

# COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

## MINUTES OF THE April 19, 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

Jackie Lacey, District Attorney and Vice Chair of CCJCC  
Reaver Bingham for Terri McDonald, County Chief Probation Officer  
Kevin Brazile, Assistant Presiding Judge, Superior Court  
\*Bruce Brodie for Janice Fukai, County Alternate Public Defender  
\*Stephen Carmona for Charlie Beck, Chief, Los Angeles Police Department  
Beatriz Dieringer, California League of Cities  
Kelly Emling, Acting County Public Defender  
Ed Eng, Chair, County Economy and Efficiency Commission  
Peter Espinoza, Director, Office of Diversion and Reentry  
Bob Guthrie, President, Los Angeles County Police Chiefs Association  
Kelly Harrington for Jim McDonnell, Sheriff  
Doug Haubert, Long Beach City Prosecutor, County Prosecutors Association  
\*Ronald Iizuka for Scott Bixby, President, South Bay Police Chiefs Association  
Dan Jeffries for Mike Feuer, Los Angeles City Attorney  
\*Kelly Jones for Eric Garcetti, Mayor, City of Los Angeles  
David Marin, Field Office Director, U.S. Immigration and Customs Enforcement  
Jonathan McCaverty for Mary Wickham, County Counsel  
\*Jim McGlynn for Sherri Carter, Superior Court Executive Officer  
Edward McIntyre for Rodney Gibson, Chair, County Quality & Productivity Commission  
William Montgomery for Scott Minnix, Director, County Internal Services Department  
\*Joseph Nicchitta for Sachi Hamai, County Chief Executive Officer  
Sam Ohta, Assistant Supervising Judge, Criminal Division, Superior Court  
Sam Ohta for Scott Gordon, Supervising Judge, Criminal Division, Superior Court  
\*Felicia Orozco for Richard Llewellyn, Interim Los Angeles City Administrative Officer  
Earl Perkins for Michelle King, Superintendent, Los Angeles Unified School District  
Robert Philibosian, Peace Officers Association of Los Angeles County  
Maricela Ramirez for Debra Duardo, Superintendent, County Office of Education  
Christopher Rogers, Acting County Coroner – Chief Medical Examiner  
Robin Toma, Executive Director, County Human Relations Commission  
Robin Toma for Cynthia Banks, Director, County Department of Workforce Development, Aging and Community Services  
Omar Watson for Chris O'Quinn, Chief, Southern Division, California Highway Patrol  
\*Victoria Wilson for Xavier Becerra, California Attorney General  
\*Tara Yaralian for Jonathan Sherin, Director, County Department of Mental Health

**\*Not a designated alternate**

**I. CALL TO ORDER / INTRODUCTIONS**

Chairman Mark Ridley-Thomas, County Supervisor, Second District

The meeting was called to order at 12:00 noon 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 March 15, 2017 meeting. A motion was made to approve the minutes.

**ACTION: The motion to approve the minutes of the March 15, 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.

**Bringing Our Loved Ones Home Task Force**

As directed by the Board of Supervisors, the County Department of Workforce Development, Aging, and Community Services (WDACS) recently convened the Bringing Our Loved Ones Home Task Force to research the most effective ways to find individuals with autism, Alzheimer's disease, dementia, and other memory-related diseases in the event that they wander away from their caretakers (<https://goo.gl/oHq7On>). The first meeting was held on April 6<sup>th</sup>.

As the task force aims to address regional coordination needs on this issue, information from law enforcement or other local agencies on strategies implemented to locate and re-unite wanderers would be invaluable to the task force. CCJCC members were asked to contact Mr. Delgado with any information or recommendations that they wish to have shared with the task force.

**Annual Drug Court Conference – June 8, 2017**

CCJCC holds an Annual Drug Court Conference each Spring to offer prosecutors, defense attorneys, bench officers, probation staff, clinicians, and treatment providers information and training on best practices for delivering substance use disorder

treatment and other rehabilitative services to justice-involved populations. The training is provided at no cost to attendees, and continuing education credits are provided.

This year's event will be held on June 8<sup>th</sup> at The California Endowment. This will be the 14<sup>th</sup> year of this annual conference. As in previous years, CCJCC is partnering with UCLA Integrated Substance Abuse Programs for much of the training. Some of the topics planned include the Department of Public Health's implementation of the new substance use disorder treatment delivery system, opioid addiction issues, Proposition 64, and cognitive behavioral therapy for justice-involved individuals.

CCJCC staff will be distributing registration information in the coming weeks. Members were asked to share this with appropriate staff.

