

# COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

## MINUTES OF THE February 20, 2019 MEETING

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

### MEMBERS AND ALTERNATES PRESENT

Chair: Janice Hahn, Supervisor, Fourth District and Chair of the County Board of Supervisors

\*Alicia Alvarado for Peter Espinoza, Director, Office of Diversion and Reentry  
Reaver Bingham for Terri McDonald, County Chief Probation Officer  
Liliana Campos for Mary Wickham, County Counsel  
Anne Clark for Michel Moore, Chief, Los Angeles Police Department  
Mark Diorio for Scott Minnix, Director, County Internal Services Department  
\*Xiomara Flores Holguin for Bobby Cagle, Director, County Department of Children and Family Services

Janice Fukai, County Alternate Public Defender

Ricardo Garcia, County Public Defender

Mark Garrett, Chief, Southern Division, California Highway Patrol

Christa Hohmann, Directing Attorney, Post Conviction Assistance Center

Dan Jeffries for Mike Feuer, Los Angeles City Attorney

Mark Hanasono, Assistant Supervising Judge, Criminal Division, Superior Court

Nicola Hanna, U.S. Attorney

Shawn Landres, Chair, County Quality & Productivity Commission

Ray Leyva for Alex Villanueva, Sheriff

\*Daniel Martin for Sherri Carter, Superior Court Executive Officer

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

\*Paul Parker for Jonathan Lucas, County Coroner – Chief Medical Examiner

Robert Philibosian, Peace Officers Association of Los Angeles County

Devallis Rutledge for Jackie Lacey, District Attorney and Vice Chair of CCJCC

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

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

Felipe Vasquez for Debra Duardo, Superintendent, County Office of Education

Darneika Watson-Davis for Austin Beutner, Superintendent, Los Angeles Unified School District

Lance Winters for Xavier Becerra, California Attorney General

**\*Not a designated alternate**

**I. CALL TO ORDER / INTRODUCTIONS**

Chair Janice Hahn, County Supervisor, Fourth District

The meeting was called to order at 11:52 a.m. by Los Angeles County Supervisor Janice Hahn, Chair of CCJCC.

Self-introductions followed.

**II. APPROVAL OF THE MINUTES**

Chair Janice Hahn, County Supervisor, Fourth District

There were no requests for revisions to the minutes of the January 16, 2019 meeting. A motion was made to approve the minutes.

**ACTION: The motion to approve the minutes of the January 16, 2019 meeting was seconded and approved without objection.**

Supervisor Hahn noted that there is a paradigm shift underway in this county with respect to how the criminal justice system handles those that have mental health challenges.

She commented that District Attorney Jackie Lacey has created a Mental Health Division within the District Attorney's Office. This division will work to identify those in the justice system that can be best served with mental health treatment.

In addition, the Board of Supervisors voted last week to demolish the downtown Men's Central Jail and replace it with a Mental Health Treatment Center. This facility will be staffed by mental health professionals and provide treatment to those individuals that come into the system with serious mental health issues.

**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), noted that this is the final CCJCC meeting that will be attended by the committee's current longest serving member, Los Angeles County Alternate Public Defender Janice Fukai, who will be retiring at the end of this month.

Ms. Fukai has served on CCJCC as the Alternate Public Defender since May 2002. As CCJCC succeeds as a result of the participation and commitment of its members, her service to this committee for so many years is particularly noteworthy. Mr. Delgado thanked her for her many years of service.

Ms. Fukai stated that she is very appreciative to have worked with the members of this committee.

Supervisor Hahn added that she and Ms. Fukai have known one another for a long time, with Ms. Fukai's father having served as the Chief of Staff for her own father, Supervisor Kenneth Hahn.

Supervisor Hahn noted that Ms. Fukai has shown great devotion to the Alternate Public Defender's Office and the employees who work there, and that she has left a very positive legacy. She thanked Ms. Fukai for her service to the County of Los Angeles and noted that there will also be recognition of her at the next meeting of the Board of Supervisors.

#### **IV. U.S. ATTORNEY – CENTRAL DISTRICT OF CALIFORNIA**

Nicola T. Hanna, U.S. Attorney, Central District of California

Nicola Hanna, United States Attorney for the Central District of California, appeared before CCJCC to provide an overview of the activities of his office and discuss some of its current work and priorities. Mr. Hanna was appointed as U.S. Attorney for the Central District of California in January 2018.

