

# COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

## MINUTES OF THE **October 14, 2020** MEETING Meeting Conducted Via Microsoft Teams

### **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  
\*Patricia Carbajal for Fesia Davenport, County Acting Chief Executive Officer  
John Curley, President, San Gabriel Valley Police Chiefs Association  
\*Elaine Duong for Richard Llewellyn, Los Angeles City Administrative Officer  
Peter Espinoza, Director, Office of Diversion and Reentry  
\*Xiomara Flores Holguin for Bobby Cagle, Director, County Department of Children and Family Services  
Ricardo Garcia, County Public Defender  
Lajuana Haselrig for Alex Villanueva, Sheriff  
T. Warren Jackson for Ed Eng, County Economy and Efficiency Commission  
Jonathan Lucas, County Coroner – Chief Medical Examiner  
Edward McIntyre for Jacki Bacharach, County Quality & Productivity Commission  
Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program  
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  
Susan Sullivan Pithey for Xavier Becerra, California Attorney General  
Rachel Teitelbaum for Eric Garcetti, Mayor, City of Los Angeles  
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

**\*Not a designated alternate**

### **I. CALL TO ORDER / INTRODUCTIONS**

Chair Kathryn Barger, County Supervisor, Fifth District

The meeting was called to order at 12:00 noon by Los Angeles County Supervisor Kathryn Barger, Chair of CCJCC.

## II. APPROVAL OF THE MINUTES

Chair Kathryn Barger, County Supervisor, Fifth District

There were no requests for revisions to the minutes of the September 9, 2020 meeting. A motion was made to approve the minutes.

**ACTION: The motion to approve the minutes of the September 9, 2020 meeting was seconded and approved without objection.**

## III. STATE LEGISLATIVE UPDATE

Patricia Carbajal, Manager, Chief Executive Office

Brian Stiger, Chief Legislative Representative, Chief Executive Office

Donna Seitz, Assistant Chief Legislative Representative, Chief Executive Office

Patricia Carbajal, Manager with Government Relations in the County Chief Executive Office (CEO), provided an overview of public safety-related legislation in the 2020 legislative session.

Joining Ms. Carbajal in this presentation were Brian Stiger, Chief Legislative Representative with the CEO, and Donna Seitz, Assistant Chief Legislative Representative with the CEO, who presented on anticipated focus areas in 2021.

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

### 2020 State Legislative Recap

This year's legislative session was significantly impacted by the COVID-19 pandemic and the need to address the resulting health and economic crises. However, the State Legislature was still able to address a number of justice-related issues. Some were handled through the state budget process and others through the standard legislative process.

Key state budget actions include the 2011 Realignment Backfill (AB 109), fines and fees, and Division of Juvenile Justice (DJJ) realignment.

Key state legislation actions include Senate Bill 10 (SB 10) bail reform, police reforms, inmate welfare funds, and juvenile justice.

### *State Budget Actions*

The 2011 Realignment Backfill, which was supported by Los Angeles County, provided \$1 billion statewide in one-time funding. This funding was provided to help offset the loss in revenue that counties have suffered due to the pandemic.

Ms. Carbajal noted that the backfill may ultimately be closer to \$750 million, as \$250 million was contingent on additional federal stimulus funding.

The county has received \$319 million. Of this total, \$53 million is being used for public safety programs.

Criminal fines and fees were addressed through an expedited state budget process. An abbreviated version of county-sponsored SB 144 was funneled into the SB 824 budget trailer bill. This will eliminate a smaller set of fines and fees and modify others.

In addition, \$65 million in statewide funding is included for allocation to counties to backfill lost revenues. This is beginning in Fiscal Year 2021-2022, but it will only apply through Fiscal Year 2025-2026 unless it is extended by the State Legislature.

SB 823 realigns the state's DJJ program to counties. Intake at DJJ will cease beginning on July 1, 2021, which is when the prospective transfer of responsibility with new adjudications will begin. Full implementation of the population shift to the counties is expected to be reached in Fiscal Year 2024-2025.

The DJJ realignment provides approximately \$225,000 per youth in annual funding. The initial estimated funding for this county is:

- Fiscal Year 2021-2022: \$ 8.3 million
- Fiscal Year 2022-2023\*: \$24.6 million
- Fiscal Year 2023-2024\*: \$40.7 million

\*By county distributions will be updated based on updated total eligible DJJ population and county population ages 10-17.

The State Legislature and the Governor's Office are required to work with stakeholders by January 2024 to revisit the funding allocation formula.

Ms. Carbajal noted that there will also be \$9.8 million in one-time grants in Fiscal Year 2020-2021 to support infrastructure-related needs associated with this newly realigned population.

The State of California will establish a new Office of Youth and Community Restoration (OYCR) within the California Health and Human Services Agency. Among its responsibilities will include approving county local DJJ plans and the creation of an ombudsman within OYCR.

### *State Legislation Actions*

As will be discussed further in the next Agenda item, SB 10, which addresses bail reform, is before voters as Proposition 25 on the November 3, 2020 ballot. A late addition to this year's judicial omnibus bill (AB 3364) was a provision that will extend SB 10's

implementation date to October 1, 2021 if SB 10 is upheld by voters through the passage of Proposition 25. The dates of various prerequisites would also be moved into the preceding months of 2021.

Had this provision not been added, SB 10 would have to be implemented almost immediately if Proposition 25 passes in November.

A number of police reform bills were considered near the end of the legislative session, but only a few made it out of the Legislature and were enacted by the Governor.

The following four bills were supported by Los Angeles County and were enacted:

- Assembly Bill (AB) 1185 authorizes counties in California to establish a Sheriff oversight body, authorize said body to issue subpoenas, and establish an Inspector General to assist the oversight body.
- AB 1506 allows law enforcement agencies and District Attorneys to request a new division of the Attorney General's Office to investigate and potentially prosecute a criminal case when there is an officer-involved shooting that results in a death of a member of the public.
- AB 1196 bans statewide the use of carotid artery restraints (choke holds) by law enforcement.
- AB 1775 makes changes in criminal and civil law to discourage individuals from using 911 or other communications with law enforcement to harass a person because that person belongs to a protected class.

With regard to juvenile justice, SB 203 is enacted county-supported legislation that expands current provisions that require youth to consult with legal counsel prior to a custodial interrogation. This legislation expands this to youth who are 17 years of age or younger. Prior to SB 203, this applied to youth who are 15 years of age or younger.

SB 555, which was vetoed by the Governor, would have prohibited commissions on telephone communication service contracts for juvenile facilities and county jails. While the Governor noted that he supports the goals of the bill (reducing financial stress that families of those in jail face), he couldn't support it in its current form.

In his veto message, the Governor stated that, "I am committed to working with the Legislature and stakeholders to address this issue in the next legislative session in a manner that mitigates impacts on programming."

### 2021 State Legislative Expectations

Mr. Stiger noted that this year ended the current two-year session with the State Legislature. The next two-year session begins in January 2021.

Many of the county-sponsored bills that were held this year are expected to be reintroduced in the next legislative session.

On the federal level, there may be changes and/or opportunities depending upon the outcome of the November election. In addition to the Presidential race, the outcomes of Senate and House races may impact upon potential future legislation of concern to the state and the county.

On the local level, Mr. Stiger noted that the Los Angeles County Board of Supervisors have an important role in shaping and informing the legislative policy agenda for the California State Association of Counties (CSAC). As members change, this could potentially impact upon policy considerations.

Due to the pandemic and resulting health and economic crises, the state went from reserves of about \$21 billion and a budget surplus of about \$5 billion to a deficit of over \$54 billion. As a result, there may be limited funding opportunities in the coming year.

The state budget has also been negatively impacted by the lack of additional federal stimulus funding.

Ms. Seitz provided an overview of the following items:

- Assembly Select Committee on Police Reform. This committee was created in late September by the Speaker of the Assembly. It includes representation from this county, and it will consider possible actions relating to police reform.
- Potential Policing Reform Legislation in the coming year. Issues include the following:
  - Decertification of police officers who engage in serious misconduct.
  - Steps an officer must take when witnessing another officer using excessive force.
  - Banning the use of rubber bullets.
  - Use of force subject to public disclosure.
  - Allowing victims of police violence to receive victim's compensation.
  - In addition, other legislation could be introduced as a result of the hearings that will be held by the Assembly Select Committee on Police Reform.

With the topic of youth justice, there may be cleanup legislation concerning the DJJ. Specifically, legislation may be introduced that would establish a new dispositional track by March 1, 2021. This will allow judicial officers to have options for committing realigned youth to secure treatment facilities when certain criteria exist.

There may also be other technical/corrective changes with DJJ cleanup legislation.

**ACTION: For information only.**

#### IV. OVERVIEW OF STATEWIDE PUBLIC SAFETY BALLOT INITIATIVES

Patricia Carbajal, Manager, Chief Executive Office

Patricia Carbajal, Manager with the County Chief Executive Office, provided an overview of Proposition 20 and Proposition 25, which are both on the statewide ballot for the November 3, 2020 election.

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

##### Proposition 20

Proposition 20 is The Criminal Sentencing, Parole, and DNA Collection Initiative. This restricts parole for certain offenses currently considered to be non-violent, expands the list of offenses that disqualify an inmate from parole, and authorizes felony sentences for certain offenses currently treated as misdemeanors.

This Initiative would, in part, amend state law to increase criminal penalties for some theft-related crimes by creating two new crimes that could be punished as either a felony or a misdemeanor:

- *Serial Theft.* Any person with two or more past convictions for certain theft-related crimes (such as burglary, forgery, or carjacking) who is found guilty of shoplifting or petty theft involving property worth more than \$250 could be charged with serial theft.
- *Organized Retail Theft.* Any person acting with others who commits petty theft or shoplifting two or more times where the total value of property stolen within 180 days exceeds \$250 could be charged with organized retail theft.

Proposition 20 would also do the following:

- Would make the theft of property worth less than \$950 that is not for sale (such as a cash register) eligible for felony sentences.
- Would change State Parole and Post-Release Community Supervision (PRCS) practices, including requiring probation officers to ask the Court for a change in terms of supervision for individuals who have violated their PRCS terms for a third time.
- Would require state and local law enforcement to collect DNA from adults convicted of certain crimes, including shoplifting, forging checks, and certain domestic violence crimes.
- Would make various changes to the process for considering the release of inmates from prison, including:

- Excluding certain inmates from the process, such as those convicted of some types of assault and domestic violence;
- Denying release to inmates who pose an unreasonable risk of committing felonies that result in victims, rather than only those who pose an unreasonable risk of violence; and
- Requiring inmates denied release to wait two years, rather than one, before being reconsidered; among other provisions.

A discussion was had concerning the potential impact on operations if Proposition 20 were to pass.

Devallis Rutledge of the District Attorney's Office noted that there may be an increase in the number of cases handled by the District Attorney's Office due to some cases currently prosecuted by City Attorneys as misdemeanors being prosecuted by the District Attorney as felonies instead.

Los Angeles County Alternate Public Defender Erika Anzoategui stated that there will also be increased work for her office and the Office of the Public Defender if there are more felony theft cases being handled by the District Attorney's Office. This would be because there may potentially an increase in the number of trials due to individuals wishing to avoid a felony conviction.

Reaver Bingham of the Probation Department added that there may be an increase in work for the Probation Department at the pre-trial stage as more individuals are processed. In addition, there may also be an increase in revocations that would impact upon workload.

**NOTE: Supervisor Barger left the meeting following this presentation and discussion on Proposition 20. County Alternate Public Defender Erika Anzoategui served as Chair Pro Tem for the remainder of the meeting.**

### Proposition 25

Proposition 25 is the SB 10 Bail Reform Referendum. If approved by the voters, Proposition 25 would approve and uphold SB 10 of 2018. A "No" vote would repeal SB 10, keeping in place the current cash bail system.

Under SB 10, most persons arrested for a misdemeanor would be booked and released without being taken into custody (or, if taken into custody, released from custody without a risk assessment within 12 hours of booking).

Individuals with specified prior repeat charges and/or those charged with specified violent or serious felonies would not be eligible for pretrial release.

All other individuals would be subject to a pretrial risk assessment conducted by Pretrial Assessment Services as follows.

- Individuals assessed as being low-risk would be released on his or her own recognizance;
- Individuals assessed as being medium-risk would be released on his or her own recognizance or supervised; and
- Individuals assessed as being high-risk would not be released prior to arraignment.

A discussion was had concerning the potential impact on operations if Proposition 25 were to pass.

Mr. Bingham reported that the Probation Department is working with the Superior Court to prepare if SB 10 is upheld. The Probation Department will likely need to increase the number of staff working in Pretrial Assessment Services in order to meet the requirements of SB 10.

Mr. Rutledge stated that anecdotal evidence from New York suggests that there may be an increase in the number of filings if there is an increase in recidivism. He added that SB 10 may have an unpredictable impact on the workload of other justice partners as well.

Los Angeles County Public Defender Ricardo Garcia noted that emergency orders that went into effect with the COVID-19 pandemic resulted in many individuals being released without bail, but the county has not seen a corresponding increase in recidivism. He added that it is important to link individuals to appropriate services when they are released and to maintain communication with them.

### Measure J

Ms. Carbajal provided a brief overview of Measure J, which is also on the ballot on November 3<sup>rd</sup>.

In August of this year, the County Board of Supervisors voted to place this charter amendment on the ballot to require the county to spend at least 10% of its general fund budget on Alternative To Incarceration (ATI) programs. This includes housing, youth development, mental health care, and criminal justice diversion programs.

The charter amendment focuses on a specific unrestricted portion of the General Fund, which is about \$4.9 billion of locally-generated revenue. If approved by voters, this amendment would reallocate about \$360 million to \$496 million of that amount to ATI and community-based programs.

Measure J would also authorize the Board of Supervisors to develop a process to allocate funds. The Board could reduce the amount allocated with a vote of at least 4 to 1 during a declared fiscal emergency.

## Public Comments

A public comment was made by Mr. Joseph Maizlish.

**ACTION: For information only.**

## **V. 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.

### Submission of AB 109 Semi-Annual Report

The Public Safety Realignment Team (PSRT), a subcommittee of CCJCC, is chaired by the Probation Department and is comprised of many of the members of this committee. The PSRT submitted its most recent AB 109 Semi-Annual Report to the Board of Supervisors on October 13<sup>th</sup>.

This update differed from previous reports in that it wasn't an operational update. Instead, this was the first of a planned series of studies on AB 109 implementation in the county.

This series of studies will involve an ongoing partnership among CCJCC, the Probation Department, PSRT, the Chief Information Office (CIO) and many other justice partners. The first study focused on general trends in terms of outcomes for AB 109 individuals with serious mental illness who were supervised on Post Release Community Supervision (PRCS) and split sentences.

The report can be found online at the following link:

<http://ccjcc.lacounty.gov/Public-Safety-Realignment>

**ACTION: For information only.**

## **VI. OTHER MATTERS / PUBLIC COMMENT**

There were no public comments.

## **VII. ADJOURNMENT**

The meeting was adjourned at 12:50 p.m.

The next meeting is scheduled for Thursday, November 19, 2020. This change of day and date is due to the regularly scheduled meeting falling on Veterans' Day holiday on November 11, 2020.