

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE NOVEMBER 3, 2010 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS PRESENT

Acting Chair: Lee Baca, Sheriff and Vice Chair of CCJCC

Cynthia Banks, Director, County Department of Community & Senior Services
Steve Beeuwsaert, Chief, Southern Division, California Highway Patrol
Peter Espinoza, Supervising Judge, Superior Court
Janice Fukai, County Alternate Public Defender
Lois Gaston, California Contract Cities Association
Tim Landrum, Special Agent in Charge, U.S. Drug Enforcement Administration
Al Leiga, Chair, County Quality & Productivity Commission
Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program
Richard Propster, Peace Officers Association of Los Angeles County
Richard Sanchez, County Chief Information Officer
Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner
Greg Savelli, President, South Bay Police Chiefs Association
Patricia Schnegg, Assistant Supervising Judge, Superior Court

ALTERNATES

*Francesca Anello for Marvin Southard, Director, County Department of Mental Health
*Richard Barrantes for Larry Waldie, Undersheriff
Susan Cichy for John Clarke, Superior Court Executive Officer
*David Doan for Charles Beck, Chief, Los Angeles Police Department
Xiomara Flores-Holguin for Trish Ploehn, Director, County Department of Children and Family Services
*Elena Halpert-Schilt for Robin Toma, Executive Director, County Human Relations Commission
Pamela Hamanaka for Edmund Brown, California Attorney General
*Eric Harden for John Torres, Special Agent-in-Charge, U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives
*Jennifer Lehman for Andrea Ordin, County Counsel
*Cecile Ochoa for Dennis Tafoya, County Affirmative Action Compliance Officer
Steven Olivas for Antonio Villaraigosa, Mayor, City of Los Angeles
Earl Perkins for Ramon Cortines, Superintendent, Los Angeles Unified School District
Robert Philibosian for Isaac Barcelona, Chair, County Economy and Efficiency Commission
*Bruce Riordan for Andre Birotte, U.S. Attorney
Devallis Rutledge for Steve Cooley, District Attorney
Greg Savelli for Scott Pickwith, President, Los Angeles County Police Chiefs Association

*Gary Schram for Carmen Trutanich, Los Angeles City Attorney
Stanley Shimotsu for Michael Judge, County Public Defender
Peter Shutan for Gabriella Holt, County Probation Commission
*David Turla for William Fujioka, County Chief Executive Officer
John Viernes for Jonathan Fielding, Director, County Public Health Department
Brenda Wells for Mike Webb, County Prosecutors Association

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Mark Arnold, Judge, Superior Court
Donald Blevins, County Chief Probation Officer
Michelle Carey, Chief U.S. Probation Officer
Gigi Gordon, Directing Attorney, Post Conviction Assistance Center
Lili Hadsell, President, San Gabriel Valley Police Chiefs Association
Anthony Hernandez, Director, County Department of Coroner
Sean Kennedy, Federal Public Defender
Richard Kirschner, Judge, Superior Court
Steve Martinez, Assistant Director in Charge, Los Angeles Division, Federal Bureau of Investigation
Charles McCoy, Presiding Judge, Superior Court
Gloria Molina, County Supervisor for the First District and Chair of the County Board of Supervisors, CCJCC Chair
Michael Nash, Supervising Judge, Juvenile Court
Miguel Santana, Los Angeles City Chief Administrative Officer
Stephanie Sautner, Judge, Superior Court
Greig Smith, Los Angeles City Council, 12th District
Thomas Sonoff, President, Southeast Police Chiefs Association
Tom Tindall, Director, County Internal Services Department
Adam Torres, United States Marshal
Michael Tynan, Judge, Superior Court
Frank Venti, President, Independent Cities Association
Mitch Ward, League of California Cities, Los Angeles County Division

CCJCC STAFF

Mark Delgado, Executive Director
Kenna Ackley
Cynthia Machen
Craig Marin

GUESTS/OTHERS

Felix Basadre, Information Systems Advisory Body
Jeff Bower, California Highway Patrol
Dale Cunningham, Los Angeles School Police Department
Briane Grey, U.S. Drug Enforcement Administration
Tut Hayes, Private Citizen
Julio Lima, Los Angeles School Police Department

Darryl Qualls, Pasadena Police Department
Cheri Thomas, LAUSD
Nick Warner, Warner & Prank, LLC

I. CONVENE/INTRODUCTIONS

Lee Baca, Sheriff

The meeting was called to order at 12:05 p.m. by Los Angeles County Sheriff Lee Baca, Vice Chair of CCJCC and Acting Chair of this meeting.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Lee Baca, Sheriff

There were no requests for revisions to the minutes of the September 1, 2010 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the September 1, 2010 meeting was seconded and approved without objection.