#### Convening of Community Corrections Partnership

The Probation Department will be convening the Community Corrections Partnership (CCP) for a briefing on a proposed Senate Bill 678 (SB 678) spending plan. The targeted date for this meeting is May 11<sup>th</sup>.

**ACTION: For information only.**

#### **IV. PROPOSITION 64 – MARIJUANA LEGALIZATION INITIATIVE**

Joseph Nicchitta, Countywide Coordinator, Office of Cannabis Management,  
County Chief Executive Office  
Richard Bruckner, Director, County Department of Regional Planning  
Cynthia Harding, Chief Deputy Director, County Department of Public Health  
Olyvia Rodriguez, Manager, CEO – Legislative Affairs and Intergovernmental  
Relations

Joseph Nicchitta, Countywide Coordinator of the Office of Cannabis Management in the County Chief Executive Office, appeared before CCJCC to provide a follow-up presentation to the discussion of Proposition 64 (the Marijuana Legalization Initiative) that was had at last month's CCJCC meeting.

Mr. Nicchitta was joined in this presentation by the following individuals:

- Olyvia Rodriguez, Manager, County Chief Executive Office – Legislative Affairs and Intergovernmental Relations;
- Cynthia Harding, Chief Deputy Director of the County Department of Public Health; and
- Richard Bruckner, Director of the County Department of Regional Planning.

At the CCJCC meeting that was held on March 15, 2017, both medical and adult recreational-use cannabis laws were discussed. As a review, the Medical Cannabis Regulation and Safety Act (MCRSA) governs medical cannabis laws and the Adult Use of Marijuana Act (AUMA), enacted with the passage of Proposition 64, governs recreational or non-medical cannabis.

Other issues that were discussed at last month's meeting included resentencing under Proposition 64, law enforcement concerns, and the next steps for developing Los Angeles County's regulatory program for commercial cannabis.

The follow-up presentation at this meeting will focus on the following topics:

- Developments at the federal and state level that could affect local implementation of commercial cannabis laws
- Public health perspectives after Proposition 64
- Zoning and land use concerns
- Equity and social justice concerns

### Shifting Federal Approach to Cannabis

#### *Cole Memo*

Mr. Nicchitta reported that an important influence on current federal policy with regard to commercial cannabis is a document known as the "Cole Memo." This was a U.S. Department of Justice (DOJ) memorandum regarding marijuana enforcement that was written by Deputy Attorney General James Cole and dated August 29, 2013.

The Cole Memo listed federal priorities for marijuana enforcement and is significant for recognizing that state regulatory programs could achieve federal enforcement priorities by addressing health, safety, and law enforcement concerns. This signaled a major shift of federal resources away from enforcing marijuana laws in states that had legalized marijuana and a reliance on state regulatory programs.

Following the release of this memorandum, there was an increase in business investment in the medical and recreational use of marijuana.

Mr. Nicchitta noted that the Cole Memo serves only as DOJ guidance. It is not a law. Furthermore, it can be revoked or altered at any time by the new U.S. Attorney General, who has a history of opposition to marijuana legalization.

#### *Rohrabacher-Farr Amendment*

A second important influence on the federal approach to cannabis has been the Rohrabacher-Farr Amendment, which was part of an omnibus spending bill passed by Congress in December 2014.

This amendment prevents the Justice Department from spending funds to interfere with the implementation of state medical marijuana laws. Mr. Nicchitta emphasized that the amendment does not cover recreational marijuana.

The Rohrabacher-Farr Amendment is set to expire on April 28, 2017. It may be extended through the end of the federal government's fiscal year, which ends on

September 30<sup>th</sup>. If that happens, it is unclear whether it would be carried forward beyond that date.

### Current Federal and State Developments Regarding Marijuana Legalization

Olyvia Rodriguez, Manager with the County Chief Executive Office (CEO) Legislative Affairs and Intergovernmental Relations section, addressed the committee on current federal and state developments that may affect the rollout of Proposition 64.

#### *Federal Developments*

Ms. Rodriguez reported that U.S. Attorney General Sessions has directed the Department of Justice to evaluate existing federal marijuana enforcement policies and provide recommendations. It is anticipated that the initial recommendations will be released in July of this year.

There have recently been Congressional bills introduced related to state-legal marijuana businesses and reducing the policy gaps between federal and state laws, among other issues. For example, there is an effort to repeal tax penalties that bar businesses from claiming deductions in tax credits as well as an effort that seeks to remove federal criminal penalties in states that have legalized marijuana.

