

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE JANUARY 16, 2013 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Chairman: Mark Ridley-Thomas, County Supervisor for the Second District and
Chairman of the County Board of Supervisors

Lee Baca, Sheriff and Vice Chair of CCJCC

Richard Barrantes for Paul Tanaka, Undersheriff

James Brandlin, Assistant Supervising Judge, Criminal, Superior Court

*Deni Butler for John Clarke, Superior Court Executive Officer

Jorge Cisneros, President, Southeast Police Chiefs Association

Paul Cooper for Jim McDonnell, President, Los Angeles County Police Chiefs
Association

Peter Espinoza, Judge, Superior Court

Robert Fager, President, South Bay Police Chiefs Association

*Ali Farahani for Richard Sanchez, County Chief Information Officer

Xiomara Flores-Holguin for Philip Browning, Director, County Department of Children
and Family Services

*Maria Franco for Martin Hoshino, Acting Secretary, California Department of
Corrections and Rehabilitation

Janice Fukai, County Alternate Public Defender

*Eric Harden for Steven Bogdalek, Special Agent in Charge, U.S. Bureau of Alcohol,
Tobacco, Firearms and Explosives

*Craig Harvey for Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner

Christa Hohmann, Directing Attorney, Post Conviction Assistance Center

*David Keetle for Jim Smith, President, San Gabriel Valley Police Chiefs Association

*Fabian Lizarraga for Charles Beck, Chief, Los Angeles Police Department

Mary Marx for Marvin Southard, Director, County Department of Mental Health

Georgia Mattera for William Fujioka, County Chief Executive Officer

*Jon McCaverty for John Krattli, Acting County Counsel

Edward McIntyre, Chair, County Quality & Productivity Commission

Don Meredith, President, County Probation Commission

William Montgomery for Tom Tindall, Director, County Internal Services Department

Steven Olivas for Antonio Villaraigosa, Mayor, City of Los Angeles

Earl Perkins for John Deasy, Superintendent, Los Angeles Unified School District

Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program

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

Jeffrey Prang, California Contract Cities Association

Timothy Robbins, Field Office Director, U.S. Immigration and Customs Enforcement

*Joseph Santoro for Juventino Gomez, Independent Cities Association

Annemarie Sauer for Miguel Santana, Los Angeles City Chief Administrative Officer
Stanley Shimotsu for Ronald Brown, County Public Defender
Robin Toma, Executive Director, County Human Relations Commission
*Robin Toma for Cynthia Banks, Director, County Department of Community & Senior Services
John Viernes for Jonathan Fielding, Director, County Department of Public Health
Lance Winters for Kamala Harris, California Attorney General

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Bruce Barrows, California League of Cities
Andre Birotte, U.S. Attorney
Dan Bower, Chief, Southern Division, California Highway Patrol
Michelle Carey, Chief U.S. Probation Officer
Arturo Delgado, Superintendent, County Office of Education
Mitchell Englander, Los Angeles City Council, 12th District
Sean Kennedy, Federal Public Defender
Jackie Lacey, District Attorney
Tim Landrum, Special Agent in Charge, U.S. Drug Enforcement Administration
Steve Martinez, Assistant Director in Charge, Los Angeles Division, Federal Bureau of Investigation
Michael Nash, Supervising Judge, Juvenile, Superior Court
Charlaine Olmedo, Supervising Judge, Criminal, Superior Court
Jerry Powers, County Chief Probation Officer
Richard Propster, Peace Officers Association of Los Angeles County
David Singer, United States Marshal
Carmen Trutanich, Los Angeles City Attorney
Mike Webb, County Prosecutors Association
David Wesley, Presiding Judge, Superior Court

CCJCC STAFF

Mark Delgado, Executive Director
Cynthia Machen
Craig Marin
Ana Silva
Erika Williams

I. CONVENE/INTRODUCTIONS

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

Mark Ridley-Thomas, County Supervisor, Second District

There were no requests for revisions to the minutes of the December 5, 2012 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the December 5, 2012 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 an Executive Director's Report to the committee. This will be a standing item on all future CCJCC meeting agendas.

Pretrial Detention Review Pilot

A pretrial detention review pilot program began on January 7, 2013. A report on this pilot, with preliminary results, will be included on a future agenda. Mr. Delgado noted that this pilot is in addition to the expedited Early Disposition Program (EDP) pilot that was referred to at the August and November 2012 CCJCC meetings.