III. ALTERNATIVE TRANSPORT OPTIONS FOR 5150 DETAINEES

Mark Delgado, Executive Director, Countywide Criminal Justice Coordination Committee

Mark Delgado, Executive Director of the Countywide Criminal Justice Coordination Committee (CCJCC), appeared before this committee to provide an update¹ on the 5150 Transport Study Group that was convened by CCJCC to explore transport options for law enforcement's 5150 detainees. Sheila Shima, Los Angeles County Deputy CEO for Health and Mental Health Services and Chair of the 5150 Transport Study Group, was unable to attend today.

As a reminder, individuals in the community who are placed on a Welfare and Institutions Code (WIC) Section 5150 hold (involuntary psychiatric hold) in the field are currently transported to hospital care by law enforcement.

Due to concerns about this process, the County Board of Supervisors passed a motion in February of this year that instructed the County CEO to explore alternative options for this transportation.

On July 7, 2010, CCJCC passed a motion to coordinate and convene the 5150 Study Group as an ad hoc subcommittee of CCJCC. The 5150 Study Group has overseen a comprehensive review of the 5150 transport issue to determine whether there is a more appropriate and feasible alternative to police vehicle transport.

¹ Mr. Delgado made a presentation on the 5150 Transport Study Group at the CCJCC meeting held on September 1, 2010.

The Study Group includes representatives from the County Chief Executive Office, CCJCC, the County Emergency Medical Services and Mental Health Commissions, the Departments of Sheriff, Fire, Mental Health, and Health Services, the LAPD, the National Alliance for the Mentally Ill, the Los Angeles County Ambulance Association, the Hospital Association of Southern California, and the County Counsel's Office.

There is general agreement that the availability of alternative transport options for 5150 detainees offers benefits, both for law enforcement agencies and for mentally ill individuals, since the transport in an ambulette or an ambulance may be more appropriate than a police unit.

Ambulettes are vehicles specially equipped to transport individuals whose medical condition requires transportation services, but does not require emergency services or equipment during transport. It is equipped with a gurney and soft restraints, and it is operated by two people.

The Study Group members agreed that this option would not be appropriate in all situations and that law enforcement officers would need to determine the appropriate manner of transportation based on a number of factors (i.e., where the individual is combative, if there is a medical condition, etc.). In addition, the Study Group found that there are a number of issues that would need to be addressed with the implementation of a new transport system.

The members of the Study Group concluded that a more comprehensive system for handling 5150 detainees should be developed. Some of the key elements of a more comprehensive system would include:

- **Training of law enforcement in the field to assess individuals in crisis** – As first responders, how do deputies and officers determine whether a 5150 hold is appropriate? Are there alternatives to a 5150 hold that are appropriate? What type of transport is needed?

If there is training that can offer assistance to law enforcement officers along these lines, that is one element the group would like to explore, as this is the first stage of the process that is being discussed.

- **A process for determining insurance status of 5150 detainees** – The current mode of transport is determined by many factors, including insurance status. When law enforcement can determine a person's insurance status – either through MET, SMART, or another means – that often dictates the mode of transport.

For example, if an individual has private insurance or MediCal and a private hospital has an available bed for them, those hospitals will often dispatch a contract ambulance directly.

The Study Group concluded that the ability to assess insurance status prior to transport and the ability to canvass hospitals for available beds is key to the timeliness of transport, to how long law enforcement personnel are detained, and to minimizing the burden on the county's psych emergency rooms and private hospitals.

