

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE **October 23, 2019** MEETING

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

MEMBERS AND ALTERNATES PRESENT

Chair Pro Tem: Terri McDonald, County Chief Probation Officer

Erika Anzoategui, County Alternate Public Defender

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

Lane Dilg, President, County Prosecutors Association

Anna Hovasapian for Janice Hahn, Supervisor, Fourth District and Chair of the County Board of Supervisors, Chair of CCJCC

Dan Jeffries for Mike Feuer, Los Angeles City Attorney

Shawn Landres, Chair, County Quality & Productivity Commission

Jonathan Lucas, County Coroner – Chief Medical Examiner

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

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

Sam Ohta, Supervising Judge, Criminal Division, Superior Court

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

*Karen Streich for Jonathan Sherin, Director, County Department of Mental Health

Sergio Tapia, Assistant Supervising Judge, Criminal Division, Superior Court

Rachel Teitelbaum for Eric Garcetti, Mayor, City of Los Angeles

Robin Toma, Executive Director, County Human Relations Commission

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

Refugio Valle for Peter Espinoza, Director, Office of Diversion and Reentry

Tim Vu, President, San Gabriel Valley Police Chiefs Association

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

Lance Winters for Xavier Becerra, California Attorney General

Noro Zurabyan for Mary Wickham, County Counsel

***Not a designated alternate**

I. CALL TO ORDER / INTRODUCTIONS

Terri McDonald, County Chief Probation Officer, Chair Pro Tem

The meeting was called to order at 12:04 p.m. by Chief Terri McDonald, County Chief Probation Officer, Chair Pro Tem.

Self-introductions followed.

NOTE: Since the last CCJCC meeting, William Bodner has been promoted from Acting Special Agent in Charge to Special Agent in Charge, U.S. Drug Enforcement Administration.

Also since the last CCJCC meeting, Erika Anzoategui has been appointed Alternate Public Defender.

II. APPROVAL OF THE MINUTES

Terri McDonald, County Chief Probation Officer, Chair Pro Tem

There were no requests for revisions to the minutes of the September 18, 2019 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the September 18, 2019 meeting was seconded and approved without objection.

III. EXECUTIVE DIRECTOR'S REPORT

Mark Delgado, Executive Director, Countywide Criminal Justice Coordination Committee

The Executive Director's Report is tabled until the next meeting.

ACTION: For information only.

IV. QUALITY AND PRODUCTIVITY COMMISSION

Shawn Landres, Chair, Quality and Productivity Commission

Jacki Bacharach, 1st Vice Chair, Quality and Productivity Commission

Shawn Landres, Chair of the Quality and Productivity Commission, made a presentation on the recent Productivity and Quality Awards that were given out for this year.

Jackie Bacharach, 1st Vice Chair of the Quality and Productivity Commission, joined Mr. Landres in this presentation with a discussion on the Productivity Investment Fund (PIF) and funding opportunities. Ms. Bacharach serves as the Chair of the Productivity Investment Board.

Productivity and Quality Awards

As background, the Quality and Productivity Commission hosts an annual Quality and Productivity Awards luncheon to recognize Los Angeles County initiatives that promote a high level of innovation and cost effectiveness. This year's luncheon was held on October 16, 2019.

In 1981, the Board of Supervisors adopted an ordinance that created the Productivity Advisory Committee. This later became the Quality and Productivity Commission, which was charged with providing the Board with information and recommendations about productivity and work measurements. It was also tasked with bringing in expertise from the private and non-profit sectors for implementation within the county.

Of the 17 members of the Commission, 10 are appointed by the Board of Supervisors (2 from each District), 5 are appointed by the County Chief Executive Office in collaboration with the Chair of the Department, and 2 are appointed by Labor.

The Productivity and Quality Awards (PQA) were established in 1987 to recognize innovative programs in the county.

Consideration of programs involves a rigorous selection process that includes four levels of review by Productivity Managers and Commissioners.

Over the past 33 years, more than 4,000 individual departmental productivity and quality improvement efforts have been honored. These projects represent cumulative savings of nearly \$5.5 billion, and nearly \$1 billion of that is from the past 3 years alone.

