

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE **January 8, 2020** MEETING

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

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 Terri McDonald, County Chief Probation Officer

William Bodner, Special Agent in Charge, U.S. Drug Enforcement Administration

*Joan Bys for Ralph Diaz, Acting Secretary, California Department of Corrections and Rehabilitation

*Larry Canter for Debra Duardo, Superintendent, County Office of Education

John Curley, President, San Gabriel Valley Police Chiefs Association

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

Jesse Holguin for Mark Garrett, Chief, Southern Division, California Highway Patrol

T. Warren Jackson for Ed Eng, County Economy and Efficiency Commission

Dan Jeffries for Mike Feuer, Los Angeles City Attorney

Jonathan Lucas, County Coroner – Chief Medical Examiner

*Daniel Martin for Sherri Carter, Superior Court Executive Officer

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

Otto Solorzano, Director, County Department of Workforce Development, Aging and Community Services

*Susan Sullivan Pithey for Xavier Becerra, California Attorney General

Christopher Thompson for Jonathan Sherin, Director, County Department of Mental Health

Shelly Torrealba, Assistant Supervising Judge, Criminal Division, Superior Court

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 p.m. by Los Angeles County Supervisor Kathryn Barger, Chair of CCJCC.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Chair Kathryn Barger, County Supervisor, Fifth District

There were no requests for revisions to the minutes of the December 18, 2020 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the December 18, 2020 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.

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

Mr. Delgado discussed the annual report to the California Board of State and Community Corrections (BSCC) on the implementation of Public Safety Realignment (AB 109) in this county.

As background, the BSCC distributes an annual survey to all counties in the state to obtain information about the status of AB 109 implementation. The BSCC, in turn, presents these responses to the Governor and State Legislature. This latest report to the BSCC is the 7th annual report.

The County of Los Angeles submitted its response to this year's survey in mid-December 2019.

The full report can be found online at <http://ccjcc.lacounty.gov>.

The response to the BSCC survey is prepared by the Public Safety Realignment Team (PSRT), which is chaired by the Probation Department and includes representatives from many of departments represented on CCJCC. PSRT is a subcommittee of CCJCC that is tasked with coordinating multi-agency implementation of AB 109.

The four main components of the BSCC report are:

- Progress on goals identified in the previous fiscal year (FY 2018-2019);
- Goals for the current fiscal year (FY 2019-2020);
- Other implementation developments/challenges; and
- Budget

Updates to FY 2018-2019 Goals

Updated progress was reported for the following three goals for Fiscal Year (FY) 2018-2019:

1. Expansion of implementation of Cognitive Behavioral Intervention (CBI) program to address criminogenic needs and reduce recidivism.
2. Expansion of Substance Use Disorder (SUD) access and services for the AB 109 population, creating a fuller, more complete continuum of care.
3. Provision of SUD treatment under the Substance Treatment and Re-Entry Transition (START) in-custody treatment program for AB 109 Revocation Court individuals.

FY 2019-2020 Goals

The next component of the report identifies current fiscal year (FY 2019-2020) goals, two of which build upon the work from FY 2018-2019.

The three goals listed for FY 2019-2020 are:

1. Expansion of Substance Use Disorder (SUD) access and services for the AB 109 population, creating a fuller, more complete continuum of care. (Continuation of FY 2018-2019 goal.)
2. Maintenance of SUD treatment under the START in-custody treatment program to AB 109 Revocation Court clients. (Continuation of FY 2018-2019 goal.)
3. Utilization of Pre-Release Video Conferencing (PRVC) to in-reach to individuals in prison and county jail who will be released to the Probation Department's supervision.

Other Implementation Developments/Challenges

The BSCC survey also asks counties to provide information on the types of services available to individuals. The response from the County of Los Angeles included information on the following:

- Mental Health Treatment Services
- Substance Use Disorder Treatment Services
- Custody-Based Reentry Services
- Alternative to Custody Program
- Care Coordination for Medically High-Risk Probationers
- Housing, Employment, and Navigation/Coordination Services

The report also identifies strategies to improve implementation. These include:

- Conducting Medi-Cal outreach to inmates and leveraging Medi-Cal as the primary funding source for services;
- Deployment of Naloxone spray at custody facilities;
- Co-location of DPOs with law enforcement;
- Co-location of CENS navigators at Probation and Court sites; and
- Recovery Bridge Housing.

Ongoing challenges were also identified in the report. These include the following:

- Placement of specified clients into treatment;
- Sharing of information;
- Housing services for the medically fragile population; and
- Jail overcrowding.

Questions

Supervisor Barger inquired about the use of outcome measures and also as to whether the number of flash incarcerations with Post Release Community Supervision (PRCS) individuals has decreased.

