

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE NOVEMBER 2, 2011 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Chair: Michael Antonovich, Mayor, County of Los Angeles

Cynthia Banks, Director, County Department of Community & Senior Services

Richard Barrantes for Paul Tanaka, Undersheriff

Steve Beeuwsaert, Chief, Southern Division, California Highway Patrol

Ronald Brown, County Public Defender

Betty Chu, Director, Independent Cities Association

Susan Cichy for John Clarke, Superior Court Executive Officer

Steve Cooley, District Attorney

Paul Cooper, President, San Gabriel Valley Police Chiefs Association

Kathleen Daly for Marvin Southard, Director, County Department of Mental Health

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

Maria Franco for Matthew Cate, Secretary, California Department of Corrections and
Rehabilitation

Janice Fukai, Alternate Public Defender

Lois Gaston, California Contract Cities Association

*Jon Goldberg for Tim Landrum, Special Agent in Charge, U.S. Drug Enforcement
Administration

Anthony Hernandez, Director, County Department of Coroner

Christa Hohmann for Gigi Gordon, Directing Attorney, Post Conviction Assistance
Center

Tim Jackman, President, Los Angeles County Police Chiefs Association

Jason Killeen for Miguel Santana, Los Angeles City Chief Administrative Officer

Joe Leonardi, President, South Bay Police Chiefs Association

George Lomeli, Assistant Supervising Judge, Criminal, Superior Court

George Lomeli for Patricia Schnegg, Supervising Judge, Criminal, Superior Court

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

Michel Moore for Charles Beck, Chief, Los Angeles Police Department

Andrea Ordin, County Counsel

Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program

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

Cal Remington, Acting County Chief Probation Officer

Cecil Rhambo for Lee Baca, Sheriff and Vice Chair of CCJCC

Bruce Riordan for Andre Birotte, U.S. Attorney

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

Richard Sanchez, County Chief Information Officer

Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner
David Singer, United States Marshal
William Sullivan, Chair, County Quality & Productivity Commission
Cheri Thomas for John Deasy, Superintendent, Los Angeles Unified School District
Carmen Trutanich, Los Angeles City Attorney
*David Turla for William Fujioka, County Chief Executive Officer
John Viernes for Jonathan Fielding, Director, County Department of Public Health
Brenda Wells for Mike Webb, County Prosecutors Association

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Michelle Carey, Chief U.S. Probation Officer
Jorge Cisneros, President, Southeast Police Chiefs Association
Arturo Delgado, Superintendent, County Office of Education
Lee Smalley Edmon, Presiding Judge, Superior Court
Mitchell Englander, Los Angeles City Council, 12th District
Kamala Harris, California Attorney General
Sean Kennedy, Federal Public Defender
Steve Martinez, Assistant Director in Charge, Los Angeles Division, Federal Bureau of Investigation
Don Meredith, President, County Probation Commission
Michael Nash, Supervising Judge, Juvenile, Superior Court
Charlaine Olmedo, Supervising Judge, North Valley - San Fernando, Superior Court
Richard Propster, Peace Officers Association of Los Angeles County
Robin Toma, Executive Director, County Human Relations Commission
John Torres, Special Agent-in-Charge, U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives
Antonio Villaraigosa, Mayor, City of Los Angeles
David Wesley, Assistant Presiding Judge, Superior Court

CCJCC STAFF

Mark Delgado, Executive Director
Cynthia Machen
Craig Marin

GUESTS/OTHERS

Kenna Ackley, County Chief Executive Office
Felix Basadre, Information Systems Advisory Body
Dan Bower, California Highway Patrol
Bruce Brodie, Alternate Public Defender's Office
Joseph Charney, Third District, County Board of Supervisors
Richard Fajardo, Second District, County Board of Supervisors
Camilla Fong, Los Angeles City Administrative Office

John Kramer, Claremont Police Department
Dean Gialamas, Sheriff's Department Crime Lab
David Marin, U.S. Immigration and Customs Enforcement
Jorge Morales, First District, County Board of Supervisors
Anna Pembedjian, Fifth District, County Board of Supervisors
Randall Pineda, Probation Department
Marguerite Rizzo, District Attorney's Office
John Ruegg, Information Systems Advisory Body
Devallis Rutledge, District Attorney's Office
Gary Schram, Los Angeles City Attorney's Office
Robert Taylor, Sheriff's Department Crime Lab
Sergio Vasquez, First District, County Board of Supervisors
Howard Wong, Probation Department
Anamae Yutan, Los Angeles City Administrative Office

I. CONVENE/INTRODUCTIONS

Steve Cooley, Los Angeles County District Attorney

The meeting was called to order at 12:10 p.m. by Los Angeles County District Attorney Steve Cooley, Acting Chair.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Steve Cooley, Los Angeles County District Attorney

There were no requests for revisions to the minutes of the October 5, 2011 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the October 5, 2011 meeting was seconded and approved without objection.

