

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE February 21, 2018 MEETING

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 140
Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Chair: Sheila Kuehl, Supervisor, Third District and Chair of the County Board of Supervisors

*Bob Baker for Jackie Lacey, District Attorney and Vice Chair of CCJCC
Reaver Bingham for Terri McDonald, County Chief Probation Officer
Kevin Brazile, Assistant Presiding Judge, Superior Court
*Liliana Campos for Mary Wickham, County Counsel
*Larry Canter for Debra Duardo, Superintendent, County Office of Education
*Paul Espinosa for Charlie Beck, Chief, Los Angeles Police Department
Peter Espinoza, Director, Office of Diversion and Reentry
*Xiomara Flores Holguin for Bobby Cagle, Director, County Department of Children and Family Services
Janice Fukai, County Alternate Public Defender
Michael Garcia, Assistant Supervising Judge, Criminal Division, Superior Court
Scott Gordon, Supervising Judge, Criminal Division, Superior Court
Kelly Harrington for Jim McDonnell, Sheriff
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
Shawn Landres, Chair, County Quality & Productivity Commission
William Montgomery for Scott Minnix, Director, County Internal Services Department
*Bryan Oh for Richard Llewellyn, Interim Los Angeles City Administrative Officer
Chris O'Quinn, Chief, Southern Division, California Highway Patrol
*Elaine Palaiologos for Jonathan Lucas, County Coroner – Chief Medical Examiner
Robert Philibosian, Peace Officers Association of Los Angeles County
Marcel Rodarte, Executive Director, California Contract Cities Association
Nicole Tinkham, Interim County Public Defender
Robin Toma, Executive Director, County Human Relations Commission
Robin Toma for Cynthia Banks, Director, County Department of Workforce Development, Aging and Community Services
*David Turla for Sachi Hamai, County Chief Executive Officer
Andrea Welsing for Barbara Ferrer, Director, County Department of Public Health
Lance Winters for Xavier Becerra, California Attorney General
*Tara Yaralian for Jonathan Sherin, Director, County Department of Mental Health

***Not a designated alternate**

I. CALL TO ORDER / INTRODUCTIONS

Chair Sheila Kuehl, County Supervisor, Third District

The meeting was called to order at 12:00 p.m. by Los Angeles County Supervisor Sheila Kuehl, Chair of CCJCC.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Chair Sheila Kuehl, County Supervisor, Third District

There were no requests for revisions to the minutes of the January 17, 2018 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the January 17, 2018 meeting was seconded and approved without objection.

III. EXECUTIVE DIRECTOR'S REPORT

There was no Executive Director's Report for this meeting.

IV. JUVENILE INDIGENT DEFENSE (JID) PROGRAM

Cyn Yamashiro, Directing Attorney, Independent Juvenile Defender Program of the Los Angeles County Bar Association

Cyn Yamashiro, Directing Attorney of the Independent Juvenile Defender Program (IJDP) of the Los Angeles County Bar Association (LACBA), appeared before CCJCC to provide a one-year report on the implementation of the IJDP.

The IJDP oversees a panel of independent attorneys who provide legal services to youth who present a conflict of interest for the Public Defender and Alternate Public Defender. The IJDP's mission is to provide its clients with the highest quality legal advocacy in the juvenile delinquency system.

Since January 2017, IJDP attorneys have been appointed on over 1,600 cases.

In October 2016, the Los Angeles County Board of Supervisors approved a motion by Supervisor Kuehl and Supervisor Ridley-Thomas that authorized funding for a contract with the Los Angeles County Bar Association to create the IJDP.

This contract established an hourly rate of pay for contracted panel attorneys. This is different than the longstanding flat fee that had been in place for bar panel attorneys that represented juveniles.

Mr. Yamashiro noted that the hourly rate payment system is preferable to the previous flat fee system in that it compensates attorneys for all of the work that they do on the case and provides a financial incentive to do everything that is needed. Further, under the flat fee system, all funding for resources, such as investigators, social workers, etc., had to come out of the flat fee.

The creation of the IJDP seeks to bring equity so that juveniles represented by the Public Defender, Alternate Public Defender, or IJDP will all receive comparable legal services and access to resources.

Mr. Yamashiro leads a staff of eight, which includes an appellate attorney, resource attorney, forensic social worker, lead investigator, and four program coordinators. There are about 50 panel attorneys and a law firm provides legal services to the IJDP panel members.

