

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE
MINUTES OF THE April 15, 2015 MEETING
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 739
Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Chair: Michael Antonovich, Mayor, County of Los Angeles

Cynthia Banks, Director, County Department of Community & Senior Services

*Henry Bouchot for Eric Garcetti, Mayor, City of Los Angeles

*Michael Brooks for Cynthia Harding, Acting Director, County Department of Public Health

Ronald Brown, County Public Defender

*Dardy Chen for Sachi Hamai, Interim County Chief Executive Officer

Jorge Cisneros, President, Los Angeles County Police Chiefs Association

Mark Fajardo, County Coroner – Medical Examiner

Janice Fukai, County Alternate Public Defender

David Herriford for James Brandlin, Supervising Judge, Criminal Division, Superior Court

David Herriford for Scott Gordon, Assistant Supervising Judge, Criminal Division, Superior Court

Christa Hohmann, Directing Attorney, Post Conviction Assistance Center

*Dan Jeffries for Mike Feuer, Los Angeles City Attorney

David Jennings, Field Office Director, U.S. Immigration and Customs Enforcement

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

Mark Matsuda, President, South Bay Police Chiefs Association

Jonathan McCaverty for Mark Saladino, County Counsel

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

Emilio Mendoza for Philip Browning, Director, County Department of Children and Family Services

Don Meredith for Cyn Yamashiro, President, County Probation Commission

William Montgomery for James Jones, Director, County Internal Services Department

Margarita Perez for Jerry Powers, County Chief Probation Officer

*Deirdre Robertson for Sherri Carter, Superior Court Executive Officer

Todd Rogers for Jim McDonnell, Sheriff

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

Mark Waronek, Executive Board Member, California Contract Cities Association

*Brian Whetsel for Charlie Beck, Chief, Los Angeles Police Department

Lance Winters for Kamala Harris, California Attorney General

***Not a designated alternate**

I. CALL TO ORDER / INTRODUCTIONS

Mayor Michael Antonovich, County Supervisor, Fifth District

The meeting was called to order at 12:10 p.m. by Mayor Michael Antonovich, Chair of CCJCC.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Mayor Michael Antonovich, County Supervisor, Fifth District

There were no requests for revisions to the minutes of the March 18, 2015 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the March 18, 2015 meeting was seconded and approved without objection.

III. DRUG COURT OVERSIGHT SUBCOMMITTEE

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

Gina Satriano of the District Attorney's Office appeared before CCJCC to make a presentation on the impact of Proposition 47 on County Drug Courts and on potential programmatic changes in response. In addition to serving as Director of the District Attorney's Office Bureau of Central Operations, Ms. Satriano also oversees alternative sentencing courts for the District Attorney's Office.

Background

As discussed at previous CCJCC meetings, Proposition 47 was passed by the voters of California on November 4, 2014. This law reduced certain non-serious and non-violent property and drug offenses from felonies or wobblers to misdemeanors.

This had an immediate effect on Drug Court programs by reducing the incentive for individuals to participate. Many defendants that previously would have been charged with felony drug possession or felony theft are now charged with a misdemeanor instead.

With pending cases, eligible defendants requested that their felony charges be reduced to misdemeanors following the passage of Proposition 47. This allowed some individuals to leave drug court either because probation was terminated or because the defendant had already served the time for a misdemeanor conviction. In some cases, formal probation was changed to summary probation.

With new cases, fewer defendants have opted to enter drug court treatment programs, which can last from 9 to 12 months. Entering a guilty plea and accepting the sentence on a misdemeanor will result in much less of a time commitment.

Impact

The impact of the change in law has been noticeable. The number of new participants in the County's Drug Court programs has been roughly cut in half. From November 5, 2014 through March 31, 2015, there were a total of 144 new participants. This compares to 285 during the same period from 2013 through 2014. Similarly, there were 96 new participants in the first quarter of 2015. This compares to 190 for the first quarter of 2014.

The percentage of Drug Court participants in allotted slots has fallen from around 85% of capacity a year ago to under two-thirds of capacity today.

Response From Drug Court Oversight Subcommittee

The Drug Court Oversight Subcommittee is a standing subcommittee of CCJCC. Members include representatives from the Superior Court, District Attorney's Office, Public Defender's Office, Department of Public Health Substance Abuse Prevention and Control (DPH-SAPC), Probation Department, treatment providers, and, as of last November, the Los Angeles City Attorney's Office.

Since the passage of Proposition 47, this subcommittee has considered the feasibility of implementing alternative treatment models to increase the number of new participants.

One possible option is to have a shortened treatment program for misdemeanants. This could provide an incentive for individuals that are facing several months in County Jail for a misdemeanor drug charge. However, research suggests that this option would not provide a sufficient amount of time for appropriate treatment services, so the subcommittee opted not to recommend this approach.

The subcommittee has also considered a proposal submitted by the District Attorney's Office on behalf of District Attorney Jackie Lacey. This option would allow higher risk offenders to participate in an SODC-type program.

The SODC program is more intensive than that of standard Adult Drug Courts. For example, treatment begins with a 90-day in-custody component following a two week screening period. Additionally, the period of treatment is longer (12 to 15 months) and the frequency of returns to Court for supervision is increased.

Defendants that may be eligible for this more intensive program would include any that are charged with a non-serious, non-violent felony, where the underlying cause of the crime is the individual's drug addiction. For example, low-level sellers that sell narcotics to support their drug addiction may qualify for admission to the program.

A protocol would be in place to make exceptions for individuals with serious or violent felonies, or those with prior convictions for those crimes, but only where all parties agree and where there is Bureau Director approval within the District Attorney's Office.

According to the National Drug Court Institute, research suggests that an intensive focus on higher risk, higher need offenders that are motivated by drug addiction may be a more efficient use of resources in terms of reducing recidivism. These individuals are also at risk of failing in less intensive rehabilitative programs.

Programs designed for these offenders have been found to reduce crime approximately twice as much as those serving less serious offenders. Furthermore, the cost benefits to the community are ultimately greater because the types of crimes being avoided involve higher victimization and incarceration costs.

At its last meeting on March 24, 2015, the members of the Drug Court Oversight Subcommittee agreed that the proposal for an SODC-type treatment model for higher risk offenders is a viable option and that it should be moved forward for consideration among all involved criminal justice agencies.

Given that the Drug Court courtrooms are already being staffed and most of the Drug Court programs are well under capacity, this proposal would neither require additional resources from the justice partners nor increase the capacity of the Drug Courts. The individuals that would receive treatment would be served using resources that are currently not being utilized.

In fact, because the cost of treating an individual under this augmented treatment model is higher than that of the standard Drug Court model, this proposal would result in fewer individuals in drug court treatment, but they would receive more intensive and full services that are necessary to help them succeed.

Ms. Satriano noted that the subcommittee envisions the traditional drug court model continuing to remain in place at its current lower level of capacity. Adding the SODC-type treatment approach would be an additional option available for those that meet the criteria.

DPH-SAPC is currently in the process of working out the logistics and details of the new treatment model in the event that the subcommittee is able to move forward with the proposal and have it adopted by all of the justice partners.

This committee will be kept updated on the progress of this proposal and any other recommendations made by the subcommittee.

ACTION: For information only.

IV. RESTITUTION COLLECTION TASKFORCE

Lydia Bodin, Chair, Restitution Collection Taskforce, and Deputy-in-Charge of the Restitution Enhancement Program of the District Attorney's Office

Lydia Bodin, Chair of the Restitution Collection Taskforce and Deputy-in-Charge of the District Attorney's Office Restitution Enhancement Program, appeared before CCJCC to provide a progress report on the development of recommendations for the collection of restitution from the AB 109 population.

Background

As a reminder, the implementation of AB 109 in October 2011 did the following:

- Shifted responsibility to counties to incarcerate individuals sentenced pursuant to Penal Code section 1170(h). These individuals formerly were sentenced to state prison.
- Shifted the responsibility to counties to supervise individuals on mandatory supervision following release from county jail (split sentences). These individuals were formerly on parole and supervised by the state.
- Shifted the responsibility to counties to supervise individuals on Post Release Community Supervision (PRCS). These individuals, as state prisoners, were formerly supervised on parole by the state.

When responsibility was shifted to the counties to incarcerate and supervise these three new classes of defendants, no authority was granted to counties to collect restitution from these individuals.

There are currently two viable mechanisms for enforcing a restitution order. First, if an individual is in state prison, the California Department of Corrections and Rehabilitation (CDCR) can collect up to 50% from the inmate's wage and trust account. Second, counties have the authority to collect from individuals that are on felony probation. However, this authority does not allow for counties to collect from individuals in county jail sentenced under 1170(h), individuals on mandatory supervision, or individuals on PRCS.

The result is a gap in the collection for direct restitution orders to victims and in the collection of restitution fines. In correcting this, the first step was to obtain legislative changes.

Legislative Changes

The State Legislature passed amendments to Penal Code Section 2085.5 that permits a county board of supervisors to create a collection mechanism to collect restitution from individuals sentenced to county jail pursuant to Penal Code Section 1170(h).

In addition, a newly created statute, Penal Code Section 2085.6, permits a county board of supervisors to create a collection mechanism to collect restitution from individuals on community supervision and those on PRCS.

Restitution Collection Taskforce

The next step in closing the gap is the development of a collection mechanism. On November 12, 2014, upon a motion from Mayor Antonovich, the Los Angeles County Board of Supervisors directed CCJCC to convene a committee to develop recommendations for a local restitution collection system with authority to collect from offenders sentenced and/or supervised locally under AB 109.

The first meeting was held on December 9, 2014, and the Restitution Collection Taskforce has met approximately twice monthly since that date.

Members of the taskforce and their respective roles include the following:

- District Attorney's Office:

The District Attorney's (DA's) Office, represented by Ms. Bodin, chairs the taskforce. The DA's Office is responsible for communicating the existence of restitution orders and fines, as well as obtaining victim contact information, so that the restitution can be collected and distributed.

While the DA's Office is not a collector, they play a vital role in obtaining Court orders for direct restitution and fines owed by a convicted defendant. Further, the DA's Office would initiate the initial record for the Sheriff's Department to collect upon.

- Sheriff's Department:

The Sheriff's Department will collect from inmate wage and trust accounts for those defendants sentenced pursuant to Penal Code section 1170(h). The statute allows for collection of 50% of the inmate wage and trust accounts of an incarcerated individual. Upon release to community supervision, the Probation Department would collect upon the remaining restitution balance not satisfied during incarceration.

- Probation Department:

The Probation Department will collect from individuals on mandatory supervision and PRCS. This collection activity would be needed for those individuals that have remaining restitution balances still existing following county jail incarceration or a state prison commitment. With PRCS individuals, the state will need to inform the county that collections need to be continued.

- Chief Executive Office (CEO):

The County CEO provides systems integration support.

- Treasurer and Tax Collector (TTC):

The TTC has a critical role as a systems integration touch point through the Collection and Accounts Receivable System (CARS), and has a potentially significant role in the distribution of collected monies to victims.

- Auditor-Controller:

The Auditor-Controller has a critical role in distribution.

- Internal Services Department (ISD) and Information Systems Advisory Body (ISAB):

ISD and ISAB have roles in systems integration support.

- Public Defender's Office:

The Public Defender's Office has a critical role in identifying any due process issues associated with the taking of funds from criminal defendants.

Actions Taken

Due to the legislative changes, all California counties now have the ability to determine a local collection mechanism that works for their county. As of yet, however, no counties have come up with a comprehensive collection system that collects from all of the defendant classes created by realignment.

Since December 2014, the taskforce has taken the following steps to ensure that collection orders against AB 109 individuals can be enforced:

- Systems have been identified that will need to interface in order to efficiently communicate information related to restitution. Those systems are the Prosecutor Information Management System (PIMS), the Jail Information Management System (JIMS), the Adult Probation System (APS), and the Collection and Accounts Receivable System (CARS).
- Roles have been established in the collection and distribution of restitution.
- State agencies have been identified that have collected and distributed restitution. In particular, the CDCR Office of Victim Services (OVS) and the California Victim Compensation Program (CalVCP) have been identified and there have been ongoing questions posed to them with regard to a variety of

issues. A CalVCP representative has attended a meeting and took questions from members. It is likely that the county will mimic some of what the state is currently doing.

- Workload studies have been completed to determine the number of Penal Code Section 1170(h) commitments in sample months, and these have been compared across involved departments. The taskforce is still conducting workload studies. These will inform the members on what is needed and how much it will cost.
- The Probation Department is working with CDCR to determine an efficient method to receive restitution balances owed by individuals coming from state prison.
- Areas have been identified where protocols and rules of business must be established to allow for the orderly collection of restitution that will result in both the victim receiving satisfaction and a reduction in the potential for redundant collection from a defendant.

Proposal

The taskforce envisions a system in which the District Attorney's Office enters restitution order information into PIMS for AB 109-sentenced inmates and the Probation Department enters restitution order information into the Adult Probation System (APS) for new felony probationers and for individuals on PRCS.

An interface would be created between PIMS and CARS (an interface between APS and CARS already exists). Once the entered information is received, CARS will auto-populate JIMS, APS, and PIMS upon record creation to initiate collection processes. All systems will be automatically updated with collection/balance information.

Challenges

One of the challenges is the interface among the systems. Build-outs of existing systems are needed in order for this to be accomplished.

Another challenge is the need for sufficient staffing and funding to initially launch a sustainable system. The two referenced statutes, P.C. 2085.5 and P.C. 2085.6, both cap administrative fees at 10%.

Ms. Bodin emphasized the importance of overcoming these challenges. In addition to providing accountability to victims, there is also an issue of accountability to defendants by ensuring, through proper tracking, that they do not over pay what is required. Further, there is a concern that public confidence in the justice system will be eroded if restitution is not correctly addressed and ultimately collected.

Next Steps

The next steps for the taskforce include the following:

- Finalize recommendations on restitution collection for a report to the Board of Supervisors. This is expected to be completed in the next month or two.
- Develop both one-time and ongoing cost estimates. The workload studies will help to inform the cost estimates.
- Build systems interfaces to collect and distribute restitution.
- Establish rules of distribution. For example, some individuals may owe restitution in multiple cases and have several different Court orders. Uniform rules will need to be established regarding how to distribute collections to satisfy each order.

Los Angeles County Public Defender Ron Brown inquired as to whether consideration has been given to bifurcating inmate wages from the trust fund, and then using the wages to satisfy the restitution order. He noted that having all of the inmate's money in one fund might create a disincentive for family members to contribute to the fund if they know that much of it will be taken for restitution.

Ms. Bodin stated that the taskforce members have discussed this matter. The state prison system also has the same issue, but they have found that this has not appeared to have greatly impacted the contributions by family members.

ACTION: For information only.

V. SHERIFF'S DEPARTMENT STAFFING AND RECRUITMENT EFFORTS

Assistant Sheriff Todd Rogers

Assistant Sheriff Todd Rogers appeared before CCJCC to make a presentation on the Sheriff's Department recruitment strategies and efforts.

Structural vacancies in the department include 300 deputy sheriff positions and 1,000 professional staff. These are vacancies that have been kept historically year after year. The closure of the PDC-East jail facility several years ago added an additional 144 deputy sheriff positions, so there are now 444 deputy sheriff positions that are frozen.

Current fillable vacancies in the Sheriff's Department include 160 sergeants, 266 deputy sheriffs, and 80 custody assistants.

It is anticipated that there will be about 521 additional vacancies, of which there will be about 287 sworn positions, when the County Budget is adopted in June of this year.

As of two years ago, the process for hiring a deputy sheriff would take 24 to 36 months, which is comparable to the 36 month process that it takes to become an officer with the New York Police Department.

The new process for hiring deputy sheriffs that was implemented in August 2014 includes the following steps:

(1) Application; (2) Job Specific Questionnaire; (3) Written Test; (4) Validated Physical Agility Test (VPAT); (5) Structured interview; (6) Background investigation (letters, polygraph, fingerprints, field checks, references, employment checks) along with ride along, jail tour, and Academy orientation; (7) Administrative review/hiring panel; (8) Medical and psychological exam; (9) Pre-Academy consultation; and (10) Entrance to the Academy.

