.

Rating the conference on a scale of 1 to 5, with 5 being best, the ratings received were as follows:

- 39 evaluations rated the conference a 5 (53%)
- 32 evaluations rated the conference a 4 (44%)
- 2 evaluations rated the conference a 3 (3%)

There were 39 evaluations that did not provide an overall program rating (a number of forms were not fully completed), and another 100 participants that didn't provide an evaluation.

The total average score for the conference was 4.5.

The average score from bench officers was 4.67.

The average score from attorneys was 4.5.

The average score from other attendees was 4.5.

The comments on the evaluation forms were mostly very positive. However, there were a few themes identified that will be helpful for the planning of future conferences or other related trainings. The following two areas in particular stood out when reviewing the evaluations:

Logistics/Format

- While presentation materials were made available on the CCJCC website following the conference, several attendees requested that slides or handouts be made available in advance at future conferences.
- Attendees, particularly from the legal field, requested discipline-specific discussion opportunities to connect with colleagues on drug court issues. This has been done in previous conferences and will be considered in future planning.

Content

- Some comments suggested that future conferences provide additional information/focus on brain chemistry issues and the physiology of addiction. This is a topic that has been covered in the past but has not been presented in recent years. This recommendation will be considered for future conferences.
- The biggest theme in the feedback that was received was to have deeper discussions on the operational impacts and practical implications of the issues that were presented on.

As an example, some respondents expressed interest in training on how drug use trends or new research may affect treatment practices, and also on how attendees may apply the information in their respective jobs. Others focused on the need for more training on subject matters specific to Court/legal concerns.

The feedback received is useful to CCJCC staff not only for planning the next Drug Court Conference, but also in terms of informing discussions/convenings that are held on an ongoing basis.

Court-Referred Community Service

Community service is an alternative sentencing option in lieu of fines and/or incarceration for individuals convicted of infractions or misdemeanors. Community service promotes accountability for law violations in a fair manner, prevents escalating sanctions for non-payment of fines, and preserves scarce justice resources for more serious matters.

The Court estimates that approximately 80,000 persons perform community service per year. However, there are no state laws, ordinances, or contracts regulating the referral agencies, and no agency currently monitors them. Additionally, there has not been a process to update the list of current referral agencies since 2004.

CCJCC and the Court have explored this issue with several partners, including the Sheriff's Department, Probation Department, Community Development Commission (CDC), Office of Diversion and Reentry, Chief Executive Office, and County Counsel. All parties agree that CDC is best situated to develop and implement a monitoring program in support of the Court-Referred Community Service Program given its experience monitoring traffic schools.

As such, CCJCC has developed a Board letter (targeted for August 1, 2017) recommending that CDC be designated as the agent of Los Angeles County and funded to develop and implement a monitoring program to work with community service referral agencies. CDC's work will include:

- Establishing standards and requirements for referral agencies.
- Monitoring compliance with established standards.
- Instituting a new list and qualification process for referral agencies.

This proposal will significantly benefit the residents of Los Angeles County by preserving and strengthening an alternative to the increasingly high cost of fines and/or incarceration. Furthermore, as confidence in the Community Service Program increases due to the proposed monitoring, bench officers may be more inclined to offer community service as an alternative to fines, penalties, and/or incarceration.

Judge Scott Gordon, Supervising Judge of the Superior Court Criminal Division, acknowledged and thanked Mr. Delgado for his work on this project and added that he believes that it will be very positive.

ACTION: For information only.

IV. SUPERIOR COURT CASE MANAGEMENT SYSTEM REPLACEMENT PROJECT

Sherri R. Carter, Executive Officer/Clerk, Los Angeles Superior Court

Sherri Carter, Executive Officer of the Los Angeles Superior Court, appeared before CCJCC to provide an overview of the Superior Court's Case Management System (CMS) replacement project.

The Superior Court is in the process of updating each case management system in every litigation area by the end of 2018.

The systems are old and in need of replacement. The average age of the 10 systems that are being replaced is 25 years. The traffic system (ETRS) is 36 years old.

A total of 66 databases that have over 22 million cases are being converted. The criminal and traffic systems have 11.9 million defendants' information that need to be converted as well.

Ms. Carter noted that CMS implementation will require 30 separate interfaces and the Court has been working with its justice partners throughout the implementation process.

