

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE
MINUTES OF THE January 21, 2015 MEETING
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 739
Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Chair: Michael Antonovich, Mayor, County of Los Angeles

Jackie Lacey, District Attorney and Vice Chair of CCJCC

*Richard Barrantes for Jim McDonnell, Sheriff

Dan Bower, Chief, Southern Division, California Highway Patrol

Ronald Brown, County Public Defender

Daniel Calleros, President, Southeast Police Chiefs Association

*Dardy Chen for Sachi Hamai, Interim County Chief Executive Officer

Mark Fajardo, County Coroner – Medical Examiner

Walter Flores for Ramon Cortines, Superintendent, Los Angeles Unified School District

Janice Fukai, County Alternate Public Defender

Scott Gordon, Assistant Supervising Judge, Criminal Division, Superior Court

Scott Gordon for James Brandlin, Supervising Judge, Criminal Division, Superior Court

*Dan Jeffries for Mike Feuer, Los Angeles City Attorney

David Jennings, Field Office Director, U.S. Immigration and Customs Enforcement

Mark Matsuda, President, South Bay Police Chiefs Association

Jonathan McCaverty for Mark Saladino, County Counsel

Emilio Mendoza for Philip Browning, Director, County Department of Children and
Family Services

Don Meredith for Cyn Yamashiro, President, County Probation Commission

*Alex Mishkin for Eric Garcetti, Mayor, City of Los Angeles

William Montgomery for James Jones, Director, County Internal Services Department

Michel Moore for Charlie Beck, Chief, Los Angeles Police Department

Margarita Perez for Jerry Powers, County Chief Probation Officer

Robert Philibosian for Isaac Barcelona, Chair, County Economy and Efficiency
Commission

*Ashley Phillips for Cynthia Harding, Acting Director, County Department of Public
Health

*Ray Regalado for Cynthia Banks, Director, County Department of Community & Senior
Services

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

Richard Sanchez, County Chief Information Officer

Joseph Santoro, Independent Cities Association

Jim Smith for Jorge Cisneros, President, Los Angeles County Police Chiefs Association

Jim Smith for Bob Guthrie, President, San Gabriel Valley Police Chiefs Association

Erin Zapata for Carlos Canino, Special Agent in Charge, U.S. Bureau of Alcohol,
Tobacco, Firearms and Explosives

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Jeffrey Beard, Secretary, California Department of Corrections and Rehabilitation
Michelle Carey, Chief U.S. Probation Officer
Sherri Carter, Superior Court Executive Officer
Arturo Delgado, Superintendent, County Office of Education
Mitchell Englander, Los Angeles City Council, 12th District
Peter Espinoza, Judge, Los Angeles Superior Court
Kamala Harris, California Attorney General
Christa Hohmann, Directing Attorney, Post Conviction Assistance Center
Carolyn Kuhl, Presiding Judge, Superior Court
William Lewis, Assistant Director in Charge, Los Angeles Division, Federal Bureau of Investigation
Steven Ly, California League of Cities
Edward McIntyre, Chair, County Quality & Productivity Commission
Michael Nash, Supervising Judge, Juvenile, Superior Court
Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program
Hilary Potashner, Federal Public Defender
Richard Propster, Peace Officers Association of Los Angeles County
Miguel Santana, Los Angeles City Chief Administrative Officer
David Singer, United States Marshal
Marvin Southard, Director, County Department of Mental Health
Mark Waronek, Executive Board Member, California Contract Cities Association
Mike Webb, County Prosecutors Association
Anthony Williams, Special Agent in Charge, U.S. Drug Enforcement Administration
Stephanie Yonekura, U.S. Attorney

I. CALL TO ORDER / INTRODUCTIONS

Jackie Lacey, District Attorney

The meeting was called to order at 12:05 p.m. by Los Angeles County District Attorney Jackie Lacey, Vice Chair of CCJCC.

Self-introductions followed.

NOTE: District Attorney Lacey served as Chair Pro Tem of this meeting until Mayor Michael Antonovich arrived.

II. APPROVAL OF THE MINUTES

Jackie Lacey, District Attorney

There were no requests for revisions to the minutes of the December 17, 2014 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the December 17, 2014 meeting was seconded and approved without objection.