Ms. Rodriguez emphasized that any administrative action taken at the federal level at this time would have the most immediate effect because the Congressional bills are all pending in committees.

#### *State Developments*

At the state level, there have been over 40 legislative bills introduced, including, but not limited to:

- Public safety;
- Revenue and taxation;
- Advertising and packaging;
- Legislation cleanup; and
- A budget trailer bill.

Some of the bills are seeking to make changes to protocols and standards for driving under the influence of drugs and with regard to the threshold for impairment. Other bills address criminal tax evasion, tax collection, and establishing related penalties.

There is also legislation concerning restrictions on advertising, prohibitions on packaging, and requirements for labeling.

Clean-up legislation addresses the alignment of medical and recreational marijuana regulatory frameworks, data collection, and reporting. In addition, a budget trailer bill

that is expected to be heard after the May Revision seeks to create a single state regulatory structure for medical and non-medical cannabis. This would also eliminate the state-mandated medical marijuana identification card program.

Ms. Rodriguez stated that much of the activity on the state level may be handled through the trailer bill process and the regulatory process.

### The Public Health Approach To Marijuana Legalization

Cynthia Harding, Chief Deputy Director of the County Department of Public Health (DPH), addressed the committee on the public health approach to marijuana legalization.

The role of DPH in implementing Proposition 64 includes the following five areas:

1. Community Education and Prevention Messaging
2. Policy Development and Advocacy
3. Quality Standards and Safety
4. Surveillance
5. Health Equity

Ms. Harding noted that a possible sixth area is that of ensuring that there is treatment for people that are suffering from substance use disorder.

#### *1. Community Education and Prevention Messaging*

With this area, DPH will work in collaboration with other county departments, cities, schools, communities, and stakeholders to increase education, prevention, and treatment for marijuana abuse and addiction.

DPH's role is to provide accurate, unbiased, culturally competent public health messaging and education about marijuana use. In addition, the department will develop strategies to reduce access to minors.

#### *2. Policy Development and Advocacy*

DPH will work with key stakeholders, including other county departments, to develop policies that limit the over-commercialization of marijuana.

This includes developing policies that limit advertising and media marketing in areas with high exposure to youth as well as developing policies that create incentives for marijuana businesses to address inappropriate consumption and negative impacts in communities.

DPH can utilize the experience it has gained from work with tobacco and alcohol control when addressing marijuana policy development.

Ms. Harding stated that the California Department of Public Health will be overseeing the manufacturing of products like edibles and drinks that are infused with cannabis. DPH envisions that its Environmental Health Program will have a role in inspecting the manufacture of these products in Los Angeles County.

### *3. Quality Standards and Safety*

This includes developing testing and quality control mechanisms, providing consumer information for marijuana products, and working with the state and local agencies on enforcement of health code and other marijuana regulations.

Ms. Harding noted that the consumers of marijuana products need to understand the amount that they are consuming and the possible effects.

DPH will also want to have controls in place to prevent the accidental consumption of marijuana products by children.

### *4. Surveillance*

DPH will need to track trends in adult and youth use of marijuana and the impact on health care and health outcomes. Knowledge, attitudes, and beliefs about marijuana use will also need to be monitored. This information is important in designing effective prevention and education campaigns.

Surveillance will also include monitoring the impact to communities. This is important because the locations of marijuana dispensaries could have effects upon the neighboring areas.

### *5. Health Equity*

The issue of the impact to communities also relates to health equity in that there may be a disproportionate impact of the use, sale, and cultivation of marijuana in low-income communities and communities of color.

A separate matter is the question of where consumption can take place. While promoting smoke-free policies and informing about the dangers of secondhand smoke, DPH must also address public consumption issues. People that do not wish to be around marijuana smoke need to be protected from secondhand smoke. On the other hand, if consumers of marijuana have no places to smoke, then there is a risk that the people that used to be arrested for public possession will instead be arrested for public consumption.

Ms. Harding concluded by stating that the public health approach to marijuana policies is to ensure the health and safety of county residents while treating substance use addiction as a chronic disease.

## Zoning and Land Use Issues

Richard Bruckner, Director of the County Department of Regional Planning (Regional Planning), addressed the committee on zoning and land use issues. With respect to Proposition 64, these issues include the following:

- Protecting neighborhoods from overconcentration and overexposure to cannabis and cannabis businesses.
- Ensuring cannabis businesses are adequately buffered from sensitive uses such as schools, parks, and homes.
- Balancing regulations to discourage people from continuing to buy, sell, and grow in the unregulated marketplace.
- Unpermitted dispensaries unfairly compete by not paying taxes or complying with regulations. “Grandfathering” these businesses is contrary to other regulatory goals, such as preventing overconcentration or location near schools.

