

# COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

## MINUTES OF THE **January 12, 2022** MEETING Meeting Conducted Via Microsoft Teams

### **MEMBERS AND ALTERNATES PRESENT**

Chair: Holly J. Mitchell, Supervisor, Second District and Chair of the County Board of Supervisors

Erika Anzoategui, County Alternate Public Defender  
Curley Bonds II for Jonathan Sherin, Director, County Department of Mental Health  
Robert Cole for Ed Eng, County Economy and Efficiency Commission  
Beatriz Dieringer, California League of Cities  
\*Xiomara Flores Holguin for Ginger Pryor, Acting Director, County Department of Children and Family Services  
Ricardo Garcia, County Public Defender  
Chief Adolfo Gonzales, County Chief Probation Officer, Vice Chair of CCJCC  
Rohini Khanna, Office of Diversion and Reentry  
Judge Michelle Kim, Assistant Supervising Judge, Criminal Division, Superior Court  
Robin Limon for Alex Villanueva, Sheriff  
Jonathan Lucas, Chief Medical Examiner-Coroner  
Edward McIntyre for Jacki Bacharach, County Quality & Productivity Commission  
Sam Ohta, Supervising Judge, Criminal Division, Superior Court  
Robert Philibosian, Peace Officers Association of Los Angeles County  
Kris Pitcher for Michel Moore, Chief, Los Angeles Police Department  
Raymond Regalado for Robin Toma, Executive Director, County Commission on Human Relations  
\*Erica Reynoso for Franky Carrillo, Chair, County Probation Oversight Commission  
\*Zee Rodriguez for Robert Bonta, California Attorney General  
\*Gary Tsai for Barbara Ferrer, Director, County Department of Public Health  
\*Thida Van for Fesia Davenport, County Chief Executive Officer  
Sharon Woo for George Gascón, District Attorney  
Norayr Zurabyan for Rodrigo Castro-Silva, County Counsel

### **\*Not a designated alternate**

#### **I. CALL TO ORDER / CHAIR'S OPENING REMARKS**

Chair Mitchell, County Supervisor, Second District

The meeting was called to order at 12:05 p.m. by Los Angeles County Supervisor Holly J. Mitchell, Chair of CCJCC.

Supervisor Mitchell welcomed attendees to the first CCJCC meeting of the year. She made opening remarks regarding this committee's work in the year ahead and stated that she looks forward to working with CCJCC members.

## **II. GENERAL PUBLIC COMMENT**

There were no public comments.

## **III. APPROVAL OF THE MINUTES**

Chair Mitchell, County Supervisor, Second District

There were no requests for revisions to the minutes of the November 10, 2021 meeting.

Chief Probation Office Adolfo Gonzales, Vice Chair of CCJCC, made a motion to approve the minutes. This motion was seconded by Los Angeles County Public Defender Ricardo Garcia.

**ACTION: The motion to approve the minutes of the November 10, 2021 meeting was approved without objection.**

## **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.

Mr. Delgado provided the following updates:

- Commission on Alcohol and Other Drugs (CAOD) – At the November 2021 CCJCC meeting, this committee approved the nomination of Torrance Police Chief Jeremiah “Jay” Hart to serve on the County’s Commission on Alcohol and Other Drugs (CAOD). The Board of Supervisors subsequently confirmed Chief Hart as a member of CAOD in December 2021.
- Medications for Addiction Treatment (MAT) – This past year, CCJCC was able to obtain no-cost consultant support to help identify strategies for expanding access to MAT among justice-involved populations. The consultant team will be working with partner agencies over the coming weeks to finalize their final report. This will be scheduled for a presentation at the February CCJCC meeting.

**ACTION: For information only.**

## **V. LOS ANGELES SUPERIOR COURT UPDATE**

Supervising Judge Sam Ohta, Los Angeles Superior Court, Criminal Division

Judge Sam Ohta, Supervising Judge of the Criminal Division of the Los Angeles Superior Court, presented an update on operations within the Criminal Division in response to the current COVID-19 surge.

Judge Ohta discussed General Orders issued by Presiding Judge Eric Taylor to extend statutory deadlines for trials and certain criminal case deadlines due to the holiday season COVID surge from Delta and Omicron variants.

These orders are an effort to balance the needs of safety with access to justice and may be adjusted based on the trend of the COVID-19 surge in the coming week.

Judge Ohta discussed Normalization of Operations Work (N.O.W.) -- the Superior Court's plan to systematically address pandemic-related criminal case delays/backlogs, as COVID-19 pandemic conditions allow.