Prior to IJDP, there was a single panel for each of the eight juvenile courts in the county. That has been changed so that four panels now share responsibility for the eight courts, organized as follows:

- North: Lancaster and Sylmar
- East: Eastlake and Pomona
- South: Long Beach and Los Padrinos
- West: Compton and Inglewood

This reconfiguration is designed to ensure an equitable distribution of case assignments, cross-pollination of best practices, and downward pressure on charge and dispositional outcomes between courthouses.

Four LACBA program coordinators oversee daily activities of each quadrant, act as a Court liaison, coordinate attorney resources, and collect case data.

IJDP also provides attorneys for specialty courts, which include the Division of Juvenile Facilities (DJF) Re-Entry Court, Dual Jurisdiction Court, START Court, and Sylmar and Eastlake Juvenile Drug Courts.

The IJDP practice model is based on a holistic approach that recognizes the multiple, vital environmental factors that impact the failure or success of a minor interacting with the juvenile justice system. The practice goal is to minimize penetration into the juvenile justice and adult criminal justice system by identifying and addressing psychological, familial, and educational issues in order to redirect youth.

In terms of ancillary resources, a Writs and Appeals attorney handles pre-trial writs for the IJDP attorneys and also answers questions in a hotline capacity for Appellate Counsel support. Mr. Yamashiro noted that the IJDP has had two successes in the California Supreme Court in the last six months.

The Appellate component is another means by which IJDP attempts to bring symmetry to the representation of juveniles in this county.

The remaining writs that have been filed all involve issues critical to ensuring due process in the juvenile courts, including the following:

- Right to disclosure of exculpatory evidence;
- Right to appointment of necessary experts;
- Right to a competency hearing; and
- Right to be transferred to adult court only upon substantial evidence.

IJDP also receives assistance with media and research petitions.

IJDP has a resource attorney who consults with panel attorneys regarding the following issues:

- Placement searches;
- School placement options and enrollment procedures;
- Strategic consultations regarding referrals to specialty courts;
- Appointment of experts on resource topics;
- Competency to stand trial protocol; and
- Regional center eligibility and referrals.

The resource attorney has direct representation of clients in the following ways:

- Litigating regional center access for intellectually disabled clients;
- Attending Integrated Habilitative Treatment Plan (IHTP) meetings for clients with intellectual disabilities;
- Coordinating delinquency/dependency crossover representation; and
- Cooperating with the Learning Rights Law Firm on Individualized Education Program (IEP) and disability assessments.

Additionally, the IJDP resource attorney creates and curates resource-focused training materials and seeks out strategic partnerships with placements, school districts, and stakeholders in the juvenile justice community.

IJDP also has an in-house investigator and in-house forensic social worker that provide direct support for the panel attorneys, in addition to administering the investigator and social worker panels.

Administration includes active recruitment of professionals for these juvenile-specific panels as well as management of referrals.

The IJDP worked closely with Judge Terry Bork and Judge Michael Levanas to create these sub-panels of service providers.

Mr. Yamashiro stated that Judge Levanas worked with him to create a simple, single-page investigator or social worker appointment form that can be submitted at arraignment.

As of January 2018, the IJDP office has received a total of 86 referrals for investigators and 55 referrals for social workers.

Training for attorneys has also been an important part of the program. Since January 2017, the IJDP has organized a steady stream of training for its attorneys based on observed and expressed need.

The IJDP has created a system of governance and review consistent with the pre-existing Indigent Criminal Defense Appointments (ICDA) program rules. This includes the following components:

- A Billing and Discipline Committee convenes to address departures from IJDP policies and consists of members of the IJDP panel.
- An Executive Committee has discretion to review and implement policies and also reviews decisions by the Billing and Discipline Committee. The Executive Committee has one representative from the panel, but is otherwise populated with judges and members of the criminal bar.

In addition, Mr. Yamashiro meets with each of the four panels on a quarterly basis to maintain an understanding of the needs of the panel and stay abreast of issues particular to each respective branch court.

The IJDP office monitors and assesses the effectiveness of its panel attorneys against the *Guidelines for Attorneys Representing Youth in the Los Angeles Juvenile Delinquency Court*, an established baseline for zealous advocacy.

The following series of data-collecting devices and protocols were created to guarantee a new level of accountability and effective review of attorney performance:

- Case Tracking Forms
 - Intake – Attorneys are required to file a case tracking form with the IJDP office within 48 hours of being appointed at arraignment.
 - Case Resolution – Attorneys are required to submit data on every resolved case, including information on motions filed, the final charges, disposition, and other actions taken on the minor's behalf.
 - Attorney Progress Sheets – On a monthly basis, the IJDP provides attorneys with pre-populated spreadsheets to keep track of case progress and provide other metrics for attorney assessment.