III. PROPOSITION 69 DNA SAMPLE COLLECTIONS

Assistant Sheriff Richard Barrantes, Sheriff's Department
Elizabeth Miller, Principal Deputy County Counsel

Assistant Sheriff Richard Barrantes appeared before CCJCC to provide an update on DNA sample collections in light of the California Appellate Court decision in *People v. Buza*.

As a reminder, at the previous CCJCC meeting on December 17, 2014, Marguerite Rizzo of the District Attorney's Office made a presentation on the recent decision in *People v. Buza* and its impact on DNA sample collections from felony arrestees. Specifically, the Appellate Court's ruling invalidated a provision of Proposition 69 (DNA Fingerprint, Unsolved Crime and Innocence Protection Act) that provided for DNA samples to be collected from individuals that are arrested for felonies.

In response to the Court's decision, the Sheriff's Department and other local law enforcement agencies ceased collection of DNA samples from felony arrestees at the arrest and booking stage.

Assistant Sheriff Barrantes informed the committee that the California Attorney General's Office has filed a petition with the California Supreme Court challenging the Appellate Court's ruling. If the Supreme Court accepts the petition for review, then the lower Court's decision would no longer be legally binding.

The Supreme Court will decide within the next 30 to 60 days. If it does agree to hear the case, local law enforcement agencies will revert back to procedures prior to the *People v. Buza* decision and will again begin collecting DNA samples from felony arrestees.

In addition, legislation is pending in the California Legislature that would modify existing law and allow for the collection of DNA samples from felony arrestees when a Probable Cause Determination (PCD) has been signed by the Court. If the Supreme Court does not agree to hear the case, or if it upholds the decision of the Appellate Court, this legislation may form the basis for new collection procedures.

Assistant Chief Michel Moore of the Los Angeles Police Department inquired about the legislation's sponsor and bill number. Assistant Sheriff Barrantes informed the committee that the legislation is Assembly Bill 84 (AB 84) and the sponsor is Assemblyman Mike Gatto.

Assistant Chief Moore also asked if the California Department of Justice (DOJ) has agreed to resume entries into the state database if the Supreme Court accepts the

petition for review. Currently, due to the *People v. Buza* decision, the DOJ does not enter DNA information taken from felony arrestees.

Principal Deputy County Counsel Elizabeth Miller stated that she is not aware if DOJ has indicated what actions they will take. Assistant Sheriff Barrantes stated that the Sheriff's Department would resume DNA collections of felony arrestees and send the results to DOJ.

Assistant Chief Moore suggested that a letter be sent to DOJ on behalf of CCJCC to encourage DOJ to resume entries into the statewide database (of felony arrestee DNA information) in the event that the Supreme Court agrees to hear the case. It was agreed that this letter will be prepared and sent.

With regard to AB 84, District Attorney Lacey emphasized that the legislation would not nullify the Appellate Court ruling or reinstate the law as it existed prior to the Court's decision last December.

Ms. Miller agreed with this assessment and stated that the legislation is designed to address some of the issues raised in the *People v. Buza* decision, but not everything.

More information on AB 84 can be found at the following link:

http://www.legislature.ca.gov/cgi-bin/port-postquery?bill_number=ab_84&sess=CUR&house=B&author=gatto_gatto

In response to a question from District Attorney Lacey, Assistant Sheriff Barrantes clarified that the Sheriff's Department is not collecting DNA samples from felony arrestees at the time of booking, but is still taking their DNA samples when there is a Court order to do so or upon a conviction of the individual.

In response to a question from John Ruegg, Director of the Information Systems Advisory Body (ISAB), Assistant Sheriff Barrantes stated that AB 84 would provide the Sheriff's Department with authority to take a DNA sample when a PCD has been approved by the Court.

ACTION: A letter will be sent to DOJ on behalf of CCJCC that requests the DOJ to resume entries into the statewide database (of felony arrestee DNA information) in the event that the California Supreme Court agrees to hear the case of *People v. Buza*.