The pretrial detention review pilot will focus on those defendants that have not had their cases settled after going through the EDP Court. These individuals will be referred to the Sheriff's Department for risk and needs assessment. Following this, they will be returned to the Court for a determination on whether to release or continue detention.

Future CCJCC Meetings and Agenda Items

Future CCJCC meetings will be held in Room 140 (First Floor) of the Hall of Administration. This change will take effect immediately beginning with the next CCJCC meeting on February 20, 2013.

A draft of agenda topics for the coming year was distributed for review. This provides a general timeline for when subcommittees will be reporting back to CCJCC, while also offering flexibility for the committee to alter it as needed in order to address timely issues. Any suggestions or comments related to this document should be emailed to Mr. Delgado.

Board Action on Gun Violence

On January 8, 2013, Supervisor Ridley-Thomas introduced a motion asking for the development of a comprehensive approach to reduce gun violence in the County of Los Angeles. This motion was passed by the County Board of Supervisors.

One component of the motion directs the County Chief Executive Office, in consultation with this committee, to convene a task force of law enforcement, public health, and mental health entities to identify strategies for reducing incidents of gun violence. As a number of CCJCC members will be participating on this task force, this committee will be kept updated on its work.

Supervisor Ridley-Thomas noted that President Obama has issued his Administration's proposals to address gun violence in the nation. A copy of this report can be obtained at the following link:

http://www.whitehouse.gov/sites/default/files/docs/wh_now_is_the_time_full.pdf

ACTION: For information only.

IV. BRIEFING ON GOVERNOR BROWN'S PROPOSED FISCAL YEAR 2013-2014 STATE BUDGET

Kenna Ackley, County Chief Executive Office, Intergovernmental Relations and External Affairs

Kenna Ackley of the County Chief Executive Office's Intergovernmental Relations and External Affairs Division appeared before CCJCC to provide an update on the Governor's proposed state budget for Fiscal Year 2013-2014.

Governor Brown released his budget proposal on January 10, 2013. Following negotiations and debate at the state level, the Governor will release a revised budget in May.

The Governor has declared that his proposed budget is balanced and that the deficit predicted last November by the Legislative Analyst's Office has been resolved. He also emphasized his commitment to paying down the state's long-term debt over the coming years.

The budget calls for restoring a significant amount of funding to education as a result of the passage of Propositions 30 and 39 in the last election.

With respect to public safety, the Governor has reiterated his commitment to the implementation of AB 109 (public safety realignment). Statewide, the allocation for AB 109 is projected to be over \$1 billion. The County of Los Angeles is slated to receive 31.78% of this funding for Fiscal Year 2013-2014 and Fiscal Year 2014-2015.

Ms. Ackley noted that grants to city police departments have been augmented from \$24 million for the current fiscal year to \$27.5 million for Fiscal Year 2013-2014.

There is a reduction in the allocation for SB 678, which provides funding to Probation Departments that reduce the number of felony probationers sent to state prison. Discussions are continuing among counties and the state as to the role of SB 678 and how it can be revised to reflect the impact of public safety realignment.

The Governor believes that the state has met its obligation to reduce prison overcrowding and improve prison health care. Nevertheless, as required by the Federal Court, a plan was submitted to meet the June 2013 population threshold. This will be discussed in more detail under Agenda Item VI.

Supervisor Ridley-Thomas remarked that the amount of state funding that has been provided to the county to implement AB 109 has been insufficient. In particular, he noted that the county has not been provided with the resources needed for proper treatment and monitoring of individuals with significant mental health issues. He emphasized that it is important for the Governor to be made aware of all of the difficulties that counties are facing with respect to public safety realignment.

Robert Philibosian of the County Economy and Efficiency Commission inquired as to whether the state has provided the county with the AB 109 funding that it has already committed to. Georgia Mattera of the County Chief Executive Office replied that it has. The county has received the funding up through the end of Fiscal Year 2012-2013.

In response to a question concerning the distribution of AB 109 funding from the county to the cities, Ms. Ackley replied that this is not addressed in this year's county budget.

Supervisor Ridley-Thomas stated that discussions are ongoing concerning the issue of equitable distribution of AB 109 funding.

ACTION: For information only.

V. STATUS REPORT ON COURT RESTRUCTURING

Judge James Brandlin, Assistant Supervising Judge – Criminal Division, Los Angeles Superior Court

Judge James Brandlin, Assistant Supervising Judge of the Los Angeles Superior Court's Criminal Division, appeared before CCJCC to provide an update on the Superior Court's restructuring plans.

