

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE June 21, 2017 MEETING

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

MEMBERS AND ALTERNATES PRESENT

Chairman: Mark Ridley-Thomas, Supervisor, Second District and Chairman of the County Board of Supervisors

Reaver Bingham for Terri McDonald, County Chief Probation Officer
Kevin Brazile, Assistant Presiding Judge, Superior Court
*Patricia Carbajal for Sachi Hamai, County Chief Executive Officer
Janice Fukai, County Alternate Public Defender
Kelly Emling, Acting County Public Defender
*Jon Fuhrman for Ed Eng, Chair, County Economy and Efficiency Commission
Scott Gordon, Supervising Judge, Criminal Division, Superior Court
Kelly Harrington for Jim McDonnell, Sheriff
*Matt Hernandez for Richard Llewellyn, Interim Los Angeles City Administrative Officer
Christa Hohmann, Directing Attorney, Post Conviction Assistance Center
*Kelly Jones for Eric Garcetti, Mayor, City of Los Angeles
*Tim Kral for Mary Wickham, County Counsel
*Mary Laihee for Debra Duardo, Superintendent, County Office of Education
*Jim McGlynn for Sherri Carter, Superior Court Executive Officer
Edward McIntyre for Rodney Gibson, Chair, County Quality & Productivity Commission
*Julian Melendez for Charlie Beck, Chief, Los Angeles Police Department
Don Meredith for Joe Gardner, President, County Probation Commission
William Montgomery for Scott Minnix, Director, County Internal Services Department
Sam Ohta, Assistant Supervising Judge, Criminal Division, Superior Court
Chris O'Quinn, Chief, Southern Division, California Highway Patrol
Earl Perkins for Michelle King, Superintendent, Los Angeles Unified School District
Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program
Robert Philibosian, Peace Officers Association of Los Angeles County
*Susan Sullivan Pithey for Xavier Becerra, California Attorney General
Christopher Rogers, Acting County Coroner – Chief Medical Examiner
Devallis Rutledge for Jackie Lacey, District Attorney and Vice Chair of CCJCC
Robin Toma, Executive Director, County Human Relations Commission
Robin Toma for Cynthia Banks, Director, County Department of Workforce Development, Aging and Community Services
*Tara Yaralian for Jonathan Sherin, Director, County Department of Mental Health

***Not a designated alternate**

I. CALL TO ORDER / INTRODUCTIONS

Chairman Mark Ridley-Thomas, County Supervisor, Second District

The meeting was called to order at 12:05 p.m. by Los Angeles County Supervisor Mark Ridley-Thomas, Chairman of CCJCC.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Chairman Mark Ridley-Thomas, County Supervisor, Second District

There were no requests for revisions to the minutes of the May 17, 2017 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the May 17, 2017 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.

Annual Drug Court Conference – June 8, 2017

CCJCC's 14th Annual Drug Court Conference was held on Thursday, June 8, 2017, at The California Endowment. Approximately 200 individuals attended the conference, which included bench officers, prosecutors, defense attorneys, community service providers, mental health clinicians, and others that participate in rehabilitation programs.

Supervisor Ridley-Thomas provided the opening remarks at this event. Mr. Delgado thanked the Supervisor for his support of the conference.

The Drug Court Conference provides information and training on best practices for delivering substance use disorder treatment and other rehabilitative services to justice involved populations.

Presentations were made on the following topics:

- Implementation of the Drug Medi-Cal Organized Delivery System: System Transformation to Advance Recovery and Treatment Organized Delivery System (START-ODS)
- Overview of Changes Under Proposition 64, The Marijuana Legalization Initiative / Marijuana Use
- The Opioid Epidemic / A Comprehensive Review of Opioids

- Cognitive Behavioral Therapy Approach
- Services for the Homeless Population

Slide presentations for all of these topics can be accessed through the Drug Court Conference link on CCJCC's website at: ccjcc.lacounty.gov.

Supervisor Ridley-Thomas inquired about the feedback that has been received from participants. Mr. Delgado stated that the overall response has been positive.

Supervisor Ridley-Thomas requested that a summary of the evaluation feedback from the conference be provided to the committee.

ACTION: For information only.

