

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

MINUTES OF THE February 28, 2018 MEETING

Kenneth Hahn Hall of Administration

Room 140

500 West Temple Street

Los Angeles, California 90012

COMMISSION MEMBERS PRESENT

Chair: Judge Stephen Larson, Partner, Larson O'Brien

Co-Chair: Troy Vaughn, Executive Director, Los Angeles Regional Reentry
Partnership

Erika Anzoategui, Chief Deputy, Alternate Public Defender's Office

Peter Bibring, Director of Police Practices/Senior Staff Attorney,
ACLU of Southern California

*Reaver Bingham for Chief Probation Officer Terri McDonald, Los Angeles County
Probation Department

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

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

*Commander Steven Katz for Chief Stephen Johnson, Custody Services Division, L.A.
County Sheriff's Department

Jamie Kyle, Community Advocate, The Reverence Project

Brian Moriguchi, President, Professional Peace Officers Association (PPOA)

Jose Osuna, Principal Consultant, Osuna Consulting

*Andrea Welsing for Dr. Barbara Ferrer, Director, Department of Public Health

***Designated proxy**

COMMISSION MEMBERS NOT PRESENT

Jenny Brown, Acting Chief Deputy, Public Defender's Office

Priscilla Ocen, Professor, Loyola Law School

John Raphling, Senior Researcher, Human Rights Watch
Robert Sass, Vice President, Association for Los Angeles Deputy Sheriffs
Brendon Woods, President, California Public Defenders Association

I. CALL TO ORDER/INTRODUCTIONS

The meeting was called to order at 1:39 p.m. by Judge Stephen Larson, Chair of this Commission.

Self-introductions followed.

II. APPROVAL OF THE MINUTES OF THE JANUARY 24, 2018 MEETING

There were no requests for revisions to the minutes of the January 24, 2018 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the January 24, 2018 meeting was seconded and approved without objection.

III. REVIEW OF THE COMMISSION'S ACTIVITY TO DATE AND PLANNING DISCUSSION FOR NEXT STEPS TO ADDRESS THE GOALS OF THE COMMISSION

Judge Larson advised that this Commission needs to ensure that everyone has sufficient input and that all views are respected, while at the same time make progress on the action items that need to be achieved by the end of the year. An important way to do this is through the Commission's ad hoc subcommittees.

He suggested that this Commission should hear feedback at this time from representatives from each of the subcommittees on their progress to date.

Mark Delgado, Executive Director of the Countywide Criminal Justice Coordination Committee (CCJCC), noted that Item V on the Agenda for this meeting includes an overview of the initial meetings of the subcommittees. He suggested that this portion of the Agenda can be included with the feedback from subcommittee representatives.

Judge Larson agreed with this suggestion and subsequently moved that Item V on the Agenda for this meeting be moved to Item IV. There was no objection from the Commission members.

ACTION: Item V (Updates and Report Backs From Ad Hoc Subcommittees) on the Agenda for this meeting was moved to Item IV.

IV. UPDATES AND REPORT BACKS FROM AD HOC SUBCOMMITTEES

Mr. Delgado reported that all of the subcommittees have been convened. He provided the following overview of the progress thus far with each of the five established subcommittees:

Ad Hoc Subcommittee on Analysis of Violent Crimes Statutes

Proposition 57 establishes that “any person convicted of a non-violent felony offense and sentenced to state prison shall be eligible for parole consideration after completing the full term of his or her primary offense.”

The scope of this subcommittee is to review what qualifies as a violent/non-violent offense for the purposes of parole consideration under Proposition 57.

Governing documents for this subcommittee include California Code of Regulations Section 3490 and Penal Code Section 667.5(c).

This subcommittee has had an initial meeting and will be considering this issue, but will not be looking at violent crimes statutes for more general purposes.

Ad Hoc Subcommittee on Flash Incarceration and Revocation Policies

The scope of this subcommittee is to review and develop recommendations for policies related to the effective use of flash incarceration and revocation of individuals on Post Release Community Supervision (PRCS).

The Probation Department may choose to sanction an individual on PRCS with a flash incarceration, which can be for up to ten (10) days in County Jail. Alternatively, the Probation Department can impose a revocation that goes through the Court process. A revocation may result in 180 days sentenced in County Jail, although the individuals in custody pursuant to a revocation receive day-for-day credit per statute and serve half of the sentenced time.

The subcommittee is reviewing policies and practices with regard to flash incarcerations and revocations and the evolution of these practices since AB 109’s inception in 2011.

This subcommittee will also look at options for services that may be available during the Court process for revocation.

Another focus for the subcommittee is information sharing practices that are in place to ensure that there is a coordinated response, such as timely feedback to the Probation Department if there is a new arrest of an individual on supervision.

Ad Hoc Subcommittee on Very High Risk AB 109 Supervised Persons

The scope of this subcommittee is to review PRCS cases with very high risk individuals, identify supervision successes and challenges, and provide recommendations to improve treatment outcomes and enhance public safety.

The Probation Department conducts risk and needs assessments on individuals being released to supervision. This subcommittee will study a random sample of those individuals on PRCS who are assessed as very high risk.

Ad Hoc Subcommittee on the Analysis of 100 Misdemeanants Under Proposition 47

The scope of this subcommittee is to conduct an analysis of 100 misdemeanants under Proposition 47 with the highest recidivism rates and provide recommendations to improve rehabilitative service impacts and accountability.

As with the previous subcommittee, this will study what happens in these cases from a comprehensive perspective, considering such issues as accountability, public safety, treatment needs, and engagement.

Ad Hoc Subcommittee on Model Programs and Best Practices

The scope of this subcommittee is to review existing services and/or service gaps and recommend model programs and best practices to promote successful outcomes.

A few themes that have been identified by this group include:

- An inventory of existing services needs to be conducted and the subcommittee needs to identify gaps and prioritized needs.
- The subcommittee should determine what has worked in other jurisdictions and whether those practices can be utilized here.
- The study should look not just at services availability but also access points and coordination.
- This should include how the provision of services is integrated and coordinated, and how services align with evidence-based practices.

While the subcommittees have only just begun to meet, they have laid out the format for moving forward.

Judge Larson invited members of the subcommittees to add any feedback they may have.

With respect to the Analysis of Violent Crimes Statutes subcommittee, Josh Green remarked that he had raised a question as to whether public safety is enhanced by adding felonies to the list of considered violent felonies.

Jose Osuna remarked that the Probation Department presented a very thorough overview of their policies and procedures at the most recent Flash Incarceration and Revocation Policies subcommittee meeting.

Mr. Delgado stated that the Very High Risk AB 109 Supervised Persons subcommittee will be working with Research and Evaluation Services of the CEO's office to determine what assistance can be provided with obtaining and analyzing needed data.

He added that the Sheriff's Department has indicated that they can identify a list of 100 cases for the Analysis of 100 Misdemeanants Under Proposition 47 subcommittee.

Judge Larson requested that updates from the subcommittees be a standing item on the Agenda for future meetings of this Commission.

Troy Vaughn of the Los Angeles Regional Reentry Partnership (LARRP) suggested that the subcommittees should select a Chair and Co-Chair for reporting back to this Commission.

Brian Moriguchi of the Professional Peace Officers Association (PPOA) inquired as to whether any of the subcommittees will be reviewing the language of the criminal justice reforms (AB 109, Proposition 47, and Proposition 57) to determine if any changes should be recommended to existing laws.

A discussion was had concerning this question and the intent of the Board motion that creation this Commission. This [motion](#) was passed by the Board of Supervisors on August 15, 2017, and was co-sponsored by Supervisor Kathryn Barger and Supervisor Janice Hahn.

In response to a question from the Chair, Stephanie English, Justice Deputy for Supervisor Barger of the Fifth District of the Board of Supervisors, stated that the motion did not intend to either exclude or require legislative recommendations concerning the criminal justice reform laws. She stated that the intention is for the Commission to make recommendations that the members deem appropriate.

Dana Garcetti, Justice Deputy for Supervisor Hahn of the Fourth District of the Board of Supervisors, agreed with Ms. English's assessment. The intention of the motion was not to be an indictment of the laws as they currently stand. At the same time, any problems that are identified with existing laws or consequences that were not foreseen should be noted when making recommendations.

ACTION: This will be a standing Agenda Item for future Commission meetings.

V. INFORMATIONAL PRESENTATION/DISCUSSION ON THE COUNTY'S AB 109 BUDGET PROCESS AND CURRENT BUDGET ALLOCATION

Renee Phillips, Manager with the County Chief Executive Office (CEO), provided an overview of the County's AB 109 budget process and the current budget allocation.

A copy of the presentation can be found at the following link:

[Public Safety Realignment \(AB 109\) Budget Overview](#)

Public Safety Realignment (AB 109) is funded by the following two sources:

- State Sales Tax Rate – 1.0625% of the state sales tax goes to AB 109.
- Motor Vehicle License Fee – \$12 of every license fee payment goes to AB 109.

While these are guaranteed funding sources, the actual revenue is volatile and varies depending upon the strength of the economy.

The County of Los Angeles receives 31.1036% of the state's AB 109 revenue as base funding. This is a negotiated amount based on the prison population.

The state budget process begins with the Governor's proposed budget in January. The Governor's May revision makes changes to the Governor's proposed budget using the latest economic forecasts. Finally, the enacted budget passed by the Legislature and signed by the Governor occurs during the summer.

During this process, AB 109 statewide estimates form the basis for the county's budget with respect to AB 109. The county's share is estimated based on historical receipts.

In October, the AB 109 statewide final budget is determined after the state year-end closing. The California State Associations of Counties (CSAC) notifies the counties of their respective AB 109 allocations.

The county budget process follows slightly behind the state budget process so it can incorporate state changes.

The county budget process starts in October of the prior fiscal year. Departmental budget instructions are sent out in November, an overview is conducted as needed in December, and departments submit their budget requests in January.

The recommended budget is released in April.

There are two opportunities for changes at this point. The first is during May when there are public hearings and final changes are requested. After this the Board has budget deliberations in June.

The final opportunity for change occurs during supplemental budget changes in October. The final budget is then approved that month.

The Fiscal Year 2017-18 final state allocation for AB 109 has a total for General Operations as follows:

- California: \$1,320,510,004
- Los Angeles County: \$408,313,403

The percentage of the total for Los Angeles County's is 30.9209%. The total is the combination of the FY 2017-18 Base and the FY 2016-17 prior year growth.

- The FY 2017-18 Base is a combination of the FY 2016-17 Base plus the FY 2016-17 Growth (paid in arrears).
- The county's allocation of prior year growth varies based on workload and performance measures.

The Fiscal Year 2017-18 final state allocation for AB 109 has a total for Revocation Legal Proceedings as follows:

- California: \$34,916,505
- Los Angeles County: \$11,092,625

The percentage of the total for Los Angeles County is 31.7690%. With Revocation Legal Proceedings, the percentage is set at this number for both the FY 2017-18 Base and the FY 2016-17 prior year growth.

David Turla of the CEO's Office noted that the General Operations Budget encompasses public safety (law enforcement) as well as treatment and support services. The Revocation Legal Proceedings Budget is restricted to legal proceedings. This provides funding for prosecution and defense representation.

The AB 109 Department Budget Request Process includes the following steps:

- Step 1: Each department's baseline is their prior-year budget allocation
- Step 2: Add County cost of living adjustments (e.g., salary and benefits)
- Step 3: Add Board priorities (e.g., ODR)
- Step 4: Departments submit budget proposals to the CEO for additional AB 109 funding.
- Step 5: The CEO evaluates all budget requests and makes recommendations to the Board of Supervisors.

Departments do not automatically receive the funds that they are budgeted. Instead, they must claim for the funds based on actual expenditures, whether on positions or programs.

The departments conduct their own evaluations of their programs as to effectiveness.

A chart showing the AB 109 FY 2017-18 budget by department was presented and discussed.

It was noted that the Board of Supervisors passed a motion on August 11, 2015, that allocates 50% of all new Public Safety Realignment funds that are received in excess of the prior year budget to the Office of Diversion and Reentry (ODR).

Next, a chart showing the FY 2017-18 budget allocation for direct client support and community provider services was presented and discussed. This is funding that is allotted to Departments (Probation, Department of Mental Health, Department of Public Health, Homeless Initiative, and ODR) and subsequently allocated for services.

A discussion was had concerning whether this Commission may make recommendations concerning budget processes. In particular, the CEO's Office was asked how overall budget requests are evaluated. There was also a discussion as to what criteria are used in setting budget priorities.

Mr. Turla noted that the CEO's Office requires justifications for any new expenditure, such as an increase in the number of cases or population that is involved.

A public comment was made by Eunises Hernandez of Drug Policy Alliance.

ACTION: For information only.

VI. CONSIDERATION AND DISCUSSION OF INFORMATIONAL DOCUMENTS DISTRIBUTED TO THE COMMISSION

This Agenda Item was continued.

ACTION: For information only.

VII. ITEMS NOT ON THE POSTED AGENDA TO BE PRESENTED OR PLACED ON THE AGENDA FOR ACTION AT A FUTURE MEETING

Mr. Delgado informed the Commission that Robert Sass of the Association for Los Angeles Deputy Sheriffs requested an opportunity to provide an informational presentation at an upcoming meeting.

Mr. Vaughn suggested that the Commission also address the appointment of Chairs and Co-Chairs to the subcommittees.

ACTION: For information only.

VIII. PUBLIC COMMENT

There were no public comments.

IX. ADJOURNMENT

The meeting was adjourned at 3:09 p.m.

The next meeting is scheduled for Wednesday, March 28, 2018, at 1:30 p.m.