

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE **April 18, 2018** MEETING

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 739
Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Chair Pro Tem: Scott Gordon, Supervising Judge, Criminal Division, Superior Court

Erika Anzoategui for Janice Fukai, County Alternate Public Defender

Lauren Black for Sheila Kuehl, Supervisor, Third District and Chair of the County Board of Supervisors

Bobby Denham for Jim McDonnell, Sheriff

Beatriz Dieringer, California League of Cities

Liliana Campos for Mary Wickham, County Counsel

David Cons for Nicola Hanna, U.S. Attorney

Jonathan Fuhrman for Ed Eng, County Economy and Efficiency Commission

Michael Garcia, Assistant Supervising Judge, Criminal Division, Superior Court

Doug Haubert, Long Beach City Prosecutor, County Prosecutors Association

Christa Hohmann, Directing Attorney, Post Conviction Assistance Center

Dan Jeffries for Mike Feuer, Los Angeles City Attorney

Kelly Jones for Eric Garcetti, Mayor, City of Los Angeles

*Darrell Kumamoto for Scott Minnix, Director, County Internal Services Department

Shawn Landres, Chair, County Quality & Productivity Commission

*David Lopez for Charlie Beck, Chief, Los Angeles Police Department

Jonathan Lucas, County Coroner – Chief Medical Examiner

Emilio Mendoza for Bobby Cagle, Director, County Department of Children and Family Services

Don Meredith for Joe Gardner, President, County Probation Commission

*Bryan Oh for Richard Llewellyn, Los Angeles City Administrative Officer

Chris O'Quinn, Chief, Southern Division, California Highway Patrol

Robert Philibosian, Peace Officers Association of Los Angeles County

*Andrea Pott for Jackie Lacey, District Attorney and Vice Chair of CCJCC

*Ray Regalado for Cynthia Banks, Director, County Department of Workforce Development, Aging and Community Services

Ray Regalado for Robin Toma, Executive Director, County Human Relations Commission

Nicole Tinkham, Interim County Public Defender

*Darneika Watson-Davis for Vivian Ekchian, Interim-Superintendent, Los Angeles Unified School District

Andrea Welsing for Barbara Ferrer, Director, County Department of Public Health

Lance Winters for Xavier Becerra, California Attorney General

***Not a designated alternate**

I. CALL TO ORDER / INTRODUCTIONS

Judge Scott Gordon, Los Angeles Superior Court Supervising Judge – Criminal Division, Chair Pro Tem

The meeting was called to order at 12:00 p.m. by Judge Scott Gordon, Los Angeles Superior Court Supervising Judge – Criminal Division, Chair Pro Tem.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Judge Scott Gordon, Los Angeles Superior Court Supervising Judge – Criminal Division, Chair Pro Tem

There were no requests for revisions to the minutes of the March 21, 2018 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the March 21, 2018 meeting was seconded and approved without objection.

III. 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.

Restitution Collection Task Force

The Restitution Collection Task Force develops processes for the collection of victim restitution from AB 109 populations as authorized by the Board of Supervisors. Pursuant to the Task Force's work, the Probation Department initiated in January 2016 the collection of restitution from individuals serving the mandatory supervision period of a split sentence. Probation also began collecting from individuals on Post-Release Community Supervision (PRCS) in December 2016.

The Task Force continues to work toward the development of an integrated restitution collection system that will ultimately support collection by the Sheriff's Department from individuals in custody pursuant to a PC 1170 (h) sentence.

To that end, the Board of Supervisors approved a Treasurer-Tax Collector contract amendment on March 20th with Columbia Ultimate to modify the Treasurer and Tax Collector's CARS system to support integrated collections and tracking among multiple departments. It is anticipated that system amendments will be completed later this year and that the Sheriff's Department will be able to initiate collection of restitution on behalf of victims thereafter.

Annual Drug Court Conference – June 7, 2018

CCJCC's 15th Annual Drug Court Conference – providing information and training on best practices for delivering substance use disorder treatment and other rehabilitative services to justice-involved populations – will be held on June 7th at the California Endowment. Among the topics planned are:

- Medication-Assisted Treatment to Address the Opioid Epidemic
- Proposition 64 Implementation
- Trauma, Substance Use, and Trauma-Informed Care
- Los Angeles County's System Transformation to Advance Recovery and Treatment, Organized Delivery System (START-ODS) and the Criminal Justice Involved Population

Additional conference information and registration information will be available on the [CCJCC website](#) by the end of this month.