IV. INFORMATION SYSTEMS ADVISORY BODY (ISAB) SEMI-ANNUAL REPORT

John Ruegg, Director, ISAB

John Ruegg, Director of the Information Systems Advisory Body (ISAB), appeared before CCJCC to present ISAB's Semi-Annual Report.

ISAB is a standing subcommittee under CCJCC. Its core mission is to facilitate the sharing of information across the criminal justice enterprise using standards-based protocols and technologies.

Mr. Ruegg highlighted the following developments for this reporting period:

Proposition 47 – System Modifications

Felony crimes for drug possession, forgery, petty theft, grand theft, embezzlement, and non-sufficient funds checks have all been reduced or redefined pursuant to the passage of Proposition 47 on November 4, 2014. As a result, many data systems throughout the County's criminal justice system have had to be updated. Modifications have been made to accommodate the changes brought about this law. This has included updates to crime charging tables.

Additionally, the District Attorney's Office has defined new offense codes for criminal cases based on the law change, and ISAB has been promulgating those through the different systems.

Probation Conditions

Working with the Probation Department and DOJ, ISAB has implemented an ongoing electronic data delivery of enforceable probation conditions for all Los Angeles County probationers to the statewide CalDOJ SmartJustice system. SmartJustice is a new application created by DOJ.

Law enforcement agencies in other California counties will now have access to this information when Los Angeles County probationers are stopped or arrested in those counties.

Additionally, a new Probation/Parole compliance electronic form was implemented. The compliance event data is also automatically delivered to SmartJustice.

Both of these systems adaptations are important tools in the implementation of AB 109.

Justice Automated Information Management Statistics (JAIMS)

ISAB completed development of Phase 1 of the Justice Automated Information Management Statistics (JAIMS) system. JAIMS consolidates all Los Angeles County arrests, custody releases, court cases, probation conditions, and re-arrests into a single

database for performing statistical analysis of AB 109 impacts on the criminal justice system.

With the completion of Phase 1, the database and reporting layer of the system is in place for AB 109 related reports.

District Attorney Law Enforcement Subpoenas

The number of District Attorney law enforcement subpoenas being served electronically via the ISAB Proactive Information Exchange (PIX) software has increased from eighty-four (84%) to eighty-seven per cent (87%). Over twenty-seven law enforcement agencies are now participating, along with the Probation Department, Public Defender's Office, Alternate Public Defender's Office, and the Department of the Coroner.

This has been a productivity improvement project that has been ongoing for several years, but now it is expanding with additional departments/agencies participating.

Mobile Web App For PCDs

ISAB completed the development of a mobile web app for Superior Court judges to approve/reject law enforcement submitted electronic Probable Cause Determination (PCD) documents. The initial deployment will be to the Superior Court's North District, which is targeted to begin implementation during this first quarter of 2015.

This enhancement to the electronic PCD application process provides an interface that allows judges to review the information on tablets, smart phones, or other mobile devices. Prior to this, the electronic PCD documents had to be viewed on a windows computer using Internet Explorer.

Mobile Web App Interface With CWS

In January 2014, the Productivity Investment Fund (PIF) awarded a grant to ISAB and the Sheriff's Department (LASD) to develop a modern mobile web app interface to the Countywide Warrant System (CWS). The award was for Phase 1 of a three phase CWS modernization project. The new mobile web app will provide law enforcement agencies with maps of warrants to be served by reporting district, photos of the individual for the warrant (if available from DMV/MugShot database), officer hazards, and advanced name search capabilities utilizing any modern web browser. The contract for the development of the new mobile web app is projected to be in place by March 2015.

As has been noted in previous presentations to this committee, the existing CWS is outdated and is in need of a significant upgrade. The PIF funding from the Los Angeles County Quality and Productivity Commission has allowed ISAB to move forward with the multi-phase improvement effort.

Questions

District Attorney Lacey asked if there were costs associated with the system changes necessitated by the passage of Proposition 47. Mr. Ruegg reported that there were costs, but these were absorbed by existing resources that currently support each of the data systems.

District Attorney Lacey also inquired about an open data sharing website that the county is working on. Mr. Ruegg stated that the County Chief Information Office is in charge of that project.