Mr. Bruckner noted that Regional Planning is responsible for the unincorporated areas of the County of Los Angeles, which includes approximately 1 million people and about 2,000 square miles. The cities within the county have their own planning departments.

Proposition 64 directs the state to begin licensing cannabis businesses on January 1, 2018. The county will need to be prepared and have rules in place for when that happens.

Regulation of cannabis must focus on retailing, growing, and manufacturing.

On April 12, 2017, the Regional Planning Commission adopted an ordinance setting reasonable regulations for personal-use cannabis cultivation, and extending a ban on all cannabis businesses. The ban would be lifted once the County of Los Angeles adopts comprehensive regulations.

On May 23, 2017, there will be a public hearing before the Board of Supervisors to consider the personal-use/ban ordinance.

September 2017 is the current timeline for the Regional Planning Commission to consider comprehensive land use regulations for commercial cannabis and personal cannabis cultivation. If approved by the Regional Planning Commission, consideration by the Board of Supervisors would be scheduled for November or December 2017.

Regional Planning will be considering the distance not only between the retail, manufacturing, and growing of marijuana from religious centers, schools, and parks, but also from one another in order to prevent an overconcentration in certain areas.



Mr. Bruckner noted that one of the issues that Regional Planning is addressing is the desire by unpermitted marijuana dispensaries to be “grandfathered” in. He stated that doing so may run counter to the goals of preventing overconcentration and not having the businesses be near certain locations.

There will be coordination with DPH, the County Counsel’s Office, and other departments and agencies to create a system of rules that Regional Planning hopes to have in place before the end of this year.

Mr. Nicchitta reported on a topic that was discussed at yesterday’s (April 18<sup>th</sup>) meeting of the Board of Supervisors. Specifically, the Board considered a plan by the District Attorney’s Office, the County Counsel, and the Sheriff’s Department to close unlicensed dispensaries in the unincorporated areas of the county by the end of the year.

Numerous people testified at the hearing on both sides of this issue. Some individuals had concerns about the impact on communities, while others expressed concern about access and use.

Mr. Nicchitta stated that the position that has been expressed by the Board is that the county needs to build a regulatory program in a manner that the community would like to see and in a way that the industry agrees should move forward. It should not be built around dispensaries that arose on their own without regulations in terms of location or other similar considerations.

### Social Justice and Equity Considerations

Mr. Nicchitta addressed the social justice and equity considerations that are posed by Proposition 64.

One perspective considers this issue as it relates to the war on drugs. This view notes that studies have shown that the federal war on drugs has resulted in arrests and incarceration that has disproportionately affected communities of color, with broad implications for future life opportunities.

Mr. Nicchitta noted that Proposition 64 creates a fund for community reinvestment grants to address disparate impacts resulting from past federal and state drug policies.

Those that view the social justice and equity considerations through the context of the war on drugs would want to reduce barriers to entry into the cannabis industry, such as by not automatically excluding people with past drug convictions. They would also want to use tax revenue to support social justice goals, such as public health advocacy and job training programs.

A different perspective on social justice and equity considerations focuses on public health and community outcomes. This view seeks a balance between expanding economic opportunities associated with the cannabis industry and other regulatory goals, such as preventing overexposure and overconcentration.

This view notes that an overexposure and overconcentration of marijuana-related businesses may compound existing issues with alcohol and a lack of access to healthy foods in some communities.

Further, inadequate regulation of public consumption of marijuana products may result in a reduced ability of law enforcement and other agencies to enforce quality of life issues. This, in turn, may have continued disproportionate negative effects on communities of color.

Mr. Nicchitta reported that county working groups are studying these and other issues. The county will also seek public feedback on key issues through community meetings beginning in June of this year.

The following are examples of the topics related to Proposition 64 that are being studied by working groups in this county:

- Education, prevention, intervention, and treatment
- Land use and zoning issues
- Business license application minimum requirements
- Economic development
- Equity and social justice issues
- Environmental sustainability
- Law enforcement issues
- Resentencing and legalization issues
- Consumer protection and product safety

### Questions

In response to a query concerning the county's coordination with other counties, Mr. Nicchitta confirmed that the county is engaged with regional partners, neighboring counties, and the 88 cities within this county as it proceeds to develop regulations under Proposition 64. The County of Los Angeles is also working closely with the California State Association of Counties (CSAC) on this issue and will seek opportunities to develop regional coherence with neighboring jurisdictions.