Awards are given out for the top ten winners, which includes a Gold, Silver, and Bronze Eagle Award. Commission Special Awards include the following:

- Changemaker Award
- County Image Enhancement Award
- Customer Service Award
- Mega Million Dollar Award
- Outstanding Teamwork Award
- Performance Measurement Award
- Process Improvement Award
- Community Inclusion Award (new in 2019)
- Commissioners' Legacy Award

Also included are Special Merit Plaques, Traditional Plaques, and Certificates.

Mr. Landres provided an example of a special award in noting that the Probation Department worked with the Internal Services Department (ISD) in developing the Justice Automated Information Management System (JAIMS) Data Analytics Project. This program was awarded the Performance Measurement Award at the recent PQA ceremony.

Key factors that are considered when awarding the PQA's include the following:

- Transferability
- Quality
- Collaboration

- Productivity or Service Enhancement
- Impact
- Creativity
- Cost Benefit
- Measures of Success

Mr. Landres emphasized that evidence of substantial progress, demonstrated impact, and documented measures of success are important considerations when submitting a program for a PQA.

A listing of notable PQA winners from past years was provided.

Productivity Investment Fund

The Quality and Productivity Commission also provides Productivity Investment Fund (PIF) awards for county initiatives that enhance services, improve operations, or generate cost savings.

Ms. Bacharach reported that the PIF was established by the Board of Supervisors in 1984. It was subsequently converted to a special revenue fund.

The purpose of PIF is to fund efforts that go beyond business as usual. This includes the following:

- Creative strategies for the enhancement of service delivery;
- Improvement of effectiveness and efficiency of operations; and
- Cost savings and revenue generation opportunities

Since the PIF was established, more than \$86 million in grants and loans have been issued to county programs.

For Fiscal Year 2019-2020, the opening balance (including encumbered awards) is \$13 million.

Among examples of programs that have received PIF grants are programs that have received grants from other sources but require local matching funds, those that involve collaboration among different departments working together, technology improvements, and data records alignment.

A listing of notable programs funded by PIF in past years was provided, along with a listing of large PIF investments by year.

All Los Angeles County Departments are eligible to apply for PIF funding. Non-County agencies may partner, but a County Department must be the lead.

Funding from the PIF may come in the form of loans, recoverable grants, and grants. In the case of loans, if the program is one that will generate revenue but needs seed funding to get started, a loan may be offered.

Funds may not be used for any of the following purposes:

- Make or change County policy;
- Replace or augment day-to-day operating budgets;
- Supplement projects that have been funded through the normal budget process;
or
- Pay wages, salaries, or other compensation to County employees.

Applications for PIF funding are reviewed first by Productivity Managers, then by a commission subcommittee, and then finally by the full commission.

Productivity Managers

Mr. Landres noted that all department heads have assigned a Productivity Manager to the Quality and Productivity Commission to represent their respective departments. They are key players in coordinating PIF and PQA projects.

Additional information can be obtained at the Quality and Productivity Commission website located at:

<http://qpc.lacounty.gov>

Questions

Robert Philibosian of the Peace Officers Association of Los Angeles County inquired as to the annual budget for the PIF.

Mr. Landres stated that this is a revolving fund. There is typically an additional allocation every year that has recently ranged from about \$3 million to \$3.5 million. A total of \$4 million was added for this year and, as noted, there is \$13 million available for the current year.

Mark Delgado, Executive Director of the Countywide Criminal Justice Coordination Committee (CCJCC), thanked the Quality and Productivity Commission for their support of justice initiatives throughout the years. He added that CCJCC is available to work with member departments to facilitate and support multi-agency submissions, as has been done with past projects.

Mr. Landres noted that innovations originating in the justice community have been adopted by other parts of government to improve efficiency, such as with utilizing comparative statistics and data management systems. The justice community can therefore be a source for improvement both within the criminal justice system and

elsewhere.

Chief McDonald thanked the presenters.

ACTION: For information only.

V. LOS ANGELES SUPERIOR COURT'S PRE-ARRAIGNMENT/PRE-TRIAL PILOT

Hon. Sam Ohta, Supervising Judge, Criminal Division,
Los Angeles Superior Court

Judge Sam Ohta, Supervising Judge of the Criminal Division of the Los Angeles Superior Court, provided an overview of the Los Angeles Superior Court's Pre-Arrestment/Pre-Trial pilot program.