III. DNA TASK FORCE UPDATE

Marguerite Rizzo, District Attorney's Office – Co-Chair, DNA Task Force
Dean Gialamas, Director, Sheriff's Department Scientific Services Bureau

Marguerite Rizzo of the District Attorney's Office appeared before CCJCC to provide an update on the California Appellate Court case of *People v. Buza*. Ms. Rizzo and Chief John Neu of the Torrance Police Department serve as co-chairs of the DNA Task Force.

As a review, on August 4, 2011, the California Court of Appeal, First Appellate District, issued a decision in the case of *People v. Buza*. This held that the collection of arrestee DNA samples for database purposes, "without independent suspicion, a warrant or...a judicial or grand jury determination of probable cause," violates Fourth Amendment protections against unreasonable search and seizure.

The California Attorney General filed a petition for review in the California Supreme Court on September 6, 2011. On October 19, 2011, the California Supreme Court unanimously agreed to grant review.

As a result of the Court agreeing to review the case, the current opinion in *People v. Buza* is depublished and loses precedential value. The case can no longer be cited by the defense as an authority for the position that taking felony arrestee DNA samples violates the Fourth Amendment.

Ms. Rizzo noted that it is unknown how long the Supreme Court will take to render its decision.

The Court of Appeal's decision in the *Buza* case has had an impact on monthly DNA collections in the county: In July 2011, 5,040 samples were collected; in August 2011, 3,182 samples were collected; in September 2011, 1,596 samples were collected; and in October 2011, 1,837 samples were collected. As a comparison, about 5,000 samples were collected in both September 2010 and October 2010.

Mr. Cooley inquired as to whether local law enforcement agencies are now mandated to collect DNA samples as they were prior to the *Buza* decision on August 4th. Ms. Rizzo confirmed that this is correct because the *Buza* case cannot be cited as authority.

Dean Gialamas, Director the Sheriff's Department Crime Lab, was introduced and appeared before CCJCC to provide an update on recent activity at the crime lab.

Both the Sheriff's Department and LAPD Crime Labs have been addressing a backlog on sexual assault kits during the past few years. For the Sheriff's Department, the initial backlog was 4,763 kits.

As of July 30, 2011, the Sheriff's Department Crime Lab has completed testing and analysis of all previously untested sexual assault kits. This was accomplished in part through partnerships with private laboratories.

Mr. Gialamas noted that a significant portion of the revenue for expenditures came from federal grants and earmarks. The County of Los Angeles only absorbed about 10% of the cost of the effort.

Eliminating the backlog has allowed the crime lab to shift resources to other areas. Two important improvements include DNA productivity enhancements and service expansion.

Productivity enhancements include technological upgrades that have allowed the crime lab to process DNA testing in batches, which has increased the response time to law enforcement. For example, casework that would have taken 150 to 180 days in the past can now be completed in 90 days or less. With respect to sexual assault cases,

the turnaround time is now as little as 30 days and no more than 45 days, whereas the previous turnaround time was about 180 days.

In some situations, such as with certain homicide cases, the crime lab can provide results in 5 days. These results would not be a full analysis, but would provide the investigators with information they need to proceed with the investigation.

With respect to service expansion, the crime lab now has the ability to dedicate resources to property crimes, which tend to have a high rate of hits on DNA samples collected. Training has been provided to assist crime scene personnel with collection methodologies and techniques for property crime DNA samples.

Joseph Charney, Justice Deputy for the Third District of the County Board of Supervisors, inquired as to the actual number of arrests likely to result from DNA samples taken from property crimes. Mr. Gialamas stated that an estimate can not be made at this time, but that nearly 70% of samples from property crimes have hits on the DNA database, which is much higher than samples from other crimes.

Mr. Gialamas also discussed the Cold Hit Outcome Project (CHOP), which is a cooperative program between the California Department of Justice, law enforcement agencies, crime labs, and the District Attorney's Office. CHOP provides a mechanism for tracking DNA hits and changes in cases. Any of the local law enforcement agencies can log into the secure system and follow-up on cases related to their department.

ACTION: For information only.

IV. PUBLIC SAFETY REALIGNMENT IMPLEMENTATION
Cal Remington, Acting Chief Probation Officer

Acting Chief Probation Officer Cal Remington appeared before CCJCC to provide an update on public safety realignment implementation. He noted that the first month of public safety realignment implementation was completed on Monday, October 31st.

In the last two weeks of the month, there was an increase in the number of individuals reporting to the hubs without a pre-release packet having been sent in advance. Another problem is that of individuals mistakenly being sent to local hubs when they should be reporting to a different county. In other cases, multiple packets have been received for the same individual. