

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

MINUTES OF THE **May 23, 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

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

Kellyjean Chun¹, Bureau Director – Prosecution Support Operations,
District Attorney's Office

Hon. Michael Davitt, President, California Contract Cities Association

Judge Peter Espinoza, Director, Office of Diversion and Reentry

Dr. Barbara Ferrer, Director, Department of Public Health

Josh Green, Criminal Justice Program Manager, Urban Peace Institute

Chief Bob Guthrie, President, Los Angeles County Police Chiefs Association

Dr. Brian Hurley, Medical Director of Substance Use Related Care Integration,
Department of Mental Health

Chief Stephen Johnson, Custody Services Division, L.A. County Sheriff's Department

*Michelle Kim for Erika Anzoategui, Chief Deputy, Alternate Public Defender's Office

Jamie Kyle, Community Advocate, The Reverence Project

*Kevin McCarthy for Deputy Chief Justin Eisenberg, Los Angeles Police Department

Chief Probation Officer Terri McDonald, Los Angeles County Probation Department

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

Priscilla Ocen, Professor, Loyola Law School

*Judge Sam Ohta for Judge Scott Gordon, Supervising Judge – Criminal Division,
Los Angeles Superior Court

Jose Osuna, Principal Consultant, Osuna Consulting

John Raphling, Senior Researcher, Human Rights Watch

*Luis Rodriguez for Jenny Brown, Acting Chief Deputy, Public Defender's Office

Robert Sass, Vice President, Association for Los Angeles Deputy Sheriffs

Brendon Woods, President, California Public Defenders Association

***Designated proxy**

¹ Ms. Chun left during the meeting at 2:15 p.m. and was represented by designated proxy Antonio Aguilar for the remainder of the meeting.

COMMISSION MEMBERS NOT PRESENT

Cherylynn Hoff, Human Services Administrator II, Los Angeles County Department of Workforce Development, Aging and Community Services
Mark Holscher, Partner, Kirkland & Ellis

I. CALL TO ORDER/INTRODUCTIONS

The meeting was called to order at 1:35 p.m. by Judge Stephen Larson, Chair of this Commission.

Self-introductions followed.

II. APPROVAL OF THE MINUTES OF THE APRIL 25, 2018 MEETING

There were no requests for revisions to the minutes of the April 25, 2018 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the April 25, 2018 meeting was seconded and approved without objection.

III. PRESENTATION/DISCUSSION ON THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S IMPLEMENTATION OF PROPOSITION 57

Secretary Scott Kernan of the California Department of Corrections and Rehabilitation (CDCR) made a presentation on CDCR's implementation of Proposition 57.

An informational handout was distributed that can be found at this link:

[CDCR Information Regarding Proposition 57 Implementation](#)

Secretary Kernan reviewed the information provided in the handout, which includes background on Proposition 57 and details about credit-earning opportunities under the Proposition.

He reported that Proposition 57 is intended to encourage participation in rehabilitation programs and address prison overcrowding.

The Federal Court order that caps that state prison system at 137.5% of capacity is still in effect. In September 2017, CDCR was just 397 inmates out of a total population of 130,000 under that cap.

If the state should exceed the federal limit, a Court compliance officer would order the release of various offenders from the system. Secretary Kernan surmised that this

would likely be based on which inmates have the shortest amount of time remaining on their sentences.

The state prison system is currently 2,200 inmates under the federal cap.

Secretary Kernan noted that a total of 90% of prison inmates are ultimately released on parole, so it is important that rehabilitation efforts succeed.

He provided a summary of various credits that may be earned under Proposition 57, including good conduct credits, milestone completion credits, rehabilitative achievement credits, and education merit credits (with details of each provided in the handout).

The Secretary emphasized that it is important to provide incentives to inmates, both to encourage rehabilitation efforts and to provide for a safer environment within the prison system.

About 5,000 lifetime inmates have been released from prison during Governor's Brown's term in office. The recidivism rate for that population is about 3%, which compares to about 46% for the general population. One reason for this is that many of these individuals are older inmates that have spent much of their life in prison and have aged out of a criminal life. A number also have medical issues that may be better served in the community.

Secretary Kernan reported that the state has avoided costs of about \$375 million as a result of the changes that have been made.

Proposition 57 has thus far impacted about 2,500 inmates in this current year.