Supervisor Ridley-Thomas asked Mr. Nicchitta to speak about the recently passed Measure M in the City of Los Angeles.

Measure M was approved by 80% of Los Angeles City voters on March 7, 2017. This allows the City of Los Angeles to license medical and non-medical cannabis businesses of all types in the city. The regulations are being written by city officials and the county will be looking for ways in which there can be collaboration.

Mr. Nicchitta stated the county provides the environmental health officer for 85 of the 88 cities in the county, including the City of Los Angeles. County and city officials will be meeting in the coming weeks to discuss coordination issues.

Supervisor Ridley-Thomas noted that discussions at CSAC have focused on the potential tax revenue that may be generated by the implementation of Proposition 64. He expressed doubts that this will be as large as some have expected. He noted that when the Board of Supervisors was considering proposals for providing services to the homeless population, a suggested tax on marijuana would have generated the least amount of revenue of the options that were considered.

Edward McIntyre of the County Quality & Productivity Commission inquired as to whether there can be an expected increase in the use of marijuana based on data from the states of Colorado and Washington, which previously legalized recreational marijuana.

Ms. Harding reported that Colorado hasn't seen a big increase in marijuana use. There was a slight increase in use among youth, but that had already been on an upward trend. Based on the information currently available, it is too early to say if there will be an increase in the use of marijuana in California.

Beatriz Dieringer of the California League of Cities stated that, when attempting to coordinate regional coherence in policies, cities will want to preserve local control of those policies that are designed to meet the needs and desires of local communities.

Mr. Nicchitta stated that the idea behind regional coherence would not be for the county to require cities to take certain actions. However, where county services are involved, such as where a city contracts with the Los Angeles County Fire Department, there would be a desire to avoid having the Fire Department dealing with dozens of different regulations in different cities. A similar issue applies to environmental health concerns.

If there is an opportunity to have one set of regulations for environmental health, the Fire Department, the Sheriff's Department, etc., those would be good opportunities to have regional coherence.

For areas within the power of the cities, such as zoning and similar matters, the hope is that best practices can be shared.

Regional coherence would not seek to force any one city to accept the county's way of doing something, but rather the purpose is to find common ground and to avoid cross-jurisdictional issues.

Robin Toma, Executive Director of the County Human Relations Commission, asked if thought has been given to how best to use funds from Proposition 64 so as to ensure that the impact does not fall heaviest on some communities and not others.

Mr. Bruckner said that Regional Planning is sensitive to preventing an overconcentration of marijuana-related businesses in certain areas. The county will be considering dispersion and distance requirements and will work with the state and other government entities to consider the placement of businesses in relation to placements in other jurisdictional boundaries.

Mr. Nicchitta added that the county has not yet determined how to invest revenue that may result from Proposition 64. Input from the community and stakeholders may be sought on this matter.

Los Angeles County District Attorney Jackie Lacey asked if there is a website that the public can go to for information.

Mr. Nicchitta responded that information on Proposition 64 implementation in Los Angeles County can be found at the following link:

<http://www.lacounty.gov/marijuana>

In addition, the websites for Department of Regional Planning and the Department of Public Health can be found at the following links:

<http://www.planning.lacounty.gov>

<http://www.ph.lacounty.gov>

The Supervisor thanked the speakers for their presentation.

**ACTION: For information only.**

## **V. OTHER MATTERS / PUBLIC COMMENT**

A public comment was made by Cat Packer.

Supervisor Ridley-Thomas added that, while voters passed Proposition 64, there needs to be a refinement of the discussion around decriminalization as distinct from legalization as the county moves forward on this matter.

Ms. Dieringer informed the committee that the Criminal Justice Section of the Los Angeles County Bar Association is honoring individuals in the criminal justice system on May 23, 2017.

Honorees include:

- Judge Ricardo Ocampo, Judge of the Year
- Mike Feuer, Prosecutor of the Year
- Rourke Stacy and Maureen Pacheco, Defense Attorneys of the Year
- Steve Wolfe, Career Achievement Award

More information can be found at the following link:

[https://customers.lacba.org/Interactive/Event\\_Display.aspx?EventKey=052317CRM](https://customers.lacba.org/Interactive/Event_Display.aspx?EventKey=052317CRM)

Supervisor Ridley-Thomas advised the committee that there are upcoming events in the county observing the 25<sup>th</sup> anniversary of the 1992 civil unrest. Information will be shared with CCJCC members.

**VI. ADJOURNMENT**

The meeting was adjourned at 1:07 p.m.