- Data Driven Attorney Assessment
 - Using the data collected and metrics developed by the Director, the IJDP conducts an ongoing assessment of attorney performance. Each case resolution form provides data points allowing for qualitative evaluations based on actions performed by the attorney and case outcomes. This process provides real-time evaluations of attorneys in the field.

This process allows the IJDP to focus training, tailor directives, and reinforce expectations for attorney performance.

Mr. Yamashiro added that the program will seek to create a mentoring program so that senior attorneys can review the work of other lawyers and provide feedback.

The IJDP also employs quality assurance surveys for clients, families, and stakeholders. Responses have regularly reflected a strong rapport between attorneys and clients, trust and collaboration in the decision-making process, and general satisfaction with the quality of representation.

Mr. Yamashiro reported that the early results of the IJDP's intensive support, data-driven oversight, and focused training curriculum are encouraging. Based on a comparison to data collected in 2008 as part of the *Kids Counsel and Costs* study, the new IJDP attorneys have proven to be more active and have achieved improved outcomes for their clients.

He cautioned that this data is preliminary and only captures a snapshot of the IJDP's first six months of representation. Qualitative data has only been collected since June 2017; since then, only 247 cases have been resolved.

In comparing IJDP panel attorneys with contract bar panel attorneys, it was found that the rate of cases that had a contested detention hearing tripled from 3.1% to 10%. In addition, the percentage of cases that have an expert appointed has increased by 350% from 2.8% to 19.4%, and the rate of written motion filing has increased by 0.6%.

Mr. Yamashiro further reported that 23.5% of IJDP cases had at least one contested hearing. In comparison to the Los Angeles County average, the dismissal rate with IJDP panel attorneys has increased by 3.1% and the percent of youth sent to camp decreased by 6%.

With respect to data security, the IJDP interprets its role as part of the defense team and, for that reason, takes significant measures to keep all data secure. A "conflicts screen" has been created to separate its administrative role from its legal support roles. Also, data is stored on a secure LACBA server requiring internal authentication. All data is password protected and encrypted.

Only IJDP staff are allowed to access the data and are under strict orders not to share information with anyone, regardless of the source or reason for the query. Additionally, all client and case information that the office tracks for reporting purposes is isolated and accessible only by the IJDP program coordinators and the Directing Attorney. Other IJDP staff that directly represent clients have limited user permissions and cannot access sensitive information unless a conflict check has been performed.

Going forward, IJDP is seeking to develop a training program for new lawyers that want to work in the delinquency system. IJDP is also in talks with Loyola Law School to access their program as a prerequisite for working in the IJDP program.

In terms of challenges, there has been a high turnover so that about 75% of the IJDP's attorneys are new to the program over the past year.

Los Angeles County Alternate Public Defender Janice Fukai complimented Mr. Yamashiro for his work as the Directing Attorney with IJDP. She noted that the IJDP panel attorneys are private contractors, which creates a different managerial situation than that of a County Department where all of the personnel are County employees.

Supervisor Kuehl thanked Mr. Yamashiro for his work and for this presentation.

More information on IJDP can be found on their website located at:

<https://www.lacba.org/resources/independent-juvenile-defender-program>

ACTION: For information only.

V. TEEN COURT

Judge Scott Gordon, Supervising Judge, Los Angeles Superior Court Criminal Division

Judge Bobbi Tillmon, Los Angeles Superior Court

Judge Scott Gordon, Supervising Judge of the Criminal Division of the Los Angeles Superior Court, appeared before CCJCC to make a presentation on Teen Court, which is a diversion program of the Los Angeles Superior Court. Judge Bobbi Tillmon of the Los Angeles Superior Court joined Judge Gordon in this presentation.

Teen Court functions as an actual Court for young people who commit non-serious crimes, and in which they are questioned, judged, and sentenced by a jury of their peers. The program offers participants who are found guilty the opportunity, upon successful completion of his or her sentence, to have no record of a criminal conviction.

Judge Gordon acknowledged Judge David Wesley for creating this program, as well as other judicial officers present for their work with Teen Courts. He next introduced Judge Tillmon to provide an overview of how Teen Courts work.

The Teen Court program is now going on 26 years. During this past year, the program was named after Judge Wesley in recognition of his efforts in starting it.

Selected juvenile offenders between the ages of 11 and 17 are offered the opportunity to participate in Teen Court, which serves as an early intervention alternative to Juvenile Court. The takes place when they are arrested or cited.