- **A process for identifying available and appropriate beds for those detainees** – Without a means to triage up front, county hospitals may be further inundated, and more patients will be transported to non-designated hospitals. The patient would then have to be transported again.
- **A system to dispatch transport and provide direction on placement** – Implementing a new transport option will also require addressing contract issues and dispatch method.
- **Protocols for transfer to hospitals** – Detailed protocols for releasing individuals into the care of hospitals need to be developed among law enforcement, ambulance/ambulette companies, and hospitals.

In addition to these operational issues, administrative challenges include both determining what resources are needed and ensuring adequate coverage and response times.

The Study Group will be presenting this information in a report this month to the County Board of Supervisors. If the Board wishes to proceed on this issue, the report will recommend that the Study Group explore the feasibility of a pilot project in a specific area of the county.

The proposed pilot effort of an alternative method of transport would be designed to test the resources required, identify challenges, and assess the overall benefit of implementing an alternative transport option for law enforcement.

Mr. Delgado noted that implementation of a more comprehensive support system will require resources and a multi-agency effort. The Study Group will continue to keep CCJCC updated on its progress.

Tut Hayes, private citizen, expressed concern that any ambulance/ambulette service may not be near where the 5150 individual is located. He also stated that law enforcement officers should be instructed on how to properly restrain a 5150 individual.

ACTION: For information only.

IV. STATE BUDGET AND LEGISLATIVE ISSUES

Nick Warner, Managing Partner, Warner & Pank, LLC

Nick Warner, Managing Partner, Warner & Pank, LLC, appeared before CCJCC to provide a review of the state budget and legislative developments impacting the criminal justice system.

Mr. Warner advised that, given the state's current budget difficulties, the state government may seek to transfer responsibilities to county governments. However, this is coming at a time when funding for counties has also been declining.

As an example of declining revenues, Mr. Warner stated that Vehicle License Fee (VLF) revenue is estimated to be \$502 million statewide, but the total has been steadily declining as a result of the recession. Furthermore, the VLF is scheduled to expire on June 30, 2011.

Despite the difficulties that law enforcement and criminal justice agencies are facing, Mr. Warner stated that there are opportunities to make improvements. He next reviewed recent legislative developments.

The California Legislature passed a bill with a provision that requires Probation Departments to take primary responsibility for juvenile parolees that were the responsibility of the Department of Juvenile Justice. With the recent passage of the budget, Probation Departments will take responsibility for 500 juvenile parolees in the first year.

Mr. Warner noted that \$300 million has been allocated to fund renovations, repairs, and new beds for juvenile halls. In addition, about \$100 million is available in funding from Assembly Bill 900 for counties willing to site a reentry facility, with more funding potentially available later. Discussions are ongoing to make implementation more feasible for most counties.

Mitigating the ongoing cuts to the budget of the California Department of Corrections and Rehabilitation (CDCR) is an important concern for law enforcement throughout the state. The decrease in funding to CDCR has ripple effects that ultimately place a greater burden on local entities.

Mr. Warner praised CDCR Secretary Matthew Cates and his staff for the cooperation that they've shown in working with local governments.

With respect to treatment for drug abuse offenders, Proposition 36 continues to be law in the state. However, there is no funding in the state budget for either the Offender Treatment Program (OTP) or Proposition 36 treatment.

Senate Bill 1655 has been signed into law and authorizes the CDCR Secretary to place certain female offenders on GPS alternate custody. Additionally, Senate Bill 1399, also

signed into law, created a medical parole provision that the Secretary may utilize. It is expected that this will be implemented gradually to determine its effectiveness.

Mr. Warner stated that there will probably be future state legislation involving crime labs. As an example, he noted that a bill was introduced at the end of the last legislative session that would have the state regulate and oversee local crime labs. This effort will likely be opposed by local law enforcement, but it does reflect a trend in legislative action.

Also related to crime labs is Assembly Bill 558, which would have imposed requirements on crime lab directors and record units for the processing of rape kits. This bill did not provide funding for implementation and was vetoed by the Governor.

Mr. Warner concluded his remarks by again reiterating that there are opportunities for improvements in the criminal justice system if the state government and local entities collaborate to improve efficiency and meet needs on both the state and local level.

ACTION: For information only.