Blue Ribbon Commission on Public Safety

On August 15, 2017, the Los Angeles County Board of Supervisors established a Blue Ribbon Commission on Public Safety. The Commission was tasked with two primary goals: (1) Conducting a robust analysis of strategies, challenges, and opportunities presented by recent criminal justice reforms; and (2) Ensuring that those in this County's care, custody, and supervision are provided meaningful rehabilitative services in order to restore lives and promote public safety.

The Office of CCJCC staffs the Commission, which is comprised of designated representatives from several agencies, as well as appointees from each supervisorial district. The Commission meets on the fourth Wednesday of each month, and additional information on the Commission's work is available on [CCJCC's website](#).

ACTION: For information only.

IV. PROPOSITION 64-RELATED MATTERS

Assistant Chief Kevin Davis, Enforcement and Planning Division, California Highway Patrol
Joseph Nicchitta, Cannabis Management Officer, Office of Cannabis Management, County Chief Executive Office

Traffic Safety Issues, Enforcement Efforts, and Drug Recognition Expert Training

Assistant Chief Kevin Davis of the Enforcement and Planning Division of the California Highway Patrol (CHP) appeared before CCJCC to make a presentation on traffic safety issues, enforcement efforts, and Drug Recognition Expert training opportunities for law enforcement agencies.

Proposition 64 passed in November 2016 and legalized the use of recreational marijuana/cannabis by adults in California. One potential impact of this is an increase in the number of impaired drivers, which is the primary concern of the CHP with respect to the legalization of cannabis.

One provision of Proposition 64 specifies that a portion of the tax revenue collected from the sale of cannabis must go to the CHP. Specifically, beginning on July 1, 2018, the CHP is to receive \$3 million a year for 5 years. This is intended to fund efforts at identifying best practices concerning the enforcement of impaired driver laws.

Assistant Chief Davis noted that the use of roadside drug testing devices is one potential future use of emerging technology that the CHP will be studying.

The CHP has also been allocated funding from Proposition 64 to issue grants to local government agencies beginning in 2022. This will provide at least \$40 million a year in grants to assist with efforts to address impaired driving.

The CHP is offering Drug Recognition Training to law enforcement agencies across the state. The Drug Recognition Evaluator (DRE) training is a 72-hour comprehensive course designed to impart the knowledge and skills of the DRE protocol. Training includes:

- 12 step evaluation
- Seven categories of drugs
- Physiology of drugs
- Eye & Vital Sign Examination
- Resume preparation
- Report writing
- Classifying a suspect
- Alcohol as a drug
- Drug combinations
- Case preparation and testimony

Students are required to attend a 36-hour field certification course within 90 days of passing the classroom course in order to certify as a DRE.

The State Legislature passed Senate Bill 94 (SB 94) last year that immediately appropriated \$3 million to the CHP to assist with and offset the costs associated with conducting the DRE training.

The DRE courses are free and the CHP has been trying to hold at least one each month throughout the state. Included in SB 94 is funding to pay the costs of overtime backfill of personnel to cover the shifts for those officers that are doing the DRE training. This can be particularly helpful for small law enforcement agencies that cannot easily afford to send personnel away for training.

The funding for overtime and backfill will expire at the end of the current fiscal year, but law enforcement agencies that contract with the CHP prior to that will be eligible for this reimbursement up to two years in the future.

Since the passage of SB 94 last year, the CHP has trained 299 new DREs in the state. Of this total, 142 are CHP personnel and 157 are from other law enforcement agencies. There are currently about 1,700 DREs throughout the state.

While impaired driving is the primary concern of the CHP with respect to the legalization of cannabis, there are other issues of concern as well. One matter to be addressed is that of contracting licensed transporters of marijuana. As of January 1st of this year, temporary licenses have been issued to transporters and the California Track and Trace system has been implemented by the State Bureau of Cannabis Control.

Individuals that transport marijuana on California roadways must adhere to a number of regulations, which include a shipping manifest, having the marijuana sealed in proper packaging, and having an alarm on the vehicle. However, the regulations have no associated criminal penalty, so there is little that can be done to enforce the regulations so long as the driver has the appropriate temporary license.

Assistant Chief Davis stated that law enforcement agencies that would like more information about Drug Recognition Training should contact the CHP Impaired Driving Section at 916-843-4360, or email at dre@chp.ca.gov.

