

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE SEPTEMBER 16, 2009 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS PRESENT

Acting Chair: Michael Judge, County Public Defender

Cynthia Banks, Director, County Department of Community & Senior Services
Janice Fukai, County Alternate Public Defender
Gigi Gordon, Directing Attorney, Post Conviction Assistance Center
Gabriella Holt, County Probation Commission
James Hudson, President, Los Angeles County Police Chiefs Association
Robert Kalunian, County Counsel
Al Leiga, Chair, County Quality & Productivity Commission
Steve Lieberman, Chief, County Office of Public Safety
John Neu, President, South Bay Police Chiefs Association
Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program
Richard Sanchez, County Chief Information Officer
Dennis Tafoya, County Affirmative Action Compliance Officer
Robin Toma, Executive Director, County Human Relations Commission
Carmen Trutanich, Los Angeles City Attorney
Mitch Ward, League of California Cities, Los Angeles County Division

ALTERNATES

Marv Cavanaugh for Lee Baca, Sheriff and Vice Chair of CCJCC
Delmaria Cole-Bigelow for John Torres, Special Agent-in-Charge, U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives
Kathleen Daly for Marvin Southard, Director, County Department of Mental Health
Xiomara Flores-Holguin for Trish Ploehn, Director, County Department of Children and Family Services
*Randall Goddard for William Bratton, Chief, Los Angeles Police Department
*Vincent Iaria for Robert Taylor, County Chief Probation Officer
William Montgomery for Tom Tindall, Director, County Internal Services Department
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
*Paul Rozario for Tim Landrum, Special Agent in Charge, U.S. Drug Enforcement Administration
*John Spillane for Steve Cooley, District Attorney

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Mark Arnold, Judge, Superior Court
Edmund Brown, California Attorney General
John Clarke, Superior Court Executive Officer
Peter Espinoza, Supervising Judge of Criminal, Superior Court
Jonathan Fielding, Director, County Public Health Department
William Fujioka, County Chief Executive Officer
Lois Gaston, California Contract Cities Association
Anthony Hernandez, Director, County Department of Coroner
Salvador Hernandez, Assistant Director in Charge, Los Angeles Division, Federal
Bureau of Investigation
Sean Kennedy, Federal Public Defender
Richard Kirschner, Judge, Superior Court
Don Knabe, County Supervisor for the Fourth District and Chair of the County Board of
Supervisors
Loretta Martin, Chief U.S. Probation Officer
Charles McCoy, Presiding Judge, Superior Court
Michael Nash, Supervising Judge, Juvenile Court
Richard Propster, Peace Officers Association of Los Angeles County
Tom Reeves, County Prosecutors Association
Darline Robles, Superintendent, County Office of Education
Miguel Santana, Los Angeles City Chief Administrative Officer
Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner
Stephanie Sautner, Judge, Superior Court
Patricia Schnegg, Assistant Supervising Judge of Criminal, Superior Court
Warren Stanley, Southern Division Commander, California Highway Patrol
Robert Todd, President, Southeast Police Chiefs Association
Adam Torres, United States Marshal
Michael Tynan, Judge, Superior Court
Frank Venti, President, Independent Cities Association
Larry Waldie, Undersheriff
Dan Watson, President, San Gabriel Valley Police Chiefs Association

CCJCC STAFF

Mark Delgado, Executive Director
Kenna Ackley
Cynthia Machen
Craig Marin

GUESTS/OTHERS

Richard Barrantes, Sheriff's Department
Felix Basadre, Information Systems Advisory Body
Carol Clem, Public Defender's Office
Rick DeMartino, LAPD
Linda Dyer, Alcohol and Drug Program Administration
Gina Gambella, Department of Children and Family Services