A motion was made to approve the ISAB Semi-Annual Report for submission to the County Board of Supervisors.

ACTION: The motion to approve the ISAB Semi-Annual Report for submission to the County Board of Supervisors was seconded and approved without objection.

V. IMPLEMENTATION OF PROPOSITION 47

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

Assistant Supervising Judge Scott Gordon of the Los Angeles Superior Court's Criminal Division appeared before CCJCC to provide an update on the impact that Proposition 47 implementation has had on the Court and the criminal justice system.

Background

As a reminder, on November 4, 2014, Proposition 47 (The Safe Neighborhoods and Schools Act) was passed by the voters of California. As discussed at previous CCJCC meetings, this law reduces certain property and drug offenses from felonies or wobblers to misdemeanors. In addition, since the law is retroactive, certain offenders who have been previously convicted of those crimes may apply to have their felony convictions changed to misdemeanors. This law became effective upon its passage.

Judge Gordon reported that the Superior Court has a total of 294 judicial officers handling criminal matters. As an overview of the volume of cases handled by the Court, he noted that there were 15,308 felony filings, 55,467 limited felony filings, and 313,627 misdemeanor filings in Los Angeles County in 2013. Also in that year, the Criminal Division was responsible for the adjudication of 34,283 non-traffic infraction filings and 1,370,365 traffic infraction filings.

The Court held meetings with its justice partners prior to November 2014 to prepare for procedural changes needed in the event of the passage of Proposition 47. As a result, the Court had a number of protocols that went into place the day after the election.

Projected Volume

The following is the number of cases projected to be affected by Proposition 47:

- Pending Felony Cases: 4,000 to 14,000
- Sentenced Cases: 20,000
- Post-Conviction Cases: 300,000 +
- New Misdemeanor Filings:
 - City Attorney Increased Filings: 13,500 (17%)
 - District Attorney Estimates
Filings Countywide: 19,702

From November 5, 2014 (the day after the election) through December 31, 2014, the Court received 5,410 petitions for recall and resentencing and 2,128 applications for conversion to a misdemeanor. The number of pre-conviction filings and requests during that period was 4,764, for a total of 12,302 filings in nearly a two month period.

The Court is averaging more than 1,200 Proposition 47-related filings per week, and it is expected that there will be more than 60,000 filings per year.

Judge Gordon explained that a “petition” is filed when an individual has been convicted, but is still serving the sentence (i.e., incarceration, probation, or parole). An “application” is filed when an individual has completed the sentence and wishes to change their criminal record. The sentence that the person is seeking to change could be recent or very old.

Disqualifying Offenses

There are a number of disqualifying prior offenses that will prevent an otherwise qualifying individual from having a felony sentence reduced to a misdemeanor under Proposition 47.

Individuals that are excluded from Proposition 47 include:

- Persons with a prior conviction requiring sex offender registration pursuant to Penal Code §290(c).
- Persons with a prior conviction for an offense listed in Penal Code §667(e)(2)(C)(iv).

Penal Code §667(e)(2)(C)(iv) includes the following offenses:

- Any homicide defined in Penal Code §§ 187 to 191.5, attempted murder, and solicitation to commit murder.
- A sexually violent offense as defined in Welfare & Institutions Code §6600(b).

- Oral copulation, sodomy, or sexual penetration on a child under 14 and perpetrator more than 10 years older, and lewd and lascivious acts on a child under age 14 (PC §§ 288, 288a, 286 and 289).
- Assault on a peace officer or firefighter with a machine gun.
- Possession of a weapon of mass destruction.
- Any serious or violent felony punishable by life imprisonment or death.

Qualifying Offenses, New Codes, and Modifications

Qualifying felonies under Proposition 47 include:

- PC §470: Forgery if the amount of loss does not exceed \$950.
- PC §476a: Passing bad checks if the aggregate amount does not exceed \$950.
- PC §496: Receiving stolen property if the value of the property does not exceed \$950.
- PC §487: Grand theft if the value of the property does not exceed \$950
- H&S §§ 11350, 11357(a) and 11377(a):
Possession of controlled substance.