The entire process from application up to entrance into the Academy is designed to take approximately eight months.

The Sheriff's Department has sought ways in which to improve hiring procedures without compromising standards.

One adjustment that was made to improve efficiency was the introduction of a Job Specific Questionnaire (JSQ) at the beginning, prior to the written test. Following the completion of this questionnaire, about 25% of initial applicants choose not to continue. This has so far resulted in the elimination of 2,160 unnecessary tests and 1,620 unnecessary background checks.

Another adjustment that was made was moving the VPAT from near the end of the process to an earlier position, just after the written test. This change has led to the elimination of 1,701 unnecessary background investigations.

Other improvements include the following:

- Creation of an Entry Level Sworn Examinations Team. This is a special team that administers deputy sheriff exams. This is done twice a week and sometimes three times a week.
- Expedited polygraph tests. The Sheriff's Department administers about 450 polygraphs a month and they are hoping to increase that to 600 per month.
- The use of hiring panels. This is a three-member panel that conducts administrative reviews.
- The use of a document management software system to allow better communication with applicants and receive their paperwork in a more timely manner.

- Implementation of a mandatory Academy orientation. This provides an opportunity for applicants to learn what will be expected of them if they enter the Academy. Those that decide that they are not interested can withdraw from the selection process at an earlier point than if they had first learned about Academy expectations upon entrance.
- Potentially adding a fourth Academy class. If the budget permits, a fourth Academy class will be added starting in July. Each class has a minimum of 80 deputy sheriff trainee recruits, and up to 20 spots are allowed for participating law enforcement agencies. The intention is to run four simultaneous Academy classes, and eight per year, to meet the department's hiring goals.
- Potentially adding a retention ordinance. In cases where an individual completes the training but leaves to work for another agency, a retention ordinance would require the individual or agency to reimburse the department for the costs of the training.

Assistant Sheriff Rogers noted that it takes approximately 100 applicants to get 3 Academy graduates due to drop-offs that occur during the selection process.

Of those that continue with the selection process following the Job Specific Questionnaire, 40% don't show up for the written exam and, of those that do, 25% fail to pass. Of the remaining applicants, 35% fail the VPAT, 50% of the remainder after that fail the structured interview and background check, 15% of the remainder after that are found to be not qualified following the administrative review/hiring panel, 55% of the remainder after that fail to pass the medical/psychological exam, and, finally, 20% of those entering the Academy fail to graduate.

The Sheriff's Department is currently receiving over 350 applicants per week and conducting testing at least twice a week. The department has been in contact with 20 other agencies around the country to research their experiences and recruitment challenges. Overall, it appears that the Sheriff's Department is in a better position than many others, and it is also apparent that all law enforcement agencies are struggling to fill positions with qualified candidates.

Current community outreach efforts at recruitment include the following:

- Mobile recruitment and testing events are held throughout the county at community locations.
- The Sheriff's Department and Los Angeles Police Department have launched a campaign with the Los Angeles Dodgers to have recruitment opportunities advertised at baseball games.
- Promotional videos have been produced.
- Social media is being utilized to reach potential applicants.

- Recruitment efforts are made at universities.

Upcoming recruitment fair and testing events are scheduled for the following dates and locations:

- Saturday, June 13th, in the First Supervisorial District (Biscailuz Training Academy);
- Saturday, August 8th, in the Third Supervisorial District (Mission Hills College);
- Saturday, September 26th, in the Fifth Supervisorial District (Antelope Valley College);
- Saturday, October 17th, in the Fifth Supervisorial District (College of the Canyons); and
- On a date to be determined in December, in the Second Supervisorial District (Southwest College).

(An event was recently held in the Fourth Supervisorial District on Saturday, April 11th, at STARS Center.)

Assistant Sheriff Rogers asked members of the committee to encourage interested and qualified individuals that they know to apply. He also requested that members make it known in their personal and professional networks that the Sheriff's Department is currently seeking to fill many positions.

ACTION: For information only.

VI. OTHER MATTERS / PUBLIC COMMENT

A public comment was made by Mr. Joseph Maizlish.

VII. ADJOURNMENT

The meeting was adjourned at 1:01 p.m.