Teen Court can be held in various locations, which can include high schools, courthouses, and law schools, among others. There are currently 42 schools in the county that have Teen Courts, and over 100 judicial officers participate in the program.

The program directly impacts the juveniles that participate by giving them an alternative to the juvenile delinquency system, a chance to clear their record, and providing them with access to needed resources, such as counseling. The program also impacts the students who sit as jurors, clerks, and bailiffs by exposing them to both the judicial system and the criminal justice system, and educating them about the importance of each.

Judge Tillmon emphasized that this is an actual Court session where the judicial officers wear their robes and issue orders. It is conducted as a jury trial with students that sit as jurors, hear the facts, and make recommendations.

For some schools, the Teen Court program is a club, while in others it is an after school program, but it is always administered by school personnel.

An example of the type of sentence that may be issued through Teen Court is a six-month probationary period where the juvenile is ordered to complete a specific number of community service hours.

The person may also be ordered to maintain a certain grade point average, abide by a curfew, write a letter of apology, stay away from certain locations, and/or even participate as a juror.

The individual may also be required to undergo drug testing or counseling. The parent(s)/legal guardian(s) may also be ordered into family counseling.

Judge Tillmon added that the Teen Court program has a component called Stop Hate And Delinquency by Empowering Students (SHADES), which seeks to address incidents of hate crime.

Judge Gordon noted that the experience is rewarding for the judicial officers that participate by allowing for community outreach and opportunities to provide guidance to young people. He also reported that the judicial officers work around their schedules to make this program possible.

Judge Gordon also acknowledged the Court's partnerships with other justice agencies, which include the Probation Department, District Attorney's Office, Public Defender's Office, Alternate Public Defender's Office, and the Office of Diversion and Reentry (ODR). Other partners include law enforcement agencies and schools.

Another partnership is with Southwestern Law School, which hosts a Teen Court in which students spend a day at the school and meet with law students.

Volunteer interpreters have also participated in the Teen Court program. This can be very helpful for parents that are non-English speaking and attend a Court session. Judge Gordon reported that a number of students have since gone on to become certified interpreters.

Examples were given of success stories that resulted from participation in this program. Judge Gordon reported that this program has had a transformative impact on some individuals, both for offenders and for students serving as jurors or Court personnel.

More than 25,000 young people have been served by the Teen Court program since it began, and that is just including the litigants. The recidivism rate for Teen Court participants is less than 8%.

The program has been recognized throughout the state and county, as well as by the Foundation for Democracy and Justice.

Judge Gordon added that the SHADES program that Judge Tillmon referenced has a partnership with the Museum of Tolerance. Students from around the county are selected as jurors for SHADES, and they attend a five-day course that paid for by the Museum of Tolerance.

Robert Philibosian of the Peace Officers Association of Los Angeles County inquired as to who selects which juveniles may go to Teen Court. Judge Gordon stated that the Probation Department does this in consultation with law enforcement agencies and the District Attorney's Office.

Xiomara Flores Holguin from the County Department of Children and Family Services inquired as to how individuals may sign-up to be a volunteer translator. Judge Gordon stated that those who are interested should contact Judge Wesley.

In addition, members of this committee that would like to observe a Teen Court session should submit their request to either Judge Wesley or Judge Gordon to make arrangements.

In response to another inquiry, Judge Gordon stated that the teen jurors are recruited through the partnerships that the Court has with the schools. In many cases the students get credit within their school.

Judge Wesley thanked Supervisor Kuehl for her office's support of the Teen Court program and assistance in obtaining grant funding. Supervisor Kuehl in turn thanked Judge Wesley for his leadership with this program.

Supervisor Kuehl observed that a theme of today's presentations has been that of juvenile justice. Juvenile justice was traditionally separated from how adults are treated, in part due to the notion that young people may be more amenable to rehabilitation efforts. She noted that lessons that have been learned in the area juvenile justice concerning rehabilitation are now being applied to adults. Both justice systems can learn from each other.

The Supervisor stated that there has been a shift in thinking over the years from the idea of mass incarceration to the belief that many people deserve a second chance and can be rehabilitated.

The Supervisor also remarked upon the positive impact of collaboration, not just among justice partners but also within programs such as the Teen Court program, where schools are included.

Supervisor Kuehl again thanked today's presenters. She also invited members of this committee to inform CCJCC staff of any themes related to criminal justice that they would like to hear presentations on during this year.

ACTION: For information only.

VI. OTHER MATTERS / PUBLIC COMMENT

There were no public comments.

VII. ADJOURNMENT

The meeting was adjourned at 12:53 p.m.