The following systems have already been completed:

- Probate – Completed in May 2016
- Small Claims – Completed in May 2016
- Adoptions – Completed in October 2016
- Family Law – Completed in May 2017

The tentative CMS implementation target dates for the remaining systems are as follows:

- Limited Civil in July 2017
- Juvenile Dependency in September 2017
- Traffic in November 2017
- Mental Health in April 2018
- Criminal in May 2018
- Unlimited Civil in July 2018
- Juvenile Delinquency in September 2018
- Appellate – To be determined

When implementing a new CMS for one of the subject areas, Court staff are trained and the paper documents of pending cases are scanned to create electronic files. Once the new CMS goes into effect, new documents are scanned from that point forward.

E-filing is at first voluntary and then becomes mandatory after one to three months so that nothing new has to be scanned.

Mandatory e-filing for Probate began on June 5th. Since that time, about 35,000 documents have been electronically submitted. The Court expects to begin voluntary e-filing for Family Law in a few months and then mandatory e-filing about a month after that.

The Limited Civil CMS will be implemented in about a week and a half.

For areas of interest to this committee, the Juvenile Dependency CMS is scheduled to go live on September 3, 2017, Traffic has a go live date of November 13, 2017, Criminal has a go live date of May 29, 2018 (previously April 2nd for Criminal), and Juvenile Delinquency has an estimated go live date of September 4, 2018.

Juvenile Dependency

The change with Juvenile Dependency will also include a new case numbering system. There will be a root case number for the family and then each child within the family will have a unique alpha identifier. As an example, a family with five children might have the following case numbers: 17CCJP12345A, 17CCJP12345B, 17CCJP12345C, 17CCJP12345D, and 17CCJP12345E. This will allow for different dispositions for each child while linking them together by the family.

The Juvenile Dependency CMS will include future interfaces for the Sheriff's Department, Department of Children and Family Services (DCFS), and the County Counsel's Office.

Traffic

The Traffic CMS is one of the most complex implementations because collections are done on behalf of the counties and cities. There are 120 jurisdictions that need to be accounted for, and each jurisdiction has 20 or more distributions based on the charges. The result is that there are 2,400 or more scenarios to test and validate. Everything involving the traffic fines and fees needs to be completely accurate.

The conversion of legacy data is also a large task with respect to Traffic CMS. There are 13 million imaged documents that need to be migrated and almost 5 million cases to be converted. In addition, the offense code mapping for all of the state, county, and city charges need to be in sync.

There will be 14 interfaces with both justice partners and vendors. These include the following: 8 Red Light Vendors; Department of Motor Vehicles (DMV), for record updates; Sheriff's Department, for warrant recalls; GC Services, for collections; CDG, data entry vendor; Sonant, online payment vendor; and the California Highway Patrol (CHP), for electronic (e) citations.

The Traffic CMS will allow for e-citations, and this has been very successful in other areas of the country. When a law enforcement officer writes a citation, it is automatically loaded to the Court. This results in less paperwork for both the law

enforcement agency and the Court, and there is no need for data entry. This moves the process along much quicker and allows for faster collections.

The CHP has already indicated that they are going to use e-citations once the Court is ready. There are also nine (9) other law enforcement agencies that will be using e-citations once the system is implemented.

Criminal

With the Criminal CMS, there are approximately six (6) million cases to be converted. Interfaces have been identified for the following: Department of Justice; Sheriff's Department; District Attorney's Office; Information Systems Advisory Body (ISAB); DMV; Police Departments; and the Alternate Public Defender's Office.

Conversion issues that are being addressed involve post-sentencing issues and invalid charge codes. The Court has been working with the District Attorney's Office and ISAB to ensure that the charge code tables are always in sync between the Court, the District Attorney's Office, and the cities.

There will also be a new case numbering system for Criminal cases. Outreach meetings will be held with justice partners to discuss this as the date for Criminal CMS implementation gets closer.

Ms. Carter noted that the Criminal CMS serves as an example of where the Court will move cautiously and address separate aspects apart from one another. For instance, the process with the Grand Jury will remain manual until the Court can be absolutely certain that the confidential nature can be managed electronically. She advised members that there may be areas that are not brought live at the same time as others, and that this is intentional so as to make sure that there are no errors.

Juvenile Delinquency

With Juvenile Delinquency, the Court is coordinating with Orange County on enhancements to make the system better. This will include multi-case processing, related cases, and grouping functionality.

Interfaces with the Juvenile Delinquency CMS will include the Sheriff's Department, ISAB, and the DMV.

Benefits

Ms. Carter noted the following benefits that will result from the Court's CMS replacement project:

- Saves money
- Improved access to case information, calendar information and documents – comprehensive party view

- Finance, records, and exhibits integration
- Electronic documents and automated processes and workflows
- Supports more efficient case processing
- Allows opportunities for:
 - data exchange
 - e-filing
 - integration with Justice Partners
- Configurable systems

The Court has already seen efficiencies and savings resulting from this project and its justice partners will likely experience this as well. As an example, there will be convenience in having a comprehensive view through all litigation areas by party type, which is an advantage over the current systems that are not linked together.