The Secretary concluded by stating that he is opposed to altering Proposition 57 in a way that may result in the state being in the same situation it was in previously when there was the possibility of forced releases.

Brendon Woods agreed with Secretary Kernan that it is helpful to be able to offer a defendant hope of an earlier release if the person makes an effort to improve while in prison.

Troy Vaughn remarked upon the importance of information sharing between the state and county. Secretary Kernan agreed and emphasized the need for mutual communication between state and county services. He stated that there is considerable opportunity for the state and county to share information and work together.

Michelle Kim asked the Secretary to expand on his comments concerning the safety of CDCR employees in the prisons. He replied that prisons are safer when the inmates are busy and working toward goals. There is a reduction in disciplinary reports when inmates are incentivized.

Brian Moriguchi inquired as to which programs have been found to be the most effective. Secretary Kernan stated that this is difficult to answer given that successful rehabilitation may involve a plethora of various programs. What CDCR strives to achieve is to have an overall environment that is conducive to rehabilitation. He did note that a program may still be effective even if it is not yet evidenced-based.

Public comments were made by the following individuals:

Jacob Brevard, Cesar Zuniga, Frank Mitchell, Luis Mota, Armando Martinez, Louie Soto, Juana Ochoa, Miguel Pech, Tanu Ah You, Bridget Cervelli, Bruce Patton, and Adam Mortera.

ACTION: For information only.

IV. PRESENTATION/DISCUSSION ON RECENT CRIMINAL JUSTICE REFORM EFFORTS IN CALIFORNIA

Lenore Anderson, Executive Director for Californians for Safety and Justice, made a presentation on recent criminal justice reform efforts in California. Her presentation can be accessed at the following link:

[Presentation by Californians for Safety and Justice](#)

Ms. Anderson provided a review of five major criminal justice reform measures in the past ten years. These are parole reform (Non Revocable Parole) in 2009, Public Safety Realignment (AB 109) in 2011, Proposition 36 in 2012, Proposition 47 in 2014, and Proposition 57 in 2016.

She noted that the parole population declined 70% (158,000 in 2007 to 45,000 in 2018) and the prison population declined 24% (170,000 in 2007 to 129,000 in 2018) following the passage of the reforms.

Ms. Anderson provided data on increased revenue for local governments resulting from the reforms, most notably from AB 109 and Proposition 47.

In addition, she noted that the reforms have reduced barriers to stability for many people, either by reducing post-sentence restrictions or, in the case of Proposition 47, changing criminal records.

Ms. Anderson stated that, from 2007 to 2016, violent crime rates fell 15% statewide and property crime rates fell 16%. She did note that there is variation among local counties and cities with respect to property crimes, but that it fell overall between 2010 and 2016.

Despite a notable drop in the state's prison population from 2006 through 2017, Ms. Anderson stated that there continues to be high costs for prison incarceration.

In advocating for reform, Ms. Anderson stated that public policy should focus on the drivers of crime and that community stability is more important than sentencing policy. Issues such as mental health and substance abuse are examples of crime drivers that need to be detected and addressed.

Ms. Anderson advocated for the following public safety investments:

- Diversion
- Housing First
- Crisis Response
- Supervised Probation and Treatment
- Court Navigators
- Restorative Justice
- Mental Health and Substance Abuse Treatment
- Trauma Recovery
- Clean Slate

Mr. Vaughn inquired as to how Ms. Anderson would suggest helping individuals to access available services and view the benefit in them. He also asked for her view on enhancing the benefits of Proposition 47.

Ms. Anderson stated that there are a number of innovative programs in the state that attempt to overcome the barriers some may have and engage with individuals. The use of Court navigators in misdemeanor courtrooms is one example.

With respect to Proposition 47, she stated that there are efforts to reach out to individuals that may benefit from Proposition 47.

Dr. Brian Hurley stated that one reason for why there is a treatment gap with respect to substance use disorder is that many individuals with a substance use disorder don't identify a need for treatment. He also inquired as to Ms. Anderson's views on Drug Courts.

Ms. Anderson stated that she oversaw Drug Court programs as a Deputy District Attorney in San Francisco. She believes that these programs are good, but that the threat of incarceration is not a prerequisite for getting someone into treatment.