In addition, Penal Code Section 459.5 (PC §459.5) is a new misdemeanor offense of shoplifting that was created by Proposition 47. Under this new law, shoplifting is defined as entering a commercial establishment while the establishment is open during regular business hours with the intent to commit larceny where the value of the property taken or intended to be taken does not exceed \$950.

Any act of shoplifting under this law shall be charged as shoplifting, and no one charged with shoplifting may be charged with burglary or theft of the same property. Priors do not elevate it to a felony.

Judge Gordon reported that the dollar limit of \$950 raises questions when considering petitions or applications for resentencing. The dollar amount may not have been a concern when the case was first heard, so evidence may not have been provided. However, the value of the theft becomes critical in determining if the conviction is to be changed from a felony to a misdemeanor.

Furthermore, with applications pertaining to cases that are many years old, questions arise as to whether to look at the dollar amount at the time of the crime, or as it would be valued today. Another problem arises where there are multiple defendants and the Court needs to determine whether the amount is to be looked at in the aggregate.

These and other legal questions resulting from Proposition 47 will need to be resolved.

The crime of petty theft with a prior has been modified under Proposition 47. PC §666 remains a wobbler, but *only* applies to persons who have to register under the Sex Offender Registration Act, or have a prior conviction for offenses listed in PC

§667(c)(2)(C)(iv), or pursuant to PC §368, subsections (d) or (e). One prior conviction is required rather than three.

Under Proposition 47, grand theft has been redefined in PC §490.2 to state that, notwithstanding Section 487 or any other provision of law defining grand theft, theft of money, labor, real or personal property, the value of which does not exceed \$950, shall be considered misdemeanor petty theft and shall be punished as a misdemeanor. An exception is that a person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in PC §667(e)(2)(C)(iv), or has to register pursuant to PC §290(c).

Several common offenses currently classified as felony grand theft become misdemeanor petty theft if the value of the property does not exceed \$950. These include theft from the person, theft of an automobile, theft of a firearm, and theft of an access card.

Petition and Application Procedures

The Court has created a form for individuals seeking to have a felony changed to a misdemeanor under Proposition 47, but as yet there is no specific form that is required by law.

Petitions for the recall and resentencing of felony convictions are addressed in a new code, PC §1170.18(a).

Upon receiving a petition, the Court must determine whether the petitioner is serving a sentence for a qualifying felony and is not otherwise disqualified. If qualified, the petitioner's felony sentence shall be recalled and the petitioner resentenced to a misdemeanor unless the Court, in its discretion, determines that resentencing the petitioner would pose an unreasonable risk of danger to public safety.

Working with its justice partners, the Court has arranged for each Judicial District to designate one courtroom where the petitions are to be heard. In the Central District, there are two separate courtrooms where these cases are being handled.

The provision allowing a Court to find that there is an unreasonable risk of danger to public safety is defined in PC §1170.18(c). It essentially means that there is an unreasonable risk that the petitioner will commit a new violent felony within the meaning of PC §667(e)(2)(C)(iv).

When a petition is filed, the District Attorney's Office may approve the petition, in which case there doesn't have to be a hearing. If there is an objection, a hearing is held.

If the objection is due to the prosecution's claim of an unreasonable risk of danger to public safety, an adversary proceeding is held where the District Attorney's Office has the burden of showing dangerousness by a preponderance of the evidence, but not

beyond a reasonable doubt. The petitioner has a right to be present, but can waive this right, and the petitioner may submit exhibits and call witnesses.

All parties must be served with adequate notice. The Court will reject petitions where appropriate notice has not been given.

Applications to designate a felony conviction as a misdemeanor are addressed in PC §1170.18(f). This involves the same qualifying felonies as with petitions and the same exclusions (PC §§ 667(e)(2)(C)(iv) prior and 290(c) registrants).

District Attorney Lacey asked if the Court has reassigned judicial officers from felony cases to misdemeanor cases. Judge Gordon stated that the Court has not done this as of yet. The number of felony trials has not declined, and it is not yet known if a reassignment of judicial officers will be needed.