As part of criminal justice reform efforts, there has been a focus on the cash bail system and possible alternatives. In 2016, consideration was given at the local level to cash bail reform. A Bail Reform Team was created that studied this issue.

On the state level, Senate Bill 10 (SB 10) was signed by Governor Brown in 2018. This eliminates the state's cash bail system and replaces it with a pretrial risk assessment. However, this law is on hold pending a referendum on this in the November 2020 election.

SB 10 represents a new legislative scheme and, if it is upheld by the voters in the November 2020 election, will become law.

In the meantime, efforts have continued to make reform within the existing legislative scheme. In order to continue this momentum, Governor Newsom sought to encourage the Court system to work on this issue.

With this as a background, this year's state budget earmarked \$75 million to the Judicial Council to launch and evaluate two-year pretrial projects in local trial courts.

As directed by the State Legislature, the projects:

1. Aim to increase the safe and efficient release of arrestees before trial;
2. Use the least restrictive monitoring practices possible while protecting public safety and ensuring court appearances;
3. Validate and expand the use of risk assessment tools; and
4. Assess any bias.

The Judicial Council approved 16 Courts in the state to implement the pretrial projects. The Los Angeles Superior Court was one of the Courts that was selected, and it will be allotted a total of \$17.3 million from the Judicial Council for this effort.

The Los Angeles pilot program is comprised of the following two-step process:

1. Bail Deviation (Penal Code Section 1269c) - Countywide

All eligible pretrial detainees will be assessed with a static risk assessment tool (PSA – Public Safety Assessment – Arnold tool) at bail deviation (P.C. Section 1269c).

2. Arraignment – At the Clara Shortridge Foltz Criminal Justice Center

Pretrial detainees at the Clara Shortridge Foltz Criminal Justice Center who were not cited out, bailed out, or released through the bail deviation step will be risk assessed with a dynamic tool (C-CAT – Criminal Courts Assessment Tool – Center for Court Innovation).

Justice partners that will be participating with the Court in the pilot include the Probation Department, County Counsel, Sheriff’s Department, Information Systems Advisory Board, County CEO, Board of Supervisors – Justice Deputies, District Attorney’s Office, Public Defender’s Office, Alternate Public Defender’s Office, and Los Angeles City Attorney’s Office.

Bail Deviation

The current law regarding bail deviation (P.C. Section 1269c) has the pre-trial detainee request a bail deviation. Under the rules of the pilot program, the risk assessment will be completed automatically for all eligible pretrial detainees.

Certain individuals are not eligible for bail deviation consideration, among which are included those that are arrested for serious felonies, violent felonies, or certain domestic violence offenses (P.C. Section 1270.1). There also would not be bail deviation for individuals arrested for a probation violation.

Judge Ohta noted that about 1,000 people are arrested in the county every day, and about 350 to 400 are in the category of those eligible for the automatic bail deviation consideration.

When the person is arrested and detained at the local jail, there are 48 hours until filing/arraignment (except for weekends and holidays). Within this time period, Probation interviews the pretrial detainee, gathers information, and then uses a risk assessment tool to assist in making a recommendation as to what the judicial officer should do.

With the pilot process, the procedures will work the same, but now the individual will not need make the request for a bail deviation consideration as this will be completed for all eligible individuals. The information received as a result of the LiveScan fingerprinting during booking is auto-populated into the risk assessment (PSA) tool.

In order to process the added number of potential bail deviations, the Superior Court created a Magistrate Unit consisting of judicial officers that work evenings and nights to review the recommendations. Judge Ohta noted that judicial officers volunteer for this unit.

The completed risk assessment scores from eligible detainees are electronically transmitted to the judicial officers at the Magistrate Unit. The decision on each bail deviation application is then electronically transmitted to the local law enforcement agency.

Judge Ohta emphasized that this bail deviation process is determining whether the individual is to be detained or released. This is not determining if the bail amount will be reduced.

Arraignment

The pilot program for bail deviation at the Arraignment stage will be handled at the Clara Shortridge Foltz Criminal Justice Center (CJC). CJC has 65 judicial officers and processes about one-third of all criminal filings in Los Angeles County.

The Probation Department oversees pre-trial supervision and will use the C-CAT (Criminal Courts Assessment Tool) to perform risk assessments of detainees.

It is expected that many lower risk individuals will be identified and released at the bail deviation phase, so this part of the pilot will have a focus on those individuals that are mid-level risk and lower-level risk that have not been released.

Currently, pretrial detainees in the local jail are transported to CJC where the prosecutor makes a filing decision in which the individual is either released or arraigned. With the pilot program, the detainees will be interviewed by Pretrial Services and the C-CAT assessment will be completed prior to the prosecutor's filing decision. This will likely happen before the detainees are transported to the Court. An interview protocol will need to be developed.

Judge Ohta noted that this will create some inefficiencies in that the District Attorney's Office and City Attorney's Office will not file on everyone, so some individuals will be interviewed unnecessarily. However, given the time constraints, it will ultimately be more efficient to have the interviews conducted before the detainees are brought to Court.

Following the prosecutor's filing decision, if the detainee isn't released, the judicial officer and attorneys will use the C-CAT results in decision making at the bail review phase (P.C. Section 1275). The C-CAT score will be considered along with the usual considerations of the seriousness of the offense, public safety, criminal history, and flight risk.

Under the current system, there are not many requests for bail review (bail hearing). However, under this pilot program, it is expected that there will be an increase in the number of requests for bail review. For those that are released, there will be a supervised release component that has not previously been in place.

Discussions are being held to develop a list of excluded offenses in this screening process. For certain charges, the detainee may be excluded from the Pretrial Services interview.

There are also discussions regarding the development of a release matrix concerning the services and release conditions for low, middle, and high-risk individuals.

Judge Ohta emphasized that the development of both the Bail Deviation phase and Arraignment phase of the pilot program remains flexible and that changes may be made as needed.

Data Collection

All of the data that is collected from the pilot programs will be transmitted from the participating Superior Courts to the Judicial Council in order to study whether the risk assessment tools are performing in an appropriate manner.

Senate Bill 36

Senate Bill 36 (SB 36) is a new law that adds a section on validating/studying risk assessments to the California Penal Code (P.C. 1320.35). Specifically, SB 36 requires the following:

- Validate risk assessment tools by January 1, 2021.
- Continue to validate the risk assessment tools no less frequently than once every three years.
- The Judicial Council is to maintain a list of agencies that satisfy these conditions.
- Local government agencies that use a risk assessment tool, along with the California Department of Justice (DOJ) and the Superior Courts, are to transmit data to the Judicial Council.
- Beginning on December 31, 2020, and each year thereafter, the Judicial Council is to publish a report on its website that shows data related to outcomes and potential biases in pretrial release.

Questions

Mr. Landres inquired about the \$17.3 million that is being allotted for the pilot program. Judge Ohta stated that much of this has already been earmarked for the electronic infrastructure that will be needed. There will also be funding for the Probation Department for the supervision component.

Chief Tim Vu of the San Gabriel Valley Police Chiefs Association inquired as to when local police departments will be notified of the program's implementation. Judge Ohta stated that the plan is for the Spring of next year, but presentations are expected to be made to impacted justice partners prior to then.

Andrea Welsing of the Department of Public Health inquired about how the risk assessment tool will auto-populate with existing data. Judge Ohta stated that the information comes from rap sheet data, such as failures to appear, prior convictions, and other elements of a person's criminal history.

Chief Vu noted that local law enforcement may have relevant information in addition to the information that is provided by the DOJ for auto-populating a risk assessment tool.

While there currently isn't a procedure for local law enforcement to have their information added to the risk assessment tool, Judge Ohta noted that individuals charged with serious and violent felonies, as well as other specified crimes, are not eligible for this pilot program.

Judge Sergio Tapia, Assistant Supervising Judge with the Criminal Division, added that the magistrate does receive information from local law enforcement and will not just have the risk assessment tool to rely on.

Erika Anzoategui, County Alternate Public Defender, inquired as to who will conduct the study. Judge Ohta stated that the Judicial Council will oversee that.

Anna Hovasapian, Justice Deputy for Supervisor Janice Hahn, asked if there will be a comparison among the different jurisdictions. Judge Ohta affirmed that the efficacy of the risk assessment tool will be studied in each of the participating counties that uses it.

ACTION: For information only.

VI. OTHER MATTERS / PUBLIC COMMENT

There were no public comments.

VII. ADJOURNMENT

The meeting was adjourned at 1:06 p.m.