The U.S. Attorney's Office for the Central District of California serves the following seven counties: Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura. This area contains nearly 20 million people, which makes the District the largest in the country in terms of population.

The office itself is the second largest in the country in terms of personnel, with about 250 attorneys and 250 staff located in three facilities. Mr. Hanna noted that the largest U.S. Attorney's Office is the one in Washington, D.C., and that is in part because that office serves a District Attorney function in that city.

Mr. Hanna stated that his office is divided into the following four divisions:

- The National Security Division is the first-of-its-kind in the nation for a U.S. Attorney's Office and is responsible for combatting national security and cyber security threats facing the region and the nation.
- The Civil Division works to ensure the civil rights of all Americans, enforcing the Fair Housing Act, the Americans with Disabilities Act, and the Voting Rights Act, among other federal civil rights laws. In addition, the office uses civil litigation, seeking monetary damages and civil penalties, to address a wide range of illegal conduct, including mortgage fraud, efforts to defraud the Medicare system, defense procurement fraud, Food and Drug violations, and environmental torts. This Division also handles lawsuits against the United States.
- The Tax Division engages in both civil and criminal litigation to combat a variety of tax frauds, including phony tax shelters, return preparer frauds, and tax protester schemes. This Division also collects debts owed to the Internal Revenue Service.

- The Criminal Division is the largest Division, with about 180 attorneys. This Division works to disrupt and dismantle violent criminal street gangs, major drug trafficking organizations, and drug cartels that are responsible for supplying much of the illegal narcotics distributed in the Central District, as well as the violent crime that accompanies narcotics trafficking.

This Division also is vigilant against predators that use computers and the Internet to exploit and harm others, whether that is by way of identity theft and fraud or the manufacturing and distribution of child pornography. Victims are provided assistance from the Victim-Witness Section staff.

The Criminal Division also handles financial crimes by investigating and prosecuting those who seek to steal from communities and individuals by way of mortgage, investor, or securities frauds. There is also a focus on investigating and prosecuting health care frauds, environmental crimes, and public corruption offenses.

Mr. Hanna discussed the following three issues that are being addressed by the Criminal Division: (1) Violent crimes; (2) Opioids; and (3) Human trafficking.

#### *Violent crimes*

Historically, violent crimes have been addressed through efforts aimed at reducing the influence of gangs. The U.S. Attorney's Office has utilized various tools, such as the Racketeer Influenced and Corrupt Organizations Act (RICO), to prosecute the leadership of gangs and those that are facilitating various gang activities.

Mr. Hanna noted that his office recently announced the unsealing of indictments related to 80 defendants from two separate gangs. This involved joint operations that included work by the Los Angeles Police Department (LAPD) and the Federal Bureau of Investigation (FBI).

Federal investigations continue against violent gangs and those involved in criminal activities related to the gang activity.

#### *Opioids*

With regard to opioids, the region covered by the Central District of California is not immune to the problems that have plagued other areas of the country. There has been an uptick in overdose deaths and fentanyl is coming into the District from other countries, such as Mexico and China.

The U.S. Attorney's Office is taking a holistic approach to addressing this issue. One effort involves focusing on major drug trafficking organizations that are bringing fentanyl and heroin into the country.

In addition to drug smuggling, some people utilize the dark web to obtain the drugs illegally while others use pill presses to make counterfeit oxycodone and other counterfeit drugs.

Prosecutors have also focused on the prescription diversion front. Pharmacies and doctors have been investigated for diverting prescription opioids into the community. Mr. Hanna noted that last year his office executed 37 search warrants on pharmacies.

Beginning in August 2018, an overdose death task force was formed to investigate deaths that have resulted from overdoses and bring charges against those who supplied the drugs. There have thus far been ten cases where charges have been brought.

### *Human trafficking*

Mr. Hanna stated that his office is a member of the Los Angeles Human Trafficking Task Force that addresses both sex and forced labor trafficking. Outreach efforts are being made to local law enforcement agencies to keep the U.S. Attorney's Office aware of these cases as they are uncovered so that federal charges can be filed where applicable.