The Los Angeles Superior Court is developing a restructuring/consolidation plan in response to significant budget cuts over the past several years. He emphasized that this is a work in progress and that no final decisions have been made.

The Superior Court is facing an \$85 million deficit for Fiscal Year 2013-2014. As a result, there will necessarily be reductions in all Court operations, as well as a transfer of Court personnel among Court locations.

The consolidation plan will incorporate the following principles/priorities:

- Meet constitutional requirements and statutory obligations;
- Maintain access to justice in all litigation types;
- Most effective use of bench officers;
- Fair and even distribution of resources within case types; and
- Investment in technology.

With respect to investment in technology, Judge Brandlin stated that an example can be seen in the Traffic Division, where a pilot program will make use of electronic transmission of data and more kiosks will be made available to prevent long lines and congestion in the courthouses.

Judge Brandlin reviewed the following aspects of the Court's consolidation plan:

First, there will be a potential closure of adjudicatory activities in the following ten courthouses:

- Huntington Park
- Whittier
- Pomona North
- Malibu
- West Los Angeles
- Beverly Hills
- San Pedro
- Beacon Street
- Catalina
- Kenyon Juvenile Justice Center (which will also close two courtrooms)

In addition, all civil harassment cases, which are currently heard by judicial officers assigned to Civil Court calendars, will be reassigned to Family Law Courts. This will add more 10,000 civil harassment hearings annually to the Family Law caseload.

The plan would also centralize all Probate matters in the Stanley Mosk Courthouse in the downtown civic center, and Probate filings will only be accepted at that location.

Mental Health Court may be reconfigured under the auspices of Probate. Currently, the Mental Health Court is configured under the Criminal Division.

All Small Claims cases in Los Angeles County will be consolidated into the following five courthouses: (1) Stanley Mosk Courthouse; (2) Alhambra Courthouse; (3) Van Nuys Courthouse; (4) Downey Courthouse; and (5) Inglewood Courthouse.

Furthermore, all Unlawful Detainer cases in the county will be consolidated into the following four courthouses: (1) Stanley Mosk Courthouse; (2) Pasadena Courthouse; (3) Long Beach Courthouse; and (4) Santa Monica Courthouse.

All traffic infractions, which have been heard in 27 courthouses, will be reassigned to be heard in approximately 16 courthouses.

The following changes will be applied to the Central Criminal Courts:

- There will be a reconfiguration of the Central Arraignment Courts (CAC) to accommodate new demands from parole violation hearings as a result of AB 109. Additionally, CAC's infraction caseload will be moved to the Metropolitan Courthouse and the CAC misdemeanor caseload will be moved to the East Los Angeles Courthouse.
- It is anticipated that 12 courtrooms in the Central Criminal Division will be closed. The cases will be redistributed among the remaining criminal courtrooms.

In District locations, those courthouses that will be impacted by a shift in the criminal case workload include the following:

- Whittier's misdemeanor cases will be moved to the Downey and Bellflower Courthouses.
- Whittier's preliminary hearings will be moved to the Norwalk Courthouse.
- The Pomona North misdemeanors may be moved to the West Covina and El Monte Courthouses. However, there are also discussions to keep them at Pomona's other facility.
- Malibu's misdemeanors will be moved to the Van Nuys Courthouse.
- The Beverly Hills and Universal City Sheriff's substation misdemeanors will be moved to the Van Nuys Courthouse. All other police agency misdemeanors will be moved to the Airport (LAX) Courthouse.
- The Catalina Courthouse's cases will be moved to the Long Beach Courthouse.

County Alternate Public Defender Janice Fukai inquired as to whether there is a target date for finalizing the consolidation plan. Judge Brandlin stated that the plan will be finalized prior to the start of the new fiscal year on July 1st. The Court will provide its justice partners with advance notice so that issues involving facilities, equipment, law enforcement citations, and other matters can be resolved before the consolidation plan goes into effect.

Robin Toma, Executive Director of the County Human Relations Commission, asked about the access that the public has to electronic filing. Deni Butler, Deputy Executive Officer with the Superior Court, stated that the Court is moving forward with plans for widespread electronic filing. However, at this time, there is very little that can be filed online.

Judge Brandlin responded to another question by noting that the Court will have depleted all of its reserves by the end of the current fiscal year. He also stated that lobbying efforts to restore adequate funding for the state's courts are ongoing.

Supervisor Ridley-Thomas made a motion to create a Court Restructuring Subcommittee that will assess this issue and its impact on the county and the local criminal justice system.