She added that there are many ways to incentivize treatment. As examples, fee reductions and record clearance can be utilized.

Jose Osuna inquired as to whether this is enough data on Proposition 47 at this time to come to any conclusions. He also inquired as to whether the programs and systems that are in place have the capacity at this time to handle the impact.

Ms. Anderson stated that crime rates can increase and decrease, and that they may be very localized. She added that it would be helpful for a study to be conducted on areas where crime is decreasing and determine what is working there.

Dr. Barbara Ferrer reported that the Department of Public Health is launching a healing and trauma prevention center and it is a community-driven effort. She also inquired about efforts to address sentencing reform and disproportionality with respect to race.

Ms. Anderson stated that racial disparities with respect to incarceration have been an important consideration in attempts to shrink the prison population and reduce the number of people on state parole. This is one of the reasons for the record change opportunity offered through Proposition 47. She noted that changing a conviction from a felony to a misdemeanor may reduce barriers to employment.

Peter Bibring inquired about best practices in local jurisdictions in terms of obtaining data. Ms. Anderson stated that there are examples at the programmatic level, but not at the county or city level.

Chief McDonald inquired as to what lessons have been learned from Proposition 47 that this Commission should be made aware of.

Ms. Anderson reported that the six crimes impacted in Proposition 47 comprised about one in every three felony cases at the time of its passage. This represents a large number of new cases to process for the part of the justice system that handles misdemeanors. These cases have not historically been a priority, so innovative thinking is needed at the local levels with respect to opportunities and available options.

Brian Moriguchi asked if there are lessons that Ms. Anderson has from her time working in Northern California. Ms. Anderson replied that local leadership and cooperation among agencies is important for success.

Public comments were made by the following individuals:

Amy Kaizuka, Anthony Robles, Joseph Maizlish, Adam Siegel, Louie Soto, Miguel Pech, and Tanu Ah You.

V. PRESENTATION ON A RECENT UC IRVINE STUDY: PROPOSITION 47 AND CRIME

Professor Charis Kubrin of the Department of Criminology, Law, and Society at the University of California at Irvine (UC Irvine) made a presentation on a recent UC Irvine study on Proposition 47 and crime. Her presentation can be accessed at the following link:

[UC Irvine Study – Proposition 47 and Its Impact on Crime](#)

Professor Kubrin co-authored the study (with Brad Bartos), which will be published in the crime and policy journal, *Criminology & Public Policy*, and will be available on-line in August.

As background, she referenced a study on AB 109 (“The Great Experiment: Realigning Criminal Justice in CA and Beyond,” by Magnus Lofstrom and Stephen Raphael) that addressed the impact of Public Safety Realignment on violent and property crime.

The study found that statewide violent crime rates did not change post-AB 109, but that property crime rates rose slightly, primarily for the crime of auto-theft.

The UC Irvine study on Proposition 47 was conducted in part because no similar study had been conducted on the impact of that law. The study sought to examine the impact of Proposition 47 on crime in the year following its implementation (2015) and identify its causal effect on violent and property crimes statewide.

Professor Kubrin discussed the methodology that was involved in conducting the study.

The results found no impact of Proposition 47 on the violent crimes of homicide, rape, aggravated assault, and robbery. The same was also true for the property crime of burglary.

The results for the property crimes of larceny and motor vehicle theft did initially suggest an impact of Proposition 47. However, a deeper analysis that subjected the data to rigorous statistical testing found that the result for motor vehicle theft is likely spurious/not meaningful, while the result for larceny should be interpreted with caution.

Professor Kubrin stated that an overall conclusion from the study is that there is no evidence of a statistically significant robust increase for Part I crimes in the year following Proposition 47’s enactment. She also concluded that the state can downsize its prisons without risking public safety.

She listed these further considerations from the study:

- A single post-intervention observation – Are the estimated effects permanent, temporary, accruing, or decaying?
- Some have expressed concern about increasing drug offenses and other social ills (e.g., homelessness). The Proposition 47 study did not gather data concerning these issues.
- A statewide analysis may mask important variation at the local level (e.g., counties, cities, or communities).

Professor Kubrin advised that the next step that should be taken is to study the local variation in Proposition 47 implementation and how that impacts crime.

In response to a question from Judge Larson regarding whether the study will be updated using data from 2016 when it is available, Professor Kubrin replied that it would be.