Mr. Hanna expressed appreciation for the cooperation that his office has received from state and local officials and law enforcement agencies.

Supervisor Hahn discussed a program by the County Coroner's Office in cases where there is found to be a death due to an overdose from prescription medication. The office will send a letter to the prescribing doctor that notifies him or her about the overdose death. She inquired if the U.S. Attorney's Office will bring charges against physicians for over-prescribing.

Mr. Hanna confirmed that federal charges have been brought against physicians by his office and he cited a recent example.

Supervisor Hahn inquired as to the role that the Coast Guard has in stopping the drugs from coming in through ports of entry. Mr. Hanna stated that the Coast Guard has done a very good job in its efforts to combat drug smuggling through local ports of entry. He noted an example of a boat that was recently seized.

The U.S. Attorney's Office also works with the U.S. Postal Service to stop drugs from coming into the country. Mr. Hanna noted that a lot of fentanyl comes through the mail, so there are law enforcement efforts to intercept this.

Supervisor Hahn discussed a new ordinance by the county that is intended to combat human trafficking in local massage parlors. The county intends to begin inspections with the cooperation of local cities. This may result in cases that the U.S. Attorney's Office will become involved in.

Mr. Hanna stated that a lot of the efforts of his office with respect to human trafficking have focused on gang activity and the violence that accompanies it. There have also been a number of forced labor cases where individuals are brought into the country as domestic servants.

Shawn Landres of the County Quality and Productivity Commission inquired about the work of the U.S. Attorney's Office in addressing hate crimes.

Mr. Hanna stated that his office has a public corruption and civil rights section within the Criminal Division that handles hate crime prosecutions. He noted that he has increased the number of attorneys in that section and they have been working with the FBI and LAPD on hate crimes cases. He also added that his office has conducted outreach to communities to let them know how to report hate crimes.

**ACTION: For information only.**

**V. GOVERNOR'S PROPOSED FISCAL YEAR 2019-20 BUDGET**

Patricia Carbajal, Office of Intergovernmental Relations, County Chief Executive Office

Patricia Carbajal of the Office of Intergovernmental Relations in the County Chief Executive Office appeared before CCJCC to provide an overview of the Governor's proposed state budget and county advocacy efforts.

On January 10, 2019, Governor Newsom released his proposed State Budget for FY 2019-20, totaling \$144.2 billion in State General Funds.

Overall, the Governor proposed to invest:

- \$4 billion to eliminate all of the State's outstanding budgetary debt and deferrals;
- \$4.8 billion to build reserves, bringing the State's Rainy-Day Fund to more than \$15 billion this year and \$20 billion over four years; and
- \$4.8 billion to pay down unfunded retirement liabilities.

More specifically, the Governor's proposed budget makes critical investments to the following:

- **Combating Homelessness:** Proposes a one-time allocation of \$500 million for local governments that site and build emergency shelters, navigation centers, or supportive housing.
- **Increasing Affordable Housing:** Proposes \$1.3 billion in State General Fund (SGF) and tax credits to address the state's housing affordability crisis.

- Improving Early Childhood Education: Proposes funding for universal preschool for all income-eligible four-year-old children in the state, and \$500 million one-time SGF to build child care infrastructure.
- Enhancing Emergency Readiness and Response: Proposes over \$500 million for emergency readiness, response, and recovery, including \$200 million to augment CAL FIRE's firefighting capabilities; \$214 million to increase fire prevention and complete fuel reduction projects; \$60 million in one-time funding to upgrade the 911 system, and \$16.3 million to finish building the California Earthquake Early Warning System.

Ms. Carbajal discussed the following Justice-related items that are in the Governor's proposal:

- Pretrial Release Pilot Projects: The Governor's Budget proposes \$75 million over two-years for the Judicial Council of California to fund the implementation, operation, or evaluation of pretrial release decision-making pilot programs in 8 to 10 courts. In choosing pilot courts, the Judicial Council would consider diversity in court size, location, case management systems, and other factors.

Senate Bill 10 (SB 10), effective October 1, 2019, reforms the state's pretrial release procedures, including eliminating cash bail options. However, a referendum to repeal SB 10 has placed SB 10 funding on hold pending the vote on the referendum in November 2020. As such, the Governor's Budget does not currently include funding to implement SB 10.