Updates From Departments

The District Attorney's Office cross-designated attorneys to handle Proposition 47 cases for the Los Angeles City Attorney, Long Beach City Attorney, Hawthorne City Attorney, and Inglewood City Attorney up through January 31, 2015.

Judge Gordon thanked the District Attorney for doing this and noted the unprecedented level of cooperation among the prosecuting agencies. District Attorney Lacey, in turn, thanked the City Attorneys for working with her office.

Beginning February 2, 2015, the City Attorneys will be assuming responsibility for these cases. In the Central District, a master misdemeanor calendar court has been designated for new filings.

Probation Department Update

Assistant Chief Margarita Perez of the Probation Department reported that an internal study showed that approximately 30% of 51,500 cases (felony probation, mandatory supervision, PRCS) appear to have a qualifying conviction, not taking into consideration any of the disqualifying factors.

Currently, 829 qualifying cases have been reduced to misdemeanors, and most of these have been closed by the Court. A total of 267 cases have resulted in the probation status being changed to summary probation, and 101 cases have been reduced with the individual remaining under the supervision of probation.

In the last couple of months, there have been approximately 170 fewer releases to probation supervision from state prison than what had been projected. Also during this time period, there were 800 to 1,000 fewer cases assigned to probation by the Court as felony sentenced individuals.

Prior to the passage of Proposition 47, there were 2,342 individuals on Proposition 36 (drug treatment) probation. Since Proposition 47 went into effect, that number has been reduced to 1,949. There are also 278 individuals under the jurisdiction of Drug Court, but also under probation supervision. There has been a slight reduction of just 1% of those cases.

Sheriff's Department Update on Jail Population Issues and Proposition 47 Impact

Chief Eric Parra of the Sheriff's Department provided an update on efforts to address jail overcrowding in the county. In response to a requirement that the State Department of Finance (DOF) suggest options for how the state may assist Los Angeles County with its mental health and infrastructure needs as it replaces Men's Central Jail, a report by DOF was submitted to the State Legislature on January 15, 2015.

The full AB 1468 Report can be found at the following link:

http://www.dof.ca.gov/budget/historical/2015-16/documents/AB-1468_Report-WEB.pdf

A variety of options are listed in the report, one of which would assist the county with \$160 million to \$200 million for repaying bonds that would be used for a replacement jail facility. They also offered to assist the county with additional mental health diversion options and additional Mentally Ill Offender Crime Reduction (MIOCR) grant funding. About \$18 million has been allocated for MIOCR grants, but the county is required to compete for a share of this. The state could arrange for funding to be targeted to Los Angeles County so that the county would not have to compete for it.

The state also suggests creating a collaborative corrections program between the state and county that would make the system more efficient. Redundancy could be eliminated in how inmates are classified. If the county provides space in the jail for the state to classify inmates at intake, this will make for a quicker and easier process if the individual is sent into a state facility.

The county will need to formalize its request to the state regarding the suggestions offered in the AB 1468 Report. The Jail Overcrowding Subcommittee, which is a standing subcommittee of CCJCC, will be convened to develop a proposal.

With respect to Proposition 47, the Sheriff's Department has seen a decline in the jail population resulting from fewer bookings. There have also been a little over 500 inmates that have either been reclassified or released. Further, the number of N3s has declined as certain previous felonies are now charged as misdemeanors.

The Jail population has dropped from a high of 19,200 in September 2014 to 16,500 today, after having initially fallen to 15,700.

As a result of the decrease in the jail population, the percentage of time served by traditional misdemeanants has increased (which accounts for why the population

numbers are trending back up). M7s, the more violent county sentenced inmates, are now serving 100% of their time and traditional misdemeanants are serving 90% of their sentences.

In response to a query from District Attorney Lacey, Chief Parra noted that the M7s had previously been serving 20% to 40% of their time, and traditional misdemeanants had previously been serving 10% of their sentences.

The composition of the population in the jail will likely continue to change as the number of N3s declines. However, Chief Parra reported that the number of mentally ill inmates has increased slightly. The reason for this is not clear at this time.

District Attorney Lacey stated that the Mental Health Task Force will be creating a work group that is required to apply for MIOCR grant funding. While there may not be much funding available now, it is possible that Proposition 47 will bring in more money to the Board of State and Community Corrections (BSCC) for mental health and substance abuse treatment. It is therefore important for the county to present a strong plan of action.