Ms. Carter thanked ISAB for its work with the Court and assistance in moving forward the e-file process. She noted that ISAB will become a certified e-service provider for the County of Los Angeles to e-file directly with the Court. ISAB will be the e-filing service provider to the Court for the District Attorney's Office, Public Defender's Office, Alternate Public Defender's Office, and Probation Department.

The justice partner portals that are being created to provide access to electronic documents and data will go live when the new case management systems go live.

Questions

Beatriz Dieringer of the California League of Cities asked if there will be an interface with Dependency for the parallel cases involving child sexual and physical abuse.

Ms. Carter stated that the Court is open to all interfaces that can be done. ISAB would need to assist on the county side with their identification and development. She advised that any suggestions for additional interfaces should be brought to the attention of the Superior Court's Chief Information Officer (CIO), Snorri Ogata.

A CMS contact sheet was distributed that provided the names and contact information for individuals in the Court who can answer questions about the CMS replacement project.

Chief Chris O'Quinn, Chief of the CHP's Southern Division, inquired about steps that have been taken to ensure the security and protection of the data.

Ms. Carter stated that the Court has a number of security experts and has invested a lot into making sure that all of the necessary protocols are in place and that they meet the federal standards.

Supervisor Ridley-Thomas remarked that the County Internal Services Department (ISD) has moved forward with a significant project to effectively secure data. He

suggested that it would be useful for Los Angeles County and the Superior Court to cooperate in joint efforts to protect our systems and ensure that data is protected.

Supervisor Ridley-Thomas also noted that the Office of Child Protection (OCP) is intended to be an interlocking entity that ensures that the respective departments that serve children have access to needed resources. Judge Michael Nash, Director of OCP, should be kept informed about the upcoming Dependency and Delinquency CMS changes.

ACTION: For information only.

V. BAIL REFORM

Catherine Mathers, Senior Deputy County Counsel
Tim Kral, Senior Deputy County Counsel

Senior Deputy County Counsel Catherine Mathers and Senior Deputy County Counsel Tim Kral appeared before the committee to provide an update on the efforts of the County Counsel's Bail Reform Team.

As background, the Board of Supervisors passed a motion on March 8, 2017, that instructed the County Counsel's Office to review, research, and analyze the County's current policies and practices for incarceration, bail, screening, and supervision of criminal defendants and the existing pretrial release system.

(See Board motion at: <http://file.lacounty.gov/SDSInter/bos/supdocs/112060.pdf>, and Amendment at: <http://file.lacounty.gov/SDSInter/bos/supdocs/112298.pdf>.)

The County Counsel created a Bail Reform Team to carry out the motion. This includes the following:

- Review and determine the best practices for establishing, implementing, and running a robust Pretrial Services Division;
- Report back to the Board on potential alternatives to the use of bail bondsmen;
- Explore whether Los Angeles County could reorient its approach to bail; and
- Report back to the Board with recommendations for best practices to improve and create a more equitable and just pretrial release system that ensures efficiency and fairness.

In addition to Ms. Mathers and Mr. Kral, other members of the team that were present at this meeting were Jessica Rivas, Gina Eachus, and Craig Hoetger.

Ms. Mathers referenced State Senate Bill (SB) 10, which was discussed under the State Legislative Update at the June 21st CCJCC meeting. While changes are still being made to SB 10, it would essentially provide for pretrial assessment for everyone that comes into custody unless the individual falls within a limited exception of not being eligible for bail.

If SB 10 passes, justice partners in the county will need to determine how it could be implemented here. A pretrial risk assessment would need to be conducted soon after a person is taken into custody, and that may be difficult in a county as large as this one and with a jail population of about 17,000. Ms. Mathers reported that there are about 300 to 400 bookings a day.

There currently is already a program in place locally to assess individuals that are brought into the justice system. The first point at which the Probation Department may potentially have staff in place to conduct the review is at the time of arrest. In some of the bigger stations, such as LAPD Metro, Deputy Probation Officers (DPOs) are available to screen.

The risk assessment tool that is used asks for basic background information to help a judicial officer determine whether or not the person should be released on their own recognizance or get a reduction in bail. The Bail Reform Team is seeking to determine how this can be expanded to reach more people and get more information to the Court without overburdening the arraignment process, which is already very busy.