It was agreed that the membership of the subcommittee should include, but not necessarily be limited to, representatives from the Superior Court, Sheriff's Department, Probation Department, District Attorney's Office, Public Defender's Office, Alternate Public Defender's Office, Indigent Criminal Defense Appointments Program, Los Angeles City Attorney's Office, LAPD, and the Los Angeles County Police Chief's Association.

Any suggestions as to additional entities that should be represented on this subcommittee should be submitted to Mark Delgado, who will have authority to designate additional members in consultation with the Chairman's office.

ACTION: The motion to create a Court Restructuring Subcommittee was seconded and approved without objection.

Sheriff Baca offered a suggestion that the Superior Court may need to consider litigation or the threat of litigation as a means for restoring sufficient funding. As a separate branch of government, the Court cannot legally be underfunded to the point where it is unable to perform its constitutional duties.

VI. STATE'S EFFORTS TO END FEDERAL COURT ORDER CAPPING PRISON POPULATION

Lee Seale, Director, Internal Oversight and Research, CDCR

Lee Seale, Director of Internal Oversight and Research at the California Department of Corrections and Rehabilitation (CDCR), appeared before CCJCC to provide an update on the state's efforts to end the Federal Court order capping the state's prison population.

Before beginning his presentation on this matter, Mr. Seale first acknowledged the concerns among local governments, law enforcement agencies, and other justice partners with respect to public safety realignment. He stated that CDCR appreciates the ongoing collaboration and communication that they have with all of these entities in

trying to resolve issues.

Mr. Seale stated that there have been four recent steps this month to end Federal Court oversight of the state prison system. These are: (1) A proclamation by Governor Brown that the emergency caused by crowding is over; (2) A motion to terminate the federal lawsuit over mental health care; (3) A motion to vacate the population reduction order; and (4) A plan demonstrating that further court-ordered population reductions could harm public safety.

In the past week, Governor Brown issued a proclamation that supplants the emergency proclamation made by Governor Schwarzenegger in October 2006. In that year, state prisons were overcrowded by 200% of design capacity with more than 173,000 inmates in the system. Governor Schwarzenegger's emergency proclamation declared a state of emergency in the prison system due to severe overcrowding, and that there was a substantial risk to the health and safety of the staff and inmates.

A number of steps have been taken since 2006 to reduce the state prison population. For instance, the implementation of public safety realignment in October 2011 led to a notable downturn in the number of inmates. As a result, today there are about 132,000 inmates in the California state prison system.

This notable decrease over the past seven years led to the proclamation on January 7, 2013, from Governor Brown, which reads in part:

“Prison crowding no longer poses safety risks to prison staff or inmates, nor does it inhibit the delivery of timely and effective health care services to inmates.”

“Now, therefore, I, Edmund G. Brown Jr., Governor of the State of California, in accordance with the authority vested in me by the Constitution and the statutes of the State of California, hereby proclaim that the October 4, 2006 Prison Overcrowding Emergency Proclamation is terminated, effective July 31, 2013.”

The motion to terminate the federal lawsuit (*Coleman*) governing mental health care comes as a result of many steps taken over twenty years to address this issue. During that time, California has invested billions of dollars to improve mental health services in the prison system. This has included the hiring of qualified staff and the building of new and improved health care facilities throughout the state. As an example, the California Health Care Facility in Stockton will add 1,722 beds for inmates requiring long-term and intensive care for inmates with mental health issues.

Mr. Seale noted that the Federal Three-Judge Court that ordered the state to reduce its prison population was convened under the auspices of two class action cases, one of which was the *Coleman* case. The other class action case (*Plata*) held that CDCR's prison medical conditions violated the constitutional prohibition against cruel and unusual punishment. By demonstrating that there are no ongoing constitutional violations, the state hopes to show that the underlying cases no longer apply and,

therefore, there is no need to order a further prison population reduction.

The motion to vacate the population reduction order also makes note of the significant changes that have been made in the prison system. In ordering reductions in crowding, the Federal Three-Judge Court limited evidence of prison conditions to 2008 and prior. CDCR is seeking an opportunity to demonstrate that prison medical and mental health care has significantly improved since 2008, and that no further inmate reductions are necessary.

Mr. Seale cited audits from the Office of the Inspector General that show a consistent increase in monthly averages of prison medical scores from all 33 prisons. From September 2008 through September 2012, the average medical scores have risen from moderate to high adherence in three categories of policies and procedures for proper medical care.