The following are compartments of issues that are addressed by the N.O.W. plan:

- Addressing the backlog challenge
- Normalization of jury trials (both misdemeanors/felonies) and prelims
- Remote access issues
- Health measures – how to reduce and when
- Courtroom's physical changes – how to take such modifications down – if at all, and when
- Bail Reform issues:
  - How to expand Pretrial Risk Evaluation Program (PREP)
  - When to alter the Emergency Bail Schedule
- Jail population reduction issues - as it impacts operations
- New Case Management Implementation
- Miscellaneous compartment ("Catch-all" for any issues not originally identified)

Each of these compartments will require organized thought, justice partner collaboration/inclusion where appropriate, and timely messaging.

Judge Ohta discussed these matters in more detail, including addressing the backlog.

Addressing the backlog in misdemeanor trials and preliminary hearings created by the COVID-19 pandemic will require a multi-faceted and complex approach. Judge Ohta addressed the following aspects of this effort:

- Chief's Grant of Funds
- Identification of Backlog
- Understanding Nature/Source of Backlog
- Justice Partners Collaboration
- Building a Systemic Approach

The Chief Justice of California has approved \$13.5 million from the Judicial Council to help with reduction of the backlog. Of this, \$9.2 million will be used for the first phase, which will include hiring back retired judges and commissioners for 11 courtrooms dedicated to handling the backlog.

Judge Ohta noted that not all Judicial Districts in the Los Angeles Superior Court are affected equally by the backlog, so it will be necessary to build a systematic approach that targets where the backlog exists.

Supervisor Mitchell inquired about individuals that are remaining in custody under the extended deadlines. Judge Ohta discussed the use of the current Emergency Bail Schedule (EBS) and the cases that it applies to. He noted that many offenses that have traditionally included cash bail now have no bail under the EBS. Individuals that might otherwise have been held in custody have been cited and released. There have also been other changes that have impacted upon the bail process as well, such as *In re Humphrey*.

**ACTION: For information only.**

**VI. PUBLIC SAFETY REALIGNMENT TEAM (PSRT) UPDATE**

Chief Probation Officer Adolfo Gonzales,  
Chair, Public Safety Realignment Team (PSRT)  
Mark Delgado, Executive Director, CCJCC

Chief Probation Officer Adolfo Gonzales, Chair of the Public Safety Realignment Team (PSRT), provided an overview of the annual report on public safety realignment implementation that was submitted to the Board of State and Community Corrections (BSCC). Joining Chief Gonzales in this presentation was Mark Delgado, Executive Director of CCJCC.

As background, the BSCC distributes an annual survey to the counties<sup>1</sup> to obtain information about the implementation of Public Safety Realignment (AB 109) throughout the state. Survey responses are then incorporated in a report to the Governor's Office and State Legislature. The County of Los Angeles submitted its response to this year's survey in December.

Overall, the survey captures information in five main areas:

1. Membership/Administrative Information
2. Updated Community Corrections Partnership (CCP) plan approved by the Board of Supervisors in June 2021
3. Summary and description of current programs and services infrastructure
4. Goals and objectives for the coming year
5. Budget information

Mr. Delgado reviewed these five areas and discussed what was submitted.

He stated that the updated CCP plan aims to address the statutory shifts resulting from public safety realignment while prioritizing the integration of diversion and treatment

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<sup>1</sup> Through the Community Corrections Partnerships (CCPs). The PSRT is the CCP in Los Angeles County.

expansion efforts. This is to both improve outcomes among those in custody or on supervision and to reduce the number of people who are in custody or on supervision.

Much of the content in the report to the BSCC addresses that treatment/program infrastructure that is in place in the county, including:

- Mental Health treatment services
- Substance Use Disorder (SUD) treatment services
- Custody-based treatment and reentry services
- Care coordination for medically high-risk AB 109 probationers
- Housing, employment, and navigation/coordination services

This report will be filed with the Board of Supervisors later this month as its semi-annual update on public safety realignment implementation.

Chief Gonzales thanked the members and departments represented on PSRT for their assistance in completing the annual response to the BSCC.

PowerPoint slides that were used for this presentation, as well as the survey response that was submitted to the BSCC, have been posted online at <http://ccjcc.lacounty.gov>.

**ACTION: For information only.**

## **VII. STATE LEGISLATIVE UPDATE**

Brigitte Mardigras, Legislative Analyst,

Legislative Affairs and Intergovernmental Relations, Chief Executive Office

Donna Seitz, Sacramento Assistant Chief Legislative Representative,

Legislative Affairs and Intergovernmental Relations, Chief Executive Office

Brigitte Mardigras, Legislative Analyst with Legislative Affairs and Intergovernmental Relations of the County Chief Executive Office (CEO), provided an overview of notable public safety-related legislation in the 2021 legislative session, as well as focus areas for 2022. Joining her in this presentation was Donna Seitz, Sacramento Assistant Chief Legislative Representative with Legislative Affairs and Intergovernmental Relations of the CEO.