Robby Ibelle, Sheriff's Department
Michael Jacobsen, Vera Institute of Justice
Dorinne Jordan, Second District, County Board of Supervisors
Robert King, Internal Services Division
Brian Lendman, Sheriff's Department
Peter Loo, County CIO
Ana Maria Luna, Judge, Superior Court
Richard Martinez, County CEO
Naira Mkheyian, County CEO
Tami Omoto-Frias, County CEO
John Ruegg, Information Systems Advisory Body
Maxine Schmidl, County CEO
Stan Shimotsu, Public Defender's Office
Peter Shutan, Los Angeles City Attorney's Office and County Probation Commission
Scott Stickney, Probation Department
Shirley Summers, Behavioral Health Services
Karen Tamis, Vera Institute of Justice
Cheri Thomas, LAUSD
Jaclyn Tilley Hill, Quality & Productivity Commission
Henry Van Ordheusden, Behavioral Health Services
Rick Wammack, U.S. Drug Enforcement Administration
Ruth Wong, Quality & Productivity Commission

I. CONVENE/INTRODUCTIONS

Michael Judge, County Public Defender

The meeting was called to order at 12:00 noon by Los Angeles County Public Defender Michael Judge, Acting Chair for this meeting.

Self-introductions followed.

Mr. Judge noted that Supervisor Don Knabe, Chair of CCJCC, was unable to attend this meeting.

II. APPROVAL OF THE MINUTES

Michael Judge, County Public Defender

There were no requests for revisions to the minutes of the June 17, 2009 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the June 17, 2009 meeting was seconded and approved without objection.

III. PROPOSITION 36 TASK FORCE

Judge Ana Maria Luna, Chair, Proposition 36 Task Force

Judge Ana Maria Luna, Chair of the Proposition 36 Task Force, appeared before CCJCC to present the Proposition 36 Report covering the Fiscal Years 2006-2007 and 2007-2008. She also addressed the impact of funding reductions to the program.

Proposition 36, the Substance Abuse and Crime Prevention Act, was approved by California voters in November 2000 and implemented in Los Angeles County in July 2001. It amended existing drug sentencing laws by requiring that criminal defendants who are convicted of a non-violent drug offense be placed in drug treatment, as opposed to incarceration, as a condition of probation.

From July 2001 through the end of 2008, about 64,000 defendants were convicted and sentenced to participate in the Proposition 36 program. Close to 55,000 of those were provided assessment and treatment referral services at Community Assessment Services Centers (CASC's). Judge Luna noted that the CASC's had over 160,000 contacts with Proposition 36 participants due to treatment providers referring many of the participants back to the CASC's during the course of their treatment.

More than 43,000 participants have reported to treatment providers as ordered and the overall appearance rate during the seven and a half year period was 79%. In addition, at any given time during that period, approximately 5,000 participants in the county were receiving treatment services through Proposition 36.

By the end of 2008, over 20,000 participants had successfully completed treatment through the program. Of those, over 11,000 had petitioned to have their cases dismissed. The overall completion rate was 31%.

When Proposition 36 was first approved, the program was allotted \$120 million annually to be used statewide for the first five years, with an initial first year appropriation of \$60 million for planning and implementation.

Los Angeles County received approximately \$30 million annually from the program inception through Fiscal Year 2005-2006. The county was also able to utilize funding from the rollout money for initial planning and implementation.

The guaranteed funding of the first five years no longer exists, and the program is now being funded on a year-to-year basis.

The Governor proposed \$120 million for Proposition 36 for Fiscal Year 2006-2007 and \$25 million in additional funding under the Substance Abuse Offender Treatment Program (OTP). The OTP funding is competitive and requires a 10% county match in funds. While Los Angeles County was allocated \$43 million total for that fiscal year, the funding did not adequately address the rising administration costs of the program and increasing numbers of participants.

In Fiscal Year 2007-2008, Proposition 36 funding for Los Angeles County was cut by about 26% to \$32 million. This resulted in reductions in services allowed under the Proposition 36 program for both the 2007-2008 and 2008-2009 Fiscal Years. These included a limit on the length of time that participants can remain in residential treatment, changes to the way that misdemeanants are treated, a limit on the length of time that outpatient treatment is offered, and a limit on the length of time for aftercare services.