While the motions to terminate the federal lawsuit and the population reduction order are pending, CDCR remains under order to submit a plan for reducing its prison population to 137.5 percent of design capacity. CDCR informed the Court that this would require a reduction of over 9,000 additional inmates to meet that target. While CDCR maintains that any further reduction in the inmate population is unnecessary and dangerous, a plan was submitted as ordered.

The submitted plan details the steps that would be needed to meet the 137.5 percent threshold both by June and by December of this year.

All court filings and a copy of Governor Brown's proclamation can be found at the following link:

http://www.cdcr.ca.gov/news/3_judge_panel_decision.html

ACTION: For information only.

VII. LOS ANGELES COUNTY ANNUAL HATE CRIME REPORT

Robin Toma, Executive Director, County Human Relations Commission

Robin Toma, Executive Director of the County Human Relations Commission (HRC), appeared before CCJCC to make a presentation on the 2011 Los Angeles County Annual Report on Hate Crimes.

The Annual Report on Hate Crimes is based on an analysis of data submitted by all law enforcement agencies in the county, some local school districts, and some non-profit organizations. Duplicate reports are checked and eliminated.

According to California state law, hate crime charges may be filed when there is evidence that bias, hatred, or prejudice based on the victim's real or perceived race/ethnicity, religion, ancestry, national origin, disability, gender, or sexual orientation

is a substantial factor in the commission of the offense.

Mr. Toma provided examples of specific incidents of hate crimes that occurred in 2011. Hate crimes can range from vandalism to physical violence.

Overall, there were 489 hate crimes in Los Angeles County in 2011, which is a 15% increase from the previous year. This comes after three straight years of a decline in hate crimes in the county. Despite this reversal, Mr. Toma noted that this is still the second lowest total in 21 years.

Statewide, in contrast the county numbers, the California Attorney General's Office reported that hate crimes fell 4.2% from the previous year. Mr. Toma also noted that the LAPD reported an 8% decrease in overall violent crime and a 1% decrease in property crimes. The Sheriff's Department reported an 8% decrease in overall crime. This serves as a reminder that hate crime incidence does not necessarily follow general crime trends.

The largest number (49%) of hate crimes were motivated by racial animus, and in 2011 these crimes increased by 13%. African Americans were targeted most frequently (60%), and these crimes rose 24% while anti-Latino crimes fell by 34%.

Sexual orientation was the motivation in 25% of hate crimes, and they rose by 13% (113 to 127). A total of 71% of these crimes were of a violent nature, which is a rate significantly higher than either racial or religious crimes. Males were targeted in 84% of these cases.

Religion-motivated hate crimes rose 24% from 76 to 94. They represented 18% of all hate crimes and 20% were violent. The majority of these crimes were anti-Jewish. Mr. Toma observed that half of the 24% increase was the result of two days of red swastikas being painted in public areas by apparently one vandal.

There was evidence of white supremacist ideology in 21% of all county hate crimes, which is higher than the 18% of the previous year. These were most frequently cases of graffiti that included hate symbols. Mr. Toma surmised that this increase is a significant factor in the overall increase in hate crimes. He added that white supremacist driven hate crimes rose 54% from 2010 to 2011.

Gang members were suspects in 12% (up from 9%) of hate crimes. Gang involved hate crimes rose 43% from 2010 to 2011. In the great majority of these cases, Latino gang members targeted African American victims.

Mr. Toma observed that the areas targeted by the County's Gang Violence Reduction Initiative (i.e., Pacoima, Florence-Firestone, Monrovia-Duarte, and Harbor Gateway) did not show an increase in hate crimes.

Hate crimes occurred throughout Los Angeles County, but the largest numbers were concentrated in the San Fernando Valley, followed by the Metro region. However, if one accounts for population, the highest rate of hate crimes took place in the Metro region, followed by the Antelope Valley.

The 2011 Los Angeles County Annual Report on Hate Crimes can be found online at the following link:

http://lahumanrelations.org/hatecrime/reports/2011_hateCrimeReport.pdf

ACTION: For information only.

VIII. OTHER MATTERS/PUBLIC COMMENT

There were no public comments.

Supervisor Ridley-Thomas invited those present to attend the 21st Annual Empowerment Congress Summit on Saturday, January 19, 2013, at the University of Southern California Bovard Auditorium, from 9:00 a.m. to 1:00 p.m. (Registration 8:00 a.m.). Website link: <http://empowermentcongress.org>.

IX. ADJOURNMENT

The meeting was adjourned at 1:15 p.m.