### State Legislative Recap – Enacted Legislation

Ms. Mardigras reported that the County supported a number of bills related to public safety that were enacted last year, many of them dealing with police reform.

The following are County-supported measures that were passed:

- Assembly Bill (AB) 26 – Directs law enforcement agencies to require that officers immediately report potential excessive use of force, and further describes the requirement to intercede if another officer uses excessive force. Requires law

enforcement agencies to have policies requiring discipline for an officer that fails to intercede when another officer commits excessive force, if the officer has received training.

- AB 490 – Prohibits the use of restraints that risk suffocating a suspect.
- AB 48 – Prohibits law enforcement from using kinetic energy projectiles (rubber bullets) or chemical agents (teargas) to disperse an assembly, protest, demonstration, or gathering unless their use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual.
- AB 958 – Requires law enforcement agencies to have a policy prohibiting law enforcement gangs and makes participation in a law enforcement gang grounds for termination.
- Senate Bill (SB) 2 – Grants the Commission on Peace Officer Standard and Training the power and right to decertify an officer if convicted of crimes or misconduct. It also limits immunity protections in civil lawsuits where an officer is convicted of wrongful death.
- SB 16 – Makes public any records related to excessive force, unlawful searches, and other misconduct.
- SB 98 – Allows reporters to access areas shut off by police for a command post or similar during a protest, march, rally, etc.

#### Legislation of County Interest

In addition to the County-supported legislation, the following is legislation of County interest:

- AB 89 – Increases the minimum qualifying age from 18 to 21 years of age for specified peace officers.
- SB 81 – Authorizes judges to give more weight to mitigating factors such as childhood trauma when considering sentencing enhancements.
- SB 73 – Ends mandatory minimum sentences for nonviolent drug-related offenses.

#### State Legislative Recap – State Budget

The following criminal justice-related legislation pertains to the State budget:

- Pre-Trial Services – The Budget Act of 2021, *Chapter 69, Statutes of 2021* (SB 129) allocated \$140 million for 2021-2022 and \$70 million ongoing to support programs and practices that reduce pre-trial detention. Funding was awarded to

the Courts and is authorized to be allocated to County departments and community-based organizations.

- Elimination of Administrative Fees Backfill Funding – The State Budget Act, Chapter 21, *Statutes of 2021* (AB 128) provided \$151 million in 2021-2022, \$151 million in 2022-2023, \$130 million in 2023-2024, and \$120 million in 2024-2025 and ongoing to backfill the revenue associated with the elimination of administrative fees.
- Elimination of Criminal Administrative Fees – The Public Safety Budget Trailer Bill, *Chapter 257, Statutes of 2021* (AB 177) eliminated 17 criminal administrative fees.
- AB 1869 Funding Methodology – The Courts Budget Trailer Bill, *Chapter 79, Statutes of 2021* (AB 143) authorized the allocation methodology for the distribution of the \$65 million included in *Chapter 92, Statutes of 2020* (AB 1869), which eliminated the ability of state and local agencies to impose certain administrative fees for criminal offenses.
- Gun Violence Reduction – The Budget Act of 2021, *Chapter 240, Statutes of 2021* (SB 170) provided \$10.3 million to reduce gun violence in the State, including support to Sheriff's Departments conducting activities related to the seizure of weapons.
- Behavioral Health Continuum Infrastructure – The Budget Act of 2021, *Chapter 69, Statutes of 2021* (SB 129) allocated \$2.2 billion for competitive grants to entities to construct, acquire, and rehabilitate real estate assets to expand the community continuum of behavioral health treatment resources.
- Incompetent to Stand Trial (IST) Solutions Workgroup – The Health Budget Trailer Bill, *Chapter 143, Statutes of 2021* (AB 133) provided \$75 million for the State Department of Finance for the IST Solutions Workgroup to address the IST patient waitlist.

## 2022 Landscape

Ms. Seitz discussed some of the legislative issues that can be expected in 2022.

There are also a number of potential ballot initiatives concerning criminal justice that are at various stages of attempting qualify for the ballot. Examples of issues that they address are matters pertaining to petty theft, three strikes, and police officer use of force.

Potential legislative issues this year include changes to Proposition 47 and Bail Reform.

## 2022 – State – County Sponsored Legislation

Ms. Mardigras reviewed the following pending County-sponsored legislation that is with the State Legislature:

- Sunset Elimination – Proposition 47 Resentencing Relief

Los Angeles County is sponsoring legislation to eliminate the time limitation (deadline November 4, 2022) in retrospective cases in which a person convicted of a qualifying low-level felony may file a petition for Proposition 47 relief to have their sentence reduced to a misdemeanor.

- AB 900 Grant Funding for Alternatives to Incarceration

Los Angeles County is sponsoring a budget proposal that would allow Los Angeles County to use its AB 900 grant award towards non-custodial treatment facilities that would provide treatment, including behavioral health and other rehabilitative services to justice-involved populations, within the community.

## 2022 – State Budget Proposals of Interest

- Juvenile Facility Infrastructure Related to the Closure of the Division of Juvenile Justice (DJJ) – The January Budget Proposal includes \$100 million for grants to support improvements to County-operated juvenile facilities to make them more conducive to serving justice-involved youth.
- Post Release Community Supervision – The January Budget Proposal includes \$23.2 million for County Probation Departments to supervise the temporary increase in the average daily population of individuals on Post Release Community Supervision as a result of the implementation of Proposition 57.
- Reducing Civil Assessment Fees – The January Budget Proposal would make statutory changes to reduce civil assessment fees by half, from a maximum of \$300 to \$150, for individuals charged with a traffic, misdemeanor, or felony offense who fails to appear in Court or pay a Court fine. This includes \$50 million ongoing to backfill the resulting loss in revenue for Trial Courts.
- Implementation of SB 2 – The January Budget Proposal includes \$22.7 million in 2022-2023, and \$20.6 million ongoing, for California Commission on Peace Officer Standards and Training (POST) to support implementation of *Chapter 409, Statutes of 2021* (SB 2).
- Peace Officer Release of Records – The January Budget Proposal includes \$7.4 million in 2022-2023 and \$6.5 million ongoing to prepare records pertaining to police officer conduct for public disclosure pursuant to *Chapter 402, Statutes of 2021* (SB 16).



- Law Enforcement Misconduct – The Budget Proposal includes \$1.3 million in 2022-2023 and \$1.2 million ongoing to respond to investigations that fall within the expanded definition of law enforcement gangs pursuant to *Chapter 408, Statutes of 2021* (AB 958).
- Retail Theft Funding – The Budget Proposal includes \$356 million over three years, including \$85 million for competitive grants for local law enforcement to combat organized retail crime; \$10 million for competitive grants to local district attorneys to create dedicated retail theft prosecution teams; \$6 million for the DOJ to support regional task forces and to prosecute retail theft cases that span multiple jurisdictions; and \$5 million for the DOJ to continue leading anti-crime task forces around the state.
- Felony Incompetent to Stand Trial (IST) Waitlist Solutions – \$93 million in 2021-2022 and \$571 million in 2022-2023 and ongoing to provide for early stabilization and community care to support the nearly 1,700 IST patient waitlist. It also includes funding to expand diversion and community-based restoration capacity to increase IST treatment alternatives. Statutory language to augment California Department of State Hospital’s (DSH) budget by an additional \$350 million for the purposes of implementing solutions identified by the IST Workgroup to address the IST patient waitlist.
- Implementing a 9-8-8 Behavioral/Mental Health Crisis Hotline - \$7.5 million and \$6 million ongoing to implement the new Federally mandated 9-8-8 call system to increase the ease and accessibility for those experiencing a behavioral or mental health crisis. In 2022, the California Health and Human Services Agency will develop a plan to support connections between prevention efforts like warm-lines and peer support services, 9-8-8 mental health crisis call centers, and mobile crisis response at the local level.

### Federal Legislation

Ms. Mardigras also discussed the following proposed legislation at the Federal level:

- County-Supported H.R. 1280

The *George Floyd Justice in Policing Act of 2021* includes various police reform changes to address police misconduct, including provisions to: 1) ban the use of chokeholds and carotid holds; 2) prohibit racial and religious profiling; 3) eliminate qualified immunity for law enforcement; 4) establish a national standard for the operation of police departments; 5) mandate data collection on police encounters; 6) reprogram existing funds to invest in transformative community-based policing programs; and 7) streamline Federal law to prosecute excessive force and establish independent prosecutors for police investigations.

- County-supported H.R. 955 and S. 285

These measures would allow Medicaid payment for medical services furnished to an incarcerated individual during the 30-day period preceding the individual's release.

**ACTION: For information only.**

**VIII. ADJOURNMENT**

The meeting was adjourned at 1:07 p.m.