Robert Sass inquired as to whether the study will be updated with information on the impact of Proposition 47 on drug offenses.

Professor Kubrin stated that the study focused on Part I crimes because a number of critiques of Proposition 47 linked it specifically to rising Part I crime trends that occurred in 2015. The study was constructed within that context to determine if Proposition 47 was a causal factor.

ACTION: For information only.

VI. UPDATES AND REPORT BACKS FROM AD HOC SUBCOMMITTEES

Ad Hoc Subcommittee on Flash Incarceration and Revocation Policies

Jose Osuna provided an update on the activity of this subcommittee. Two possible recommendations that this subcommittee is considering are:

- The potential establishment of Custody Liaison Approach; and
- Information sharing with CDCR on the Parole/PRCS population

With the Custody Liaison Approach, the intention is to engage inmates and connect them to services both while incarcerated and upon release. This may involve a partnership between Probation and community-based organizations.

With information sharing, Probation and Parole may be better able to tailor services to the specific needs of individuals under their respective supervision.

The subcommittee hopes to finalize these recommendations at an upcoming meeting.

Mr. Vaughn expressed support for the Custody Liaison Approach as a means to connect people to services.

Ad Hoc Subcommittee on Very High Risk AB 109 Supervised Persons & Ad Hoc Subcommittee on the Analysis of 100 Misdemeanants Under Proposition 47

Mr. Delgado reported that these subcommittees are working with county partners to develop a framework for obtaining data and determining the extent to which individuals are engaging various services in the county.

In addition, the subcommittees are looking at how to assess recidivism in terms of a tiered approach that focuses on different forms of recidivism.

Upcoming Subcommittee Meetings

Judge Larson suggested that this Commission cancel its scheduled meeting on July 25, 2018 so that the subcommittees will have time to meet and develop recommendations.

The Commission members agreed to have this matter placed on the Agenda for the meeting on June 27, 2018 so that the Commissioners can vote on this.

ACTION: The suggestion to cancel the Commission's meeting on July 25, 2018, will be placed on the Agenda for June 27, 2018, and voted on at that meeting.

VII. REPORT BACK ON DATA ON POPULATIONS RECEIVING MENTAL HEALTH SERVICES AT THE COUNTY JAIL, AS REQUESTED AT THE APRIL 25, 2018 MEETING

At the previous meeting on April 25, 2018, the Sheriff's Department was asked to report back with data relating to the population of mentally ill individuals in the County Jail.

Chief Johnson introduced Captain Patrick Jordan of the Sheriff's Department Population Management Bureau to provide Commission members with current data on populations receiving mental health services in the County Jail.

The average number of people in the jail receiving mental health services during any given month in 2017 is 4,400. Among the AB 109 population, Captain Jordan reported that of 2,868 AB 109 inmates last week (both male and female), 270 were receiving mental health services.

With regard to the incompetent to stand trial data, for both felonies and misdemeanors, the total number in custody during the previous week was 548.

In response to a query from Professor Ocen, Captain Jordan reported that he did not have available data on the average length of time that individuals found to be incompetent to stand trial spend in the jail, but that he could get this information. Many of these individuals are in the County Jail while they are waiting for a bed in the state hospital.

Captain Jordan also stated that he would need to check if data is available on the number of individuals who are receiving services pre-trial.

Chief Johnson noted that some individuals may be sentenced on one charge and be awaiting sentence on another charge, so data categories are not always clear. He stated that the Sheriff's Department will determine the extent to which the data can be stratified and then present that to the Commission next month.

ACTION: The Sheriff's Department will follow-up at the next meeting with additional data on the number of mentally ill individuals that are in-custody pre-trial and post-sentence.

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

No items were raised.

Josh Green inquired about access to a confidential report referenced in an article by the Los Angeles Times. Blaine Mitchell of the County Counsel's Office stated that the report referenced cannot be released to this Commission in any form given that there is an ongoing trial that it relates to.

ACTION: For information only.

IX. PUBLIC COMMENT

Public comments were made by Joseph Maizlish and Oya Sherrills.

X. ADJOURNMENT

The meeting was adjourned at 4:22 p.m.

The next meeting is scheduled for Wednesday, June 27, 2018, at 1:30 p.m.