Dan Jeffries of the Los Angeles City Attorney's Office inquired as to whether the CHP is collecting data on the kind of drugs involved in impaired driving cases.

Assistant Chief Davis stated that the statutes have changed in past years so that there are separate sections for alcohol and drugs, but there isn't a breakdown by drug category. The CHP is seeking to internally begin collecting data on the different types of drugs involved in impaired driving cases. There is also pending legislation that may establish impaired driving subsections by drug category.

Shawn Landres of the County Quality and Productivity Commission asked about whether special consideration is given to impaired use of bicycles, scooters, or motorized bicycles. Assistant Chief Davis stated that there are no special programs at this time, but the CHP will respond to incidents of this with appropriate enforcement action.

Overview and Update on County Ordinances, Policies, and Regulations

Joseph Nicchitta, Cannabis Management Officer with the Office of Cannabis Management of the County's Chief Executive Office, appeared before CCJCC to provide an overview and update on Los Angeles County ordinances, policies, and regulations regarding commercial cannabis activities.

Background – Federal Law

As a review, in 1970 the Federal Controlled Substances Act listed cannabis as a Schedule 1 drug, meaning that there is no valid medical uses and a high potential for abuse.

In 2013, the U.S. Department of Justice (DOJ) issued a memorandum on marijuana enforcement (Cole Memorandum) that gave guidance to federal prosecutors to de-prioritize prosecution of state-compliance cannabis businesses. On January 4, 2018, the Cole Memorandum was rescinded by U.S. Attorney General Jeff Sessions.

In December 2014, the Rohrabacher-Farr (now Rohrabacher-Blumenauer) Budget Amendment prevented the DOJ from spending funds to interfere with the implementation of state medical marijuana laws. This has been extended until September 2018.

Mr. Nicchitta noted that President Trump made a commitment in April of this year that the federal government would not interfere with the states' abilities to legalize cannabis, which would seem to contradict the rescinding of the Cole Memorandum by the U.S. Attorney General. As a result, there remains some confusion as to the federal policy toward the legalization of cannabis by the states.

Background – California Law

In 1996, California voters passed Proposition 215, the Compassionate Use Act, which allowed qualified patients with a valid doctor's recommendation to possess and cultivate cannabis for personal medical use.

In Fiscal Year 2015-16, the State Legislature adopted the Medical Cannabis Regulation and Safety Act (MCRSA), which established the first regulatory framework for medical cannabis.

During that same legislative session, voters approved Proposition 64, the Adult Use of Marijuana Act (AUMA). This legalized cannabis possession, cultivation, and use by adults aged 21 years and older.

Proposition 64 also established a regulatory framework for commercial adult-use cannabis and required the State of California to license adult-use cannabis businesses by January 1, 2018.

In June 2017, the State Legislature merged MCRSA and AUMA into a single regulatory framework known as MAURCRSA.

Unlicensed Cannabis Activity

Since 2010, commercial medical and adult-use cannabis activity has been prohibited in the unincorporated areas of Los Angeles County.

Despite the prohibition, illegal retailers continue to operate in both unincorporated and incorporated areas. One reason is that the businesses are highly mobile.

Cities are also experiencing unlicensed cannabis activity. It has been estimated that over 1,700 stores exist throughout the county, and most of these are illegal.

Current Problems

Mr. Nicchitta listed the following problems that currently exist and need to be addressed:

- **Illegal Market and Public Safety:** A thriving illegal market in marijuana has led to an overconcentration of sales as well as crime and gangs in some areas. Further, there have been Butane honey oil (BHO) lab explosions, which also pose a threat to public safety.
- **Youth Access and Use:** Youth access to and use of marijuana has resulted from sales to minors from businesses that don't check identification. There are also bulk sales that are then sometimes resold to youth and "knock off" products that are preferred by youth or marketed to youth.
- **Quality of Life:** Quality of life issues have been raised due to public consumption and loitering at certain locations.
- **Consumer Safety:** Dangerous products are circulating, such as those that contain pesticides, mold, and other contaminants. There are also potency and homogenization issues in that there may be a very high concentration in some individual products.

Impacts On Youth

Mr. Nicchitta listed the following harms associated with regular or heavy cannabis use by youth:

- Reduced educational attainment and educational development;
- Adverse changes in the brain impacting memory and learning;
- Increased truancy and dropout rates for high-schoolers; and
- Tendency to engage in high-risk activities.