Deputy Chief Probation Officer Reaver Bingham confirmed that the number of flash incarcerations of AB 109 individuals has decreased notably as result of changes since the time that AB 109 was implemented.

Mr. Delgado stated that there is data showing improved contact and engagement with individuals. For example, in FY 2018-2019, over 5,600 AB 109 individuals were screened by CENS navigators co-located at Probation and Court sites, and this number is expected to increase in FY 2019-2020. In addition, PSRT and the Probation Department are working with the CEO to conduct an AB 109 outcome and process evaluation.

Robert Philibosian of the Peace Officers Association of Los Angeles County inquired as to whether Los Angeles County is receiving the appropriate amount of AB 109 funding from the state.

Mr. Delgado stated that this question would need to be referred to CEO staff for a definitive answer as to whether the county is receiving the amount that it is supposed to

within the established framework. He added that it is a separate question as to whether the amount received is sufficient to meet resource needs.

ACTION: For information only.

IV. OVERVIEW OF CRIME VICTIMS RIGHTS AND VICTIM SERVICES

Michele Daniels, Director, Bureau of Victim Services, District Attorney's Office

Miji Vellakkattel, Special Assistant, Bureau of Victim Services, District Attorney's Office

Michele Daniels, Director of the District Attorney's Office Bureau of Victim Services, provided an overview of crime victims rights and victim services in the county. Ms. Daniels was joined in this presentation by Miji Vellakkattel, Special Assistant with the Bureau of Victim Services.

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

Background

The District Attorney's Office has a twofold mission. One is prosecution, but another is that of safeguarding the rights of crime victims. The Bureau of Victim Services (BVS) within the District Attorney's Office serves the latter role.

The motto of BVS is "Helping Victims to Become Survivors." Ms. Daniels stated that her office assists victims through various means, such as support, restitution, and referrals. The office works to ensure that victims of crime are afforded the rights and protections granted to them by law.

BVS can also provide help to prosecutors by contacting the victims when they are difficult to get in contact with.

Victim Services

The support to victims from BVS may come from Direct Services (DS), the Claims Verification Unit (CVU), and the Restitution Enhancement Program (REP).

Services that the DS victim services representatives provide include the following:

- Assisting with the California Victim Compensation Board (CalVCB) application
- Crisis Intervention
- Resources and Referral Counseling
- Court Escort/Support Services
- K-9 Unit
- Mass Victimization Advocacy
- Case Status/Disposition

- Information and Assistance on Property Return
- Restraining Order Assistance
- Emergency Financial Assistance
- Emergency Legal Assistance Referral
- Post-Conviction Assistance (Notice)

A victim of a crime may be eligible for monetary compensation under the California Victim Compensation Fund rules. The CVU victim services representatives can help determine CalVCB reimbursement eligibility for the following:

- Funeral/Burial
- Relocation
- Crime Scene Clean-Up
- Home Security
- Mental Health
- Vehicle Modification
- Service Dog
- Job Retraining
- Medical Expenses
- Income Loss
- Support Loss
- Home Modification
- Post-Conviction Assistance

The CVU representatives seek to ensure that any application by a victim has been completed correctly and that the process goes smoothly.

Restitution may be awarded at the end of a case if a victim has suffered losses and can prove those losses. The REP paralegals in the BVS can assist victims with obtaining restitution orders, assist prosecutors with restitution law and at restitution hearings, and provide post-conviction assistance.

In FY 2018-2019, BVS assisted with the processing of over 14,000 CalVCB applications and the awarding of over \$21 million in monetary value of compensation claims. Almost 28,000 victims were served during this period.

Victims often are not aware that this assistance is available and therefore do not access it immediately. BVS will assist victims even when no case has been filed. However, in order to receive CalVCB assistance, there needs to have at least been a report of a crime.

BVS collaborates with numerous other departments, among which include the Department of Mental Health (DMH), Department of Children and Family Services (DCFS), Department of Consumer and Business Affairs (DCBA), L.A. Homeless Services Authority (LAHSA), Department of Health Services (DHS), Department of

Public Social Services (DPSS), Department of Public Health (DPH), and Office of Violence Prevention (OVP).

Restitution Services

Ms. Daniels introduced Mr. Vellakkattel to provide more information about restitution services.

Restitution services include misdemeanor restitution services, AB 109 restitution services, and unclaimed restitution funds.

On any given case, BVS may seek a restitution order for property loss, as well as seek any amount that CalVCB will pay out.

An example of restitution from CalVCB is funeral and burial expenses (capped at \$7,500). Another example is relocation expenses (capped at \$2,000). The total maximum amount that CalVCB will pay out per incident is \$70,000.

If a restitution claim becomes a civil judgement, it must be filed at the Stanley Mosk Civil Courthouse in downtown, and there is a fee associated with filing for that restitution order.

When AB 109 came into effect in 2011, it did not initially account for restitution collection. Changes in the law addressed this, but an infrastructure still needed to be put into place. In 2014, the Board of Supervisors commissioned CCJCC to create a Restitution Collection Task Force to determine how best to do that.

During the past several years, the Restitution Collection Task Force has implemented restitution for AB 109 cases, first in 2016 for mandatory supervision and PRCS cases, and then in 2018 for those AB 109 individuals in custody in the county jail.

Information was presented on the amount ordered, collected, and disbursed for both mandatory supervision cases and PRCS cases, and for both active cases and closed cases. Data was also presented on the amount ordered, collected, and disbursed for in-custody collections.

Mr. Vellakkattel reported that the Los Angeles County Restitution Information System (LACRIS) was created in 2018 and is tracking in-custody orders, collections, and disbursements.

One challenge with in-custody collections is that the restitution payments stop when the person is released. At that point, the victim would need to obtain a civil judgment from Court.

Los Angeles County Public Defender Ricardo Garcia inquired as to the annual cost to the county of the collection efforts on AB 109 individuals. Mr. Vellakkattel stated that

BVS is working with the Probation Department to determine the cost for the mandatory supervision and PRCS collections.

Mr. Bingham added that the CEO's Office is working on a report on the cost of collections as well.

XC Grant

Mr. Vellakkattel reported that the Governor's Office of Emergency Services (Cal OES) recently awarded BVS a Victims Services Program Grant (XC Grant) in the amount of \$3,387,187 to augment the county's victim services program.

This grant funding has been used to support victim services partners with domestic violence cases, sexual assault cases, and child abuse. The following amounts have been allotted from the grant:

- 16 domestic violence shelters are receiving \$100,000 each this year.
- 7 rape crisis centers are receiving \$130,000 each this year.
- Court-Appointed Special Advocates (CASA) for children are receiving \$347,000, which has substantially increased the number of children being served.
- LACRIS has received \$215,000 from the grant.

Restitution Fine

Mr. Vellakkattel noted that the restitution fine is the primary funder for CalVCB. The fund has been decreasing recently, but it would decrease substantially if this fund were eliminated. For reference, last year CalVCB paid out \$50 million to victims statewide and \$21 million to victims in Los Angeles County.

The restitution fine for misdemeanors is \$150 minimum, and for felonies it is \$300.

Another important fine with respect to victims is the domestic violence fine, which is an important source of funding for domestic violence shelters.

Elisa Arcidiacono, Justice Deputy for the Fifth District of the Board of Supervisors, asked if the restitution fine is easy to distinguish among the other fines and fees. Mr. Vellakkattel confirmed that it is.

Challenges

Ms. Daniels addressed ongoing challenges for BVS. One challenge is that of making sure that the concerns of victims are considered when making criminal justice reforms. Another is that of increasing the recognition that victims and defendants often come from the same communities.

She added that criminal justice reforms and initiatives should consider the impact on both the victims and defendants instead of viewing them as a zero-sum game of one or the other.

It is also important for victims to be heard at any proceedings where their rights and/or safety are at issue. This includes informing them in a timely manner and allowing them to speak.

Ms. Daniels remarked that some victims have become homeless as a result of crime. For example, this can occur when the victim can no longer safely remain in a neighborhood due to gang crime, or with a victim of sexual assault who cannot return home. Relocation facilities may be needed for these individuals.

Another challenge is that of increasing opportunities for integration of the BVS mass victimization advocacy program into the county. In situations such as a mass shooting, where there may be many victims at one time, BVS would like to be integrated into the response to such incidents.

In response to a question from Supervisor Barger, Mr. Vellakkattel responded that a victim that doesn't get compensated through a civil action will not receive a refund on the filing fee.

Supervisor Barger stated that outreach efforts by BVS are important given that many people are not aware that these services are available.

Mr. Philibosian inquired as to whether there is an audit of the service provider recipients of the XC grant funding. Mr. Vellakkattel confirmed that their grants department will be doing an audit as well as compliance checks. In addition, the state will conduct its own audit.

T. Warren Jackson of the County Economy and Efficiency Commission (EEC) suggested that the EEC could assist efforts to inform the community about the services provided by BVS.

With regard to the civil filing fee, Mr. Garcia clarified that the filing fee applies where a victim cannot collect in the criminal court and wishes to convert the judgment to a civil judgement.

In response to a question about the number of staff people in BVS, Ms. Daniels stated that there are about 150 personnel, although this fluctuates.

ACTION: For information only.

V. OTHER MATTERS / PUBLIC COMMENT

Public comments were made by the following individuals:

Mr. Joseph Maizlish

VI. ADJOURNMENT

The meeting was adjourned at 1:04 p.m.