V. TASK FORCE ON CRIMES AGAINST THE HOMELESS

Elena Halpert-Schilt, Assistant Executive Director, County Human Relations Commission

Elena Halpert-Schilt, Assistant Executive Director, County Human Relations Commission, appeared before CCJCC to present an update on the Task Force on Crimes Against The Homeless. Ms. Halpert-Schilt stated that she is appearing on behalf of Robin Toma, Executive Director of the County Human Relations Commission.

On March 24, 2009, the Los Angeles County Board of Supervisors passed a joint motion by Supervisors Zev Yaroslavsky and Don Knabe that required the County Human Relations Commission to address prejudice and violence against homeless individuals and to work with criminal justice agencies to track crimes against the homeless. This motion was passed in response to several incidents in which victims of crimes were seemingly targeted because of their homeless status.

On May 20, 2009, CCJCC voted to establish the Task Force on Crimes Against the Homeless to facilitate the process of tracking crimes against the homeless. The Task Force includes representatives of the Los Angeles County Human Relations Commission, Sheriff's Department, Los Angeles Police Department, Santa Monica Police Department, Pasadena Police Department, Long Beach Police Department, District Attorney's Office, Los Angeles City Attorney's Office, and CCJCC.

The purpose of the Task Force is to develop a system to track crimes against the homeless in Los Angeles County. It was agreed that the goal is to obtain data on all crimes against homeless individuals, not just those that are hate crimes.

This information can be analyzed and used to: 1) Track trends in crimes against the homeless; 2) Develop strategies and actions to prevent and reduce such crime; 3) Educate the public regarding the homeless and the amount of crime they experience in comparison to the general population; 4) Inform policy discussions on resource allocation and homeless population needs; and 5) Pursue grant funding for assistance/outreach to homeless victims of crime.

The Task Force established an agreed upon definition of homelessness (Federal HUD definition) and initiated a pilot project in five jurisdictions to begin tracking key data elements related to crimes involving homeless victims. The purpose of the pilot is to track the data, identify data collection issues, and explore options for aggregating data across the agencies.

Beginning September 1, 2010, the Sheriff's Department, LAPD, Long Beach Police Department, Pasadena Police Department, and the Santa Monica Police Department began collecting data on crimes against the homeless.

The participating agencies and the CCJCC Task Force are reviewing the data collected to date and are establishing a feasible tracking system to aggregate the data across the five agencies. The Task Force is also discussing the various options for creating a tracking system for all police agencies within the county.

Ms. Halpert-Schilt introduced Commander Darryl Qualls of the Pasadena Police Department to discuss challenges that are being addressed in collecting the data. Commander Qualls stated that he was appearing on behalf of Chief Tim Jackman of the Santa Monica Police Department, who serves as the representative on the Task Force from the County Police Chiefs Association.

Commander Qualls stated that one difficulty in collecting this data is that many homeless individuals are reluctant to report crimes. In addition, it is often problematic for detectives to follow-up on these cases. He noted that training and education of law enforcement officers who handle these cases can help to overcome these obstacles.

Using a common definition of homeless will assist in efforts to consolidate the data, but a challenge still remains in that the law enforcement agencies involved in the pilot use different data collection systems.

The Pasadena Police Department recently implemented a new computer system that allows law enforcement officers to check a box to indicate if the victim or perpetrator is a homeless individual.

Ms. Halpert-Schilt stated that the Task Force will continue to keep CCJCC informed on its progress.

Mr. Hayes stated that this Task Force and others that address issues concerning homelessness should include representation from Non-Governmental Organizations

and others familiar with helping homeless individuals.

ACTION: For information only.

VI. OTHER MATTERS/PUBLIC COMMENT

Sheriff Lee Baca suggested that the agencies represented on CCJCC should coordinate their advocacy efforts in Sacramento, where appropriate. To facilitate this, he requested that CCJCC Executive Director Mark Delgado assemble a roster of CCJCC member agencies' legislative advocates.

Sheriff Baca also informed the committee that he is implementing an education-based system in the county jail. The efforts that have been made have already shown progress in changing the attitudes of inmates. He stated that his goal is to have an education plan for every prisoner and to tie that to the larger system of incarceration in California. He will be advocating that CDCR adopt this as an approach to rehabilitation as well.

VII. ADJOURN

There being no further business, the meeting was adjourned at 1:01 p.m.