IV. STATE LEGISLATIVE UPDATE

Patricia Carbajal, Office of Intergovernmental Relations, County CEO's Office

Patricia Carbajal of the County CEO's Office of Intergovernmental Relations and External Affairs appeared before CCJCC to provide an overview and status of current public safety legislation.

The State Legislature has introduced and considered about 2,000 legislative measures thus far this year. Any bill that has not made it out of the first house at this time is likely done for the year, but it may become a two-year bill.

Ms. Carbajal noted that the Governor has until June 30th to act on the state budget proposal.

Proposition 57

As part of the budget proposal, the state will be providing about \$15.4 million to Probation Departments statewide to assist with the implementation of Proposition 57, which was passed by voters last November. Los Angeles County is expected to receive about \$4.2 million of this total.

State Penalty Fund

The State Penalty Fund provides money for various public safety training programs based on a formula that is set in statute. However, because the revenues have been decreasing in the past few years, the State Legislature is seeking change the funding mechanism so that it is not based on an automatic formula but is instead assigned every year as part of an annual process.

For Fiscal Year 2017-2018, some programs are funded higher and some lower under this new proposal. For example, Peace Officer Standards and Training (POST) will be funded at \$46.5, which is higher than the \$28.8 million that it received last year.

Standards and Training for Corrections would be funded at \$17.2 million, just slightly higher than last year, while the Victims' Compensation Fund would drop to \$9.1 million from \$13 million. Another program that would receive a decrease in funding is the program that provides training to prosecutors and public defenders. Funding for this would drop from \$850,000 to about \$450,000.

Suspension of Drivers' Licenses

The proposed state budget would eliminate the ability to suspend an individual's driver's license for failure to pay court-imposed fines and fees. This is significant because this has been a tool that the courts use to try to collect on unpaid criminal fines and fees.

Bail Reform

Assembly Bill 42 (AB 42) and Senate Bill 10 (SB 10) are similar measures that would reform pretrial release procedures statewide by requiring that: (1) newly established county pretrial services agencies conduct pretrial risk assessments of arrested persons; and (2) that judges, taking into consideration the pretrial risk assessments and recommendations, set monetary bail only in limited circumstances and with the least restrictive options.

AB 42 is now a two-year bill. It failed passage on the Assembly Floor and was granted reconsideration on June 1, 2017.

SB 10 passed the Senate Floor on May 31, 2017, and is now proceeding to the Assembly for consideration.

Some counties, including through the California State Association of Counties (CSAC), have expressed concerns about the bills, particularly about the up-front costs to set-up the programs. Without funding from the state, this could be an unfunded mandate.

According to the Senate Committee on Appropriations, establishing county pretrial services agencies could cost hundreds of millions of dollars annually statewide. There are also unknown costs for courts to conduct new or longer bail determination hearings and hearings related to allegations of bail condition violations. However, with regard to detention, there are potentially significant local cost savings in terms of lower jail costs.

The Los Angeles County Probation Department did a preliminary analysis of the cost to establish a pretrial services agency as dictated by SB 10 and AB 42 and found that it could be around \$55.8 million a year. This doesn't take into consideration legal services, the costs to the Superior Court, or any other kind of supportive service.

Ms. Carbajal noted that the authors of the bills, Senator Robert Hertzberg with SB 10 and Assembly Member Robert Bonta with AB 42, have both publicly committed to working with counties to address the cost issues.

The County of Los Angeles has also begun to address the issue of bail reform. On March 8, 2017, the Board of Supervisors adopted a motion directing key departments and stakeholders to review the current bail and pretrial release practices; and to review options to reform the bail system, including the establishment of a Pretrial Services Division, an evidence-based risk assessment tool, and potential for alternatives to use of bail bondsman. The report on these matters is due to the Board of Supervisors in July 2017.

Additional Comments

Deputy Probation Officer Reaver Bingham reported that, as part of Proposition 63, the Probation Department is required to create a program to ensure that individuals convicted of felonies and certain misdemeanors turn in their weapons.

Probation has been working with the Superior Court to develop a protocol, but the cost could amount to \$15 million for additional staff. As this is an unfunded mandate, counties will be required to provide the funding to implement this.

ACTION: For information only.