Alternate Public Defender

Los Angeles County Alternate Public Defender Janice Fukai stated that her office has been inundated with telephone calls from individuals seeking information or assistance concerning Proposition 47, although the number of calls has recently been decreasing. She commended the Court's judicial officers and staff for handling the implementation of this law with only existing resources.

Public Defender

Los Angeles County Public Defender Ron Brown reported that the public inquiries being received by his office have increased.

The Public Defender's Office has received a number of calls from individuals that had been represented by the Indigent Criminal Defense Appointments (ICDA) program. ICDA does not have a budget to accept collect calls, so many of the clients are calling the Public Defender's Office to request assistance with Proposition 47.

As the Public Defender cannot represent ICDA clients with their Proposition 47 requests, these individuals have been referred to Ezekiel Perlo, the Directing Attorney of the ICDA program.

Anna Mouradian, Justice Deputy for the Fifth District, County Board of Supervisors, asked Mr. Brown and Ms. Fujioka if their clients have been requesting substance abuse or mental health treatment services. Mr. Brown replied that demand for treatment has decreased as many clients view Proposition 47 resentencing as a means for either

avoiding incarceration or for being released from custody. Ms. Fukai concurred with this assessment.

District Attorney Lacey noted that new entries into the Adult Drug Court programs have been decreasing since the passage of Proposition 47, which reflects that many individuals do not feel compelled to enter substance abuse treatment when the alternative is a misdemeanor rather than a felony charge. Similarly, new entries in the Co-Occurring Disorders Court (CODC) program have dropped 42%.

Many individuals currently in drug court have opted to remain in the programs given that they are already enrolled and participating, but others have opted to be released through the misdemeanor resentencing.

Judge Gordon added that some individuals are taken into custody and brought back to court on a bench warrant, but the charge is then reduced to a misdemeanor and felony probation is terminated.

Los Angeles City Attorney

Dan Jeffries of the Los Angeles City Attorney's Office (LACA) reported that the Los Angeles City Council approved funding to hire new attorneys needed to handle the additional misdemeanor caseload. The LACA is now in the process of hiring those attorneys.

Mr. Jeffries thanked District Attorney Lacey for cross-designating attorneys to handle Proposition 47 cases up through the end of the month, thereby giving LACA the time needed to prepare to take over the caseload.

LACA attorneys have been working with Deputy District Attorneys to transition over the prosecution of Proposition 47 cases and filings. Beginning in the middle of January, LACA attorneys began making appearances in all of the cases, and they began filing cases at the beginning of the month. They will be completely handling all of the cases beginning on Monday, February 2nd.

Mr. Jeffries surmised that there may be a greater incentive for individuals to participate in substance abuse treatment now that misdemeanants are serving 90% of their sentences. Furthermore, many of these individuals will be coming into court having not served any time in jail, so there will be very little credit for time served. This is in contrast to the pre-Proposition 47 conditions where the drug possession charges were felonies and many of those charged had been held in custody before being brought to Court.

Los Angeles Police Department

Assistant Chief Michel Moore of the Los Angeles Police Department (LAPD) reported that narcotic arrests were down about 32% in November and December 2014. This is in comparison with the previous 60 days.

When compared to the same period last year, there is a 60%+ reduction in the number of felony drug narcotic arrests because the crimes are now primarily misdemeanors.

With respect to steering drug addicts into substance abuse treatment, Assistant Chief Moore noted that treatment programs have been mandated for other offenses that have historically been misdemeanors, such as driving under the influence and domestic violence. He suggested that legislation or other programmatic changes may be needed in order to similarly have treatment services mandated as a term of misdemeanor probation for drug possession.

ACTION: For information only.

NOTE: Mayor Michael Antonovich arrived during this presentation. He served as Chair for the remainder of the meeting following the discussion.

VI. OTHER MATTERS / PUBLIC COMMENT

A public comment was made by Mr. Joseph Maizlish.

VII. ADJOURNMENT

The meeting was adjourned at 1:05 p.m.