Source: California Department of Public Health, *Marijuana and Tobacco Use – Fact Sheet* (May 2017).

In addition, there are the following possible implications:

- School expulsions or suspensions;
- Ineligibility for federal school loans;
- Problems getting a job; and
- Fines and attorney's fees.

Other Concerns

Mr. Nicchitta listed the following additional concerns related to Proposition 64:

- Lack of access to banks and financial services due to federal law. This has resulted in cannabis businesses doing much of their business in cash, which in turn creates more opportunities for crime as well as difficulties for local tax collectors.
- Decreasing risk perception leading to increased usage. Some individuals may view the risk of use as low due to the legalization of cannabis, which may result in an excessive use.
- Taxation and the illegal market is another concern. The taxation on legal marijuana may drive some businesses into the illegal market where they would not pay a tax and also not be regulated.
- Health equity versus social equity is an important consideration in the county. If legal cannabis stores over-concentrate in communities with other challenges, there may be a disproportionate negative impact on low-income communities and communities of color. On the other hand, the war on drugs has also had a disproportionate negative impact on these communities.

Board Priorities for Cannabis Regulation

In February 2017, the Board of Supervisors directed the Office of Cannabis Management to work with Public Health, Regional Planning, and other County Departments to prepare regulations to allow, license, and regulate all types of cannabis businesses.

Some of the priority areas from the 2017 Board motion include:

- Transition from an unlicensed market to a regulated market;
- Protect county neighborhoods;
- Prevent overconcentration and ensure equity in siting;
- Youth prevention; and
- Consumer protection

Public Outreach and Community Concerns

The Office of Cannabis Management has held 20 cannabis workshops and over 30 town hall meetings throughout the county. Over a dozen town hall meetings were held from May through August last year.

Health Equity

On November 7, 2017, the Board of Supervisors directed the Office of Cannabis Management, the Department of Public Health/Center for Health Equity, and the County Counsel to incorporate health equity models to reduce disparate impacts of cannabis in forthcoming regulations.

This focus on health equity also includes:

- Discretionary hearing process for cannabis retailers;
- A grant program to bolster youth development programs, substance use disorder treatment, drug prevention, and community development in high-needs areas; and
- Strategic phased-in licensing that balances need to transition from an unlicensed market to a regulated one with a precautionary approach to licensing.

Contract Services for Cities

In December 2017, the Board of Supervisors adopted a public health ordinance that creates environmental sanitation standards for cannabis businesses, including important consumer safety provisions.

In January 2018, the County Fire Department adopted new regulations for commercial cannabis businesses. Regulations provide standards for the safe manufacturing and cultivation of cannabis and cannabis products.

This is an effort to put in place environmental and fire standards as existing and new cannabis industries seek to become legalized.

Criminal Justice Reform

On February 13, 2018, the Board of Supervisors approved a motion for a countywide plan on cannabis resentencing and reclassification that removes barriers to legal relief and maximizes resentencing services.

This motion also requires data to track and prevent disproportionate arrests and filings for cannabis-related crimes post-Proposition 64.

A report on the proposed plan is due back to the Board of Supervisors in June 2018.

Next Steps

The Office of Cannabis Management is working on draft regulations for consideration by the Board of Supervisors. This will address issues such as how many cannabis stores there are in an area and where they can be located.

There is also a plan to have licensed cannabis stores display a placard with information for consumers. As an accompaniment to this consumer information, there will also be an education campaign about the dangers of shopping at an illegal store.

In addition, the County Department of Public Health will conduct a health impact assessment to identify unincorporated areas with relatively poor health outcomes and evaluate how adding a cannabis business to that area could affect health.

This health impact assessment will be a foundational tool for permitting decisions and establishing a baseline against which to measure changing conditions.

Finally, a strategic plan is being developed to close illegal cannabis stores.

The website for the Office of Cannabis Management can be found at the following link: <http://cannabis.lacounty.gov>.

ACTION: For information only.

V. OTHER MATTERS / PUBLIC COMMENT

Public comments were made by the following individuals:

Mr. Harvey Zirler
Ms. Lynne Lyman
Ms. Jackie Subeck
Mr. Jonatan Cvetko

VI. ADJOURNMENT

The meeting was adjourned at 12:59 p.m.