Proposition 36 has suffered further cuts at the state level in the current Fiscal Year 2009-2010. The State Legislature approved \$18 million for OTP funding, but the adopted budget completely eliminates funding for Proposition 36. \$45 million is available from Federal Byrne grant funds to be used for drug and alcohol treatment services provided through a drug court model program.

The County Alcohol and Drug Program Administration (ADPA) has recommended that this county's portion of the Byrne grant funds should be used to support Proposition 36 if the state agrees that the funding may be used in this manner. ADPA estimates that the total amount of funding that the county could potentially receive this fiscal year for Proposition 36, including Byrne funding if it can be used for the program, is \$15.9 million

Judge Luna noted that this \$15.9 million, if received, would still represent a 43% funding reduction from the previous fiscal year. Furthermore, the funding from OTP and the Byrne grant would be a one-time allocation. Fiscal Year 2010-2011 may bring an elimination of all state funding that can be utilized for Proposition 36 treatment services.

The following funding reductions have taken effect: (1) Elimination of funding for the Probation Department to reflect the discontinued deployment of staff with the CASC's; and (2) Elimination of funding to the Superior Court to reflect the elimination of dedicated Proposition 36 courtrooms.

ADPA and the Proposition 36 Steering Committee are exploring various changes to the treatment matrix. These include: (1) Elimination of residential detoxification services by the end of October 2009; (2) Elimination of residential treatment services effective in January 2010; (3) Reconfigure outpatient services to maximize the number of clients served and minimize the wait time for services; and (4) Reduction in funding to the local county alcohol and drug office to administer and monitor the program.

If these proposed changes in treatment services are recommended by ADPA and the Proposition 36 Steering Committee, they will be presented to CCJCC for consideration.

A motion was made to approve the Proposition 36 Report for Fiscal Years 2006-2007 and 2007-2008 for submission to the County Board of Supervisors.

ACTION: The motion to approve the Proposition 36 Report for Fiscal Years 2006-2007 and 2007-2008 for submission to the County Board of Supervisors was seconded and approved without objection.

IV. INFORMATION SYSTEMS ADVISORY BODY (ISAB)

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. Los Angeles County Public Defender Michael Judge serves as the Chair of ISAB.

The membership of ISAB includes the Alternate Public Defender, County Chief Executive Office (CEO), County Chief Information Office (CIO), Department of Coroner, District Attorney's Office, Internal Services Department (ISD), Los Angeles County Police Chiefs Association, Los Angeles Police Department (LAPD), Superior Court, Probation Department, Public Defender's Office, and the Sheriff's Department.

One of the recent efforts to facilitate electronic information exchange within the criminal justice community is the District Attorney Electronic Subpoena Project. This allows the District Attorney's Office to electronically serve subpoenas on law enforcement officers that are needed to testify. It also provides an email acknowledgement of the availability of the officer.

The benefits of this process include: (1) Reduction in the number of law enforcement officers to subpoena because of rapid direct response by the officer as to availability to testify; (2) Reduction in law enforcement overtime; and (3) Reduction in court continuances by obtaining rapid feedback on officer availability.

The Electronic Subpoena Project has been implemented with the LAPD and Long Beach Police Department and will soon be available with the Sheriff's Department as well. The Public Defender's Office and Alternate Public Defender's Office have expressed an interest in having a similar system created for their subpoenas.

Another project that ISAB has been involved in is supporting inmate video conferencing for interviews with attorneys from the Public Defender's Office and Alternate Public Defender's Office.

Recently, ISAB has been working with ISD, the CIO, and the Sheriff's Department on an infrastructure that will support both the existing ISAB video conferencing system and the new video arraignment and family visitation video conferencing system. Additional funding will be required to procure switches, recorders and scheduling software to create a secure integrated system for the county.

Mr. Ruegg next discussed the implementation of the DNA Offender Tracking System (DOTS) Phase II, which screens all individuals transferred to the Inmate Reception Center (IRC) and automatically identifies those who qualify for DNA sample collection. This system went live on March 4, 2009.

ISAB is working to complete DOTS Phase III, which will integrate DOTS into the LiveScan system (fingerprint-based booking) to automatically identify eligible subjects for criminal DNA sample collection at the time of booking.

Mr. Ruegg reviewed the following new ISAB data delivery services:

- Automated delivery of adult criminal filing and sentence data to the Alternate Public Defender;
- Automated system analysis of the Consolidated Criminal History Reporting System (CCHRS) arrest charges and priors to determine whether DNA collection is needed or is on file;
- CCHRS data extract for the Vera Institute of Justice to assist with the Jail Overcrowding Study;
- Automated delivery of probationer CCHRS data to support the probation dashboard application; and
- Annual analysis/statistics from CCHRS to support State Criminal Alien Assistance Program (SCAAP) federal fund reimbursements for housing of illegal aliens.

In addition, ISAB has just renewed a three-year contract to do outsourced imaging of old case files. This includes prosecution, defense, law enforcement, and probation documents.

Under the sponsorship of CCJCC, ISAB continues to develop, promote, and support secure electronic information sharing within the criminal justice enterprise for the purpose of cost effective justice and public safety adjudication of criminal activity.

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. VIDEO ARRAIGNMENT PROJECT

Chief Richard Barrantes, Court Services Division, Sheriff's Department

Chief Richard Barrantes of the Sheriff's Department Court Services Division appeared before CCJCC to provide an overview of video arraignment projects in the county.

The Glendale Video Arraignment Project has been in operation for a year. This is a pilot project in which defendants held in the Glendale Police Department Jail are arraigned in the local Glendale Courthouse via video arraignment.

The following are results from the first year of operation:

- Video Arraignments/Processes - 1,361
- Video Arraignments released - 809
- Video Arraignment/Remanded and transported to the Sheriff's Department - 552
- Video Arraignments rejected by arrestee - 0
- Video Arraignments rejected by Public Defender - 2

Chief Barrantes emphasized that the inmates that were released were all released from the Glendale Police Department Jail. This saved money in transportation costs and minimized safety issues involved in moving prisoners from the jail to the courthouse.

During the first year of operation, the Sheriff's stations at Altadena and Crescenta Valley have been added to this pilot. Arrestees at those stations are also arraigned through the Glendale Police Department Video Arraignment system. In addition, the Public Defender's Office has begun to utilize the technology to conduct interviews with defendants.

Discussions are underway to create a similar video arraignment process between the Pasadena Police Department and the Pasadena Courthouse.

A video arraignment and video visiting project for the downtown Los Angeles area (AVVS) has not yet been implemented, but the developmental process is underway. This would connect the Clara Shortridge Foltz Criminal Justice Center (CSF) with the jail system.

Unlike the Glendale Video Arraignment Project, AVVS will focus primarily on arraignments of inmates that are already in the jail system rather than new bookings. The initial target groups will be those individuals that are either high-risk or cannot get to court for medical reasons (medical no-go's).

An RFP had been released for this project, but it was subsequently cancelled in May of this year when it was found that there were not sufficient vendors that can perform the tasks needed. Since that time, it was determined that ISD's Voice and Video Applications Division has the capability to implement the video arraignment and video visiting aspects of AVVS.

The subcommittee charged with the development of AVVS has agreed to a projected timeline of mid to late November 2009 to conduct mock arraignments and work out all paper flow responsibilities and issues.

Chief Barrantes introduced Robert King, Manager of the ISD Voice and Video Applications Division, to provide more details on the project.

Mr. King stated that ISD's teleconferencing vision is to build a common technology that can service the entire county. He listed the following benefits to a fully implemented enterprise teleconferencing infrastructure:

- Operation and maintenance by one provider (ISD).
 - Less duplication within the county, with accompanying cost savings
 - One common infrastructure to maintain and refresh
 - Redundancy and scalability
 - Customized Service Level Agreement
 - One-stop shop
- Standards-based video endpoints; ability to accommodate customer preferences.

Once implemented, AVVS will enable Division 30 of CSF to conduct real-time arraignments via video technology to remote inmate locations. In addition, required case documents can be scanned and delivered over the network to the deputy public defenders at remote locations. The system will be capable of point-to-point and multipoint arraignments, as needed.

Chief Barrantes stated that AVVS involves cooperation from many agencies. A second phase to this project will be to expand it to the LAPD and to arraignments in the Compton Courthouse.

Robert Philibosian of the County Economy and Efficiency Commission (EEC) expressed thanks for the work that has gone into implementing video arraignments and noted that the EEC has previously recommended countywide use of video arraignments.

Kathleen Daly of the Department of Mental Health expressed the hope that mentally ill inmates classified as medical no-go's will be able to utilize the video arraignment process.

Michael Judge stated that a long-range report produced in 1993 called for the use of video and teleconferencing in the criminal justice system. The Public Defender's Office has long been supportive of the efforts to implement video arraignments, video visitation, and video conferencing for inmates. He noted that there are currently about 25,000 conferences with jail inmates conducted each year by the Public Defender's Office, Alternate Public Defender's Office, and the Probation Department. Video technology improves the ability of these departments to provide service to their clients.

Chief Barrantes stated that the video technology is being expanded to the state prison system to eliminate the need to transfer state prisoners for local hearings.

ACTION: For information only.

VI. LEGISLATIVE UPDATE

Maxine Schmidl, Chief Executive Office

Maxine Schmidl, Senior Legislative Analyst with the Intergovernmental and External Affairs Division of the County Chief Executive Office (CEO), appeared before CCJCC to provide an update on prison and parole reform legislation.

On September 11, 2009, the State Senate passed the State Assembly's version of corrections reform. While the most recent budget agreement for this fiscal year had sought to achieve \$1.2 billion in savings from the California Department of Corrections and Rehabilitation (CDCR), the cuts agreed to fall short of that goal by about \$230 million by some estimates.

The following features of the bill were noted:

- The property crime threshold, which hadn't been modified since 1982, is raised so that it aligns it with the Consumer Price Index.
- Incentives are created for inmates in both prisons and jails to participate in programs that will help reduce recidivism.
 - Eligible offenders in both the prison and jail systems are eligible for day for day credit on the same basis so that there is continuity between the two systems.
 - There is also authority given to award enhanced credits for up to six weeks for completion of rehabilitation education and vocational programs while in prison.
- Changes are made to parole policy.
 - A risk assessment instrument is used to target high risk inmates for more intensive supervision, while reducing supervision for low and moderate level offenders with non-serious, non-sex offenses.
- The Parole Reentry Accountability Program establishes a program for parole violators with a history of substance abuse or mental illness.
- Fiscal incentives are provided for probation departments for supervision of felony probationers.
 - Incentives are provided to use programs that will reduce recidivism to the extent that probationers are not later sent into the prison system.

The following items were not included in the bill: A sentencing commission; changing wobblers to straight misdemeanors; and alternative custody arrangements.

Ms. Schmidl remarked that the bill also does not address the Federal Court order to produce a plan for reducing the prison population by over 40,000 inmates over a two-year period. It is likely that this matter will ultimately be heard by the U.S. Supreme Court.

Assistant Sheriff Marv Cavanaugh stated that Los Angeles County will likely receive about a third of the returning inmates if the Federal Court orders mandatory releases from the prison system. Sheriff Lee Baca has called for a corrections and accountability commission consisting of appropriate legislative and criminal justice community representation.

Michael Judge referenced the Women's Reentry Court as an example of a local collaborative effort that is working well and reducing recidivism. Of the 130 female parolees who have entered this program, only 13 have failed to complete it.

ACTION: For information only.

VII. OTHER MATTERS/PUBLIC COMMENT

Michael Judge introduced Los Angeles City Attorney Carmen Trutanich. Mr. Trutanich was recently elected City Attorney and has previously worked in the District Attorney's Office.

VIII. ADJOURN

Beginning in January 2010, CCJCC meetings will be held on the first Wednesday of each month. This change is being made so that the meetings will not conflict with the statewide Court holiday that now falls on the third Wednesday of each month.

There being no further business, Michael Judge adjourned the meeting at 1:12 p.m.