- Proposition 47 of 2014: The Governor's Budget estimates a net savings of \$78.5 million in Proposition 47 state correctional savings realized when comparing FY 18-19 to FY 13-14. This represents an increase of \$13.9 million over the estimated savings in projected in FY 17-18. Pursuant to Proposition 47, these savings will be redirected to the following grant programs: (1) \$51 million for local recidivism prevention programs (65 percent); (2) \$19.6 million for truancy programs (25 percent); and (3) \$7.9 million for victim services programs (10 percent).

The first round of Proposition 47 recidivism reduction grants was awarded in 2017, and included the \$20 million three-year grant awarded to Los Angeles County.

The second round of this grant funding will allow round 1 awardees and other local jurisdictions to compete for two-year grants of \$1 million for small scope projects and \$6 million for large ones. The round 2 request for proposal is expected to be released later this month, with an award anticipated in August 2019.

- Cannabis Conviction Resentencing Workload: The Governor's Budget includes \$13.9 million to cover the anticipated workload costs under Assembly Bill 1793 (AB 1793), which expedites the identification, review, and notification of individuals who may be eligible for resentencing of specified cannabis-related convictions.

Other Justice-related topics included in the Governor's proposed budget includes funding related to 2011 Public Safety Realignment Funding, Community Corrections Performance Incentive Grants, Proposition 57 of 2016, Community Corrections Partnership Planning Grants, Human Trafficking Victims Assistance, Law Enforcement Training, and Incompetent to Stand Trial (IST).

Ms. Carbajal noted that the State Legislature will begin discussions about budget priorities and that there will ultimately be negotiations between the Governor's Administration and Legislative leadership that results in a mid-June agreement.

The county will be advocating for its priorities during these early months of the budget process. The following are some of the proposals that the county is advocating for:

- Human Trafficking Victims Assistance: The County of Los Angeles is supporting the Governor's FY 2019-20 Proposed Budget and the Coalition to Abolish Slavery and Trafficking's (CAST) proposal to provide \$10 million and \$12.5 million, respectively, in ongoing state funds to continue funding grants that support community-based programs for victims of human trafficking. Support of this proposal is consistent with existing policy and the county's previous advocacy for this funding in past years.
- Repurposing of Local Juvenile Facilities: The county is advocating for one-time funding, up to \$50 million statewide, to help local probation departments repurpose outdated juvenile facilities into reprogrammed facility areas dedicated to providing Transitional Age Youth with rehabilitation and reentry programs, diverting them from the adult justice system.

In addition, Ms. Carbajal noted the following topics for potential advocacy by the County of Los Angeles:

- Pretrial Release Pilot Projects – County Funding. CEO Legislative Affairs is working with impacted departments to look at advocating in support of the Governor's proposal to provide \$75 million over two-years to fund court pretrial pilots – and to request appropriate funding for counties that opt to partner with their local courts in providing pretrial assessments, supervisions, and supportive services under a pilot basis.
- Mental Health Diversion: CEO Legislative Affairs is working with impacted departments to introduce a state budget proposal to further fund and expand

mental health diversion under County-supported Assembly Bill 1810 (AB 1810) of 2018.

AB 1810 allows for mental health diversion pre-trial/pre-plea. The FY 2018-19 state budget act provided \$100 million over three years to help participating counties expand mental health diversion programs for select individuals (felonies and Incompetent to Stand Trial (IST)/potential IST). This county is expected to receive \$25.9 million of this funding.

- Immigration Services and Coordinated Removal Defense: CEO Legislative Affairs is working with impacted departments to introduce a state budget proposal to provide Los Angeles County, and similarly situated counties, with funding to help cover public employee expenses associated with providing legal representation to indigent individuals in removal proceedings.

Ms. Carbajal stated that she will be contacting county departments to receive feedback concerning proposals during this budget process. She also invited CCJCC members to contact her office concerning recommendations or questions that may arise, not only with regard to the state budget process, but any legislative matters as well.

**ACTION: For information only.**

## **VI. MEASURES FOR JUSTICE**

Mikaela Rabinowitz, PhD, Director of National Engagement and Field Operations, Measures For Justice

Mikaela Rabinowitz, PhD, Director of National Engagement and Field Operations of Measures For Justice (MFJ), appeared before CCJCC to make a presentation on MFJ's online data portal for justice system metrics. MFJ is a national organization that works on criminal justice data access and transparency.