If the booking takes place at a station that does not have a DPO present, the defendant can have the risk assessment process performed telephonically. Probation staff will perform the same analysis and then present the information to the on-duty judge that hears the requests for bail deviation.

This provides an opportunity to decide if the person should be released on their own recognizance or have a reduction in bail before the individual has been to Court.

The next opportunity for a review of a defendant's bail is at the arraignment. Some of the individuals that may have been excluded from consideration at the time of arrest may have a chance at the arraignment to ask for a reduction in bail or release on own recognizance.

Bail Reform Team's Efforts To Date

The Bail Reform Team has been involved in the following efforts related to the Board motion:

- Review of Probation's current practices related to pretrial release;
- Review of the Sheriff's Department and other law enforcement agencies practices related to pretrial release;
- Research on the existing legal framework in California related to pretrial release;
- Tracking the legislative efforts on pretrial reform (California Money Bail Reform Act – AB 42 and SB 10);
- Consulting with stakeholders;
- Visiting and analyzing other jurisdictions for ideas on best practices for Los Angeles County;

- Consulting with Harvard Law School's Criminal Justice Policy program and other pretrial reform organizations (i.e. MacArthur, Pretrial Justice Institute, Center for Court Innovation) on best practices; and
- Reaching out to potential consultants to assist this county in developing a pretrial risk assessment tool and implementation in a robust pretrial services program.

Ms. Mathers reported that the other jurisdictions that have been visited include locations both in and outside of the state.

Mr. Kral stated that the Bail Reform Team has had two large stakeholder meetings and several breakout sessions with different groups that have an interest in this process. He invited members of this committee to let him know of organizations that they represent that would like to speak to the team about issues that relate to bail reform or pretrial services.

The Harvard Law School Criminal Justice Policy program is providing their services free of charge. They are doing research on various jurisdictions that are further along in the process of bail reform and providing frequent feedback to the Bail Reform Team.

A list of other jurisdictions that may be comparable to Los Angeles County is being compiled along with contact information for individuals that are in charge of pretrial services. Members of the Bail Reform Team will be participating in telephonic interviews with these individuals to develop ideas that can be discussed locally with different stakeholders.

In addition to the Harvard Law School Criminal Justice Policy program, the Bail Reform Team is also considering a proposal from Resource Development Associates (RDA) that worked on the Probation Governance Study¹ on how RDA may be able to assist this county in developing a pretrial services program or enhancing what already exists.

Mr. Kral reported that this county submitted a grant proposal last year to the MacArthur Foundation. Members of the Bail Reform Team attended the MacArthur Foundation's annual meeting and spoke with representatives from other jurisdictions concerning their bail reform efforts.

The team also recently hosted a representative from the MacArthur Foundation and showed him different procedures in the county with the goal of using some of the same consultants that the MacArthur Foundation uses for their bail reform measures.

Members of the team have traveled extensively to consult with others and learn about successful bail reform efforts in other jurisdictions and how they may be applied locally.

Mr. Kral stated that visits to Washington, D.C. and New York City were particularly notable given that they are also large jurisdictions. A common theme was that of supervised release, which does not exist in Los Angeles County. This program

¹ Link: http://resourcedevelopment.net/wp-content/uploads/2017/04/LAPGS_Best-Practice.pdf.

provides the Court with the option of releasing an individual with the condition of supervised release.

New York City began developing their program within the last few years. The supervised release program offers classes and workgroups on topics such as anger management, reentering the workforce, job readiness, and drug and mental health treatment programs.

Mr. Kral stated that Washington, D.C. has a very robust program with a \$63 million annual budget. About 85% of the people arrested are released pretrial and very few people are released on money bail. The program reports a success rate of 88% of people returning to Court on all subsequent appearances. Additionally, they report that about 98% of those arrested on violent crimes are not being rearrested during the pretrial process.

Continuing Efforts and Next Steps

The Bail Reform Team will continue to work with stakeholders and consultants to identify what is the best risk assessment tool for this county.

Mr. Kral reported that Santa Clara County adopted what is known as the Virginia tool, but then solicited input from stakeholders. 80 additional questions were narrowed down to 8, and they then implemented the revised risk assessment tool.

Other continuing efforts include the following:

- Continued research and analysis of best practices;
- Retention of consultants to assist in bail reform efforts; and
- Continued collaboration with stakeholders in designing and implementing a robust pretrial program that works for Los Angeles County.

ACTION: For information only.

VI. OTHER MATTERS / PUBLIC COMMENT

This item was tabled until the next meeting.

VII. ADJOURNMENT

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