V. UPDATE ON EFFORTS TO IMPROVE COUNTY JAIL CONDITIONS AND THE DELIVERY OF SERVICES

Assistant Sheriff Kelly Harrington, Sheriff's Department

Jackie Clark, Correctional Health Director, Department of Health Services

Karen Dalton, Assistant Division Director, Custody Services – Specialized Programs, Sheriff's Department

Assistant Sheriff Kelly Harrington of the Sheriff's Department appeared before CCJCC to provide an update on efforts to improve County Jail conditions and the delivery of services.

Joining Assistant Sheriff Harrington in this presentation were Jackie Clark, Correctional Health Director, Department of Health Services, and Karen Dalton, Assistant Division Director, Custody Services – Specialized Programs, Sheriff's Department.

Transition of Medical and Mental Health Staff

The transition of medical and mental health staff in the jails from the Sheriff's Department to the Department of Health Services (DHS) was approved by the Board of Supervisors in 2015 and was completed on May 1st of this year.

Both Departments continue to work with one another to address issues that arise and amendments to the Memorandum of Understanding (MOU) as made as needed.

Assistant Sheriff Harrington introduced Jackie Clark, Correctional Health Director. He stated that Ms. Clark brings a wealth of experience and knowledge to healthcare operations for the jails.

Ms. Clark provided the committee with an update on the transition process and ongoing issues that are being addressed.

One of the immediate concerns is that of filling vacant positions. Correctional Health Services is currently trying to fill 558 vacant positions in the jails. Many of these are clinical positions. The vacancies include more than 200 RN vacancies and about 110 LVN vacancies.

An update on the transition was provided to the Board of Supervisors on March 17, 2017. Since that time, a Chief Medical Officer (CMO) was hired and, as of June 16th, a second CMO has been brought on board.

Primary care guidelines are being developed to provide standard procedures in how patients are treated. For example, community standards of care are being developed for typical diseases like hypertension, diabetes, asthma, and other common illnesses.

Standardized procedures are also being implemented for nurses to initiate alcohol and drug detox. DHS is working with the Sheriff's Department to identify a location where individuals can be monitored and provided with appropriate medication.

Nurses are provided at all times in all of the jail facilities and efforts are being made to provide extra training to a core group of nurses to respond to emergencies. This would be the equivalent to a Code Blue Team in a hospital.

Ms. Clark noted that the jails are one of the few areas where a nurse is the first clinical person on the scene. In other places, such as acute care hospitals and emergency rooms, the person is brought in by others that have assessed and stabilized the patient. In the jails, the nurses and Sheriff's deputies are the first people on the scene. The nurses therefore need trauma and acute care training.

The medical records system is currently still under the Sheriff's Department responsibility and control. An amendment to the MOU would place this under the control of the medical staff. This would allow them to prioritize what is in the health record.

Cooperation with the Los Angeles County Medical Center (LAC) is focusing on improving the transition of patients between the jails and the hospital, and vice versa. Monthly meetings are being held to improve communications and steps have been taken to facilitate the sharing of information. Ms. Clark noted that, in addition to helping the patients, this can also help to eliminate duplication of procedures.

Prison Rape Elimination Act (PREA)

Assistant Sheriff Harrington introduced Karen Dalton, Assistant Division Director, Custody Services – Specialized Programs with the Sheriff's Department, to provide information about the Prison Rape Elimination Act (PREA).

PREA was signed by Congress in 2003 and applies to every jail, prison, and community corrections facility throughout the United States. The intent is to prevent, detect, and respond to sexual abuse and sexual harassment in these settings. A commission was formed that was charged with creating standards that would guide PREA. These standards were finalized in 2012 and adopted in 2013.

Also in 2013, the Sheriff's Department applied for and received a grant for consultants to assist with implementation of PREA in this county.

Ms. Dalton noted that PREA does not just apply to the County Jail system. It also involves station jails, the Court system, and the Sheriff's inmate transportation system.

Implementation of PREA involved an overhaul of the custody environment. This has included modifying standards and procedures as needed and ensuring that all individuals working in the custody environment are properly trained in the Department's PREA policies.

Posters have been placed throughout the jail system that provides inmates with information for reporting sexual abuse and/or harassment.

In addition, the Sheriff's Department is changing the process for how inmates are classified. New questions will be used in the classification process to help identify potential victims and potential perpetrators. This has implications for how the inmates are housed.

Transgender Housing

The housing of inmates is a significant issue with respect to transgender and intersex inmates.

A Gender Identity Review Board (GIRB) has been created that reviews the status of individuals through interviews and a series of questions. PREA states that inmates cannot be housed based on genitalia. Instead, PREA standards mandate taking into consideration gender identity.

GIRB meets on an as needed basis. It consists of representatives from the medical staff, mental health staff, custody staff, Office of the Inspector General (OIG), Just Detention International (JDI), and the LGBTI community. JDI are grant-funded consultants.

The GIRB meets with individuals and reviews aspects of their lives, such as how long they have lived as a transgender, how they identify themselves in public, and if they feel most comfortable in the presence of men or women. After consulting with Department experts, the group determines how to safely house the individual. Medical and mental health issues are also considered.

If the inmate is coming to the jail from the California Department of Corrections and Rehabilitation (CDCR), the Sheriff's Department will work with CDCR to provide an efficient transition and ensure a continuation of any medical services.

Questions

Earl Perkins of the Los Angeles Unified School District inquired as to how PREA applies to juvenile facilities. Ms. Dalton confirmed that PREA does apply to juvenile facilities as well. The training is similar, although the standards and guidelines that apply to juveniles are stricter than for adults.

Robin Toma, Executive Director of the County Human Relations Commission, inquired as to whether there is consultation with organizations in selecting LGBTI representation for GIRB. Ms. Dalton stated that the Los Angeles Lesbian and Gay Center has assisted with PREA implementation and they have provided LGBTI representation on GIRB.

Assistant Sheriff Harrington added that the Sheriff's Department has also sought input from the ACLU and the Office of Inspector General (OIG).

Supervisor Ridley-Thomas inquired with Ms. Dalton as to the number of inmates in the jail that would fall under the review of GIRB. Ms. Dalton stated that there are currently about 15 to 20 inmates that they are aware of and are working with.

Supervisor Ridley-Thomas inquired with Ms. Clark as to how the number of vacancies compares to the total number of employees under her supervision. Ms. Clark stated that there are about 2,600 positions total, so the 558 vacant positions represent a vacancy rate of over 20%.

Supervisor Ridley Thomas asked Assistant Sheriff Harrington to give an update on the status of the Department of Justice (DOJ) reviews with respect to the mental health population.

Assistant Sheriff Harrington stated that the mental health population in the jails continues to grow. There are around 1,000 more inmates in the jail mental health programs now as compared to two years ago. He stated that the DOJ monitoring appears to be going well, although there are still some areas of clinical evaluations where there is some difficulty, possibly due to the vacancies. There are also some issues with medication management.

Supervisor Ridley-Thomas stated that the Sheriff's Department and this committee should closely monitor the trend with the mental health population in the jails. It is hoped that Measure H and the county's efforts to address homelessness will result in a decrease in the number of mentally ill individuals in the jail system over time. With an increase in the number of mentally ill individuals receiving services and support outside of the jails, there should be a corresponding reduction in the number that become incarcerated. A follow-up on this issue should be conducted when more data has been accumulated.

Mr. Toma inquired as to how the Sheriff's Department measures the impact of PREA. Ms. Dalton stated that, as the implementation is still new, there hasn't been enough time to determine any trends. She added that any allegation is investigated and the Sheriff's Department will be tracking the impact of PREA implementation on the number of reported incidents.

Tara Yaralian from the Department of Mental Health (DMH) inquired as to the level of housing provided to the increased number of individuals in jail mental health programs during the past two years.

Ms. Clark stated that High Observation Housing (HOH), which is the high security level, has increased in the past two years. Overall, the mental health population increased from 3,710 in 2015 to 4,713 in May 2017. The HOH for men was 641 in 2015 and 866 as of June 9th. HOH for women was 199 in 2015 and 264 as of June 9th. Ms. Clark noted that the HOH population needs the most assistance.

ACTION: For information only.

VI. OTHER MATTERS / PUBLIC COMMENT

There were no public comments.

Earl Perkins of the Los Angeles Unified School District (LAUSD) announced that he will be retiring at the end of this month. Mr. Perkins has served on this committee as an alternate for the LAUSD Superintendent for the past 13 years. He has also worked at LAUSD for the past 40 years.

Mr. Perkins thanked Supervisor Ridley-Thomas and this committee for the work that is being done for youth and the community.

VII. ADJOURNMENT

The meeting was adjourned at 12:58 p.m.