Lauren McQueen Pearce, Assistant Director of Data Outreach with MFJ, joined Dr. Rabinowitz in this presentation.

MFJ is a national non-profit criminal justice research organization that is dedicated to improving the understanding of, and transparency into, county criminal justice systems using data.

The organization was founded in 2011 to develop a data-driven set of performance measures to assess and compare the criminal justice process from arrest to post-conviction on a county-by-county basis. The data set comprises measures that address three broad categories: Fiscal Responsibility, Fair Process, and Public Safety.

MFJ developed and tested its first draft set of measures with a grant from the Department of Justice's Bureau of Justice Assistance (BJA). MFJ gathered measurement experts in the country with diverse expertise in the judicial system to

isolate useful indicators of system performance and, from them, develop MFJ's initial set of measures. These were first piloted in Milwaukee County, Wisconsin, and then extended to cover the entire state. Based on the success of that pilot, MFJ received funding to measure more states.

Staff from MFJ review individual level data collection directly from counties and agencies. The data is merged and used to populate performance measurements that are published for free on the MFJ website located at:

[www.measuresforjustice.org/portal](http://www.measuresforjustice.org/portal)

The mission is to use big data to measure county-level criminal justice systems. This starts with individual-level data collection in which information is collected on individuals processed throughout the entire criminal justice system. Data is then analyzed and sent through measures to assess performance across the system. Finally, MFJ compares and shares the measures and practices using the MFJ data portal to enable action and systemic change.

MFJ has information from over 300 counties, which is about 10% of the counties in the country, and intends to have data from 20 states in the portal by 2020.

As criminal law is changing and new policies are implemented, MFJ seeks to provide information on the implications of these changes and reforms, as well as trends in outcomes.

Dr. Rabinowitz stated that the goal is provide data quality, access, and transparency to practitioners, policy makers, and the public.

Examples were provided of jurisdictions that MFJ has worked with that resulted in substantive changes.

One example is in Philadelphia County, where MFJ worked with the Chief Public Defender. It was discovered that 20% of cases involved defendants whose pretrial release was revoked.

More detailed data was collected to understand why failures to appear were happening, and a pilot program was developed to help those defendants. This reduced pretrial release violations by half.

Another example is from Winnebago, Wisconsin, where MFJ worked with the District Attorney. A data portal exploration discovered that 40% of defendants who were in jail for failure to make bail had had their bail set at \$500 or less.

A multiagency committee was convened and found specific cause in the bail setting process (having to do with the day of the arrest). The District Attorney subsequently

took specific action directed at the specific issue. The corrected procedures are projected to save the county \$45,000 a year.

These are two examples focusing on the pretrial process and how the information gathered was used for policy change.

Dan Jeffries of the Los Angeles City Attorney's Office inquired as to MFJ's use of personal identifiers.

MFJ works with its counsel as well as local county counsels and city attorneys to ensure that data collection is done within the parameters established by a given state. In addition, MFJ is working to establish a data sharing agreement with the Department of Justice and the California Department of Corrections and Rehabilitation.

Dr. Rabinowitz also stated that the California Penal Code has a research exemption for data sharing.

Mr. Landres inquired as to whether MFJ has identified best practices in data collection and management.

Ms. Pearce stated that retention of data and not overwriting data is very important, particularly with respect to expungements.

Dr. Rabinowitz added that a quality assessment of criminal justice data is useful. There have been situations where the quality of the data is too poor for it to be useful.

Ms. Pearce noted that it is useful to explain to those gathering the data why it is important to be diligent about data entry practices and what can be done with quality information.

Robert Philibosian of the Peace Officers Association of Los Angeles County inquired as to how MFJ is funded.

MFJ receives funding from private foundations. As a non-profit organization, the funding from the foundations is often geographic or project-based.

Additional information on MFJ can be found at: [www.measuresforjustice.org](http://www.measuresforjustice.org)

**ACTION: For information only.**

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

There were no public comments.

Supervisor Hahn suggested that a possible agenda item for a future CCJCC meeting could be to have a presentation on the opioid crisis.

**VIII. ADJOURNMENT**

The meeting was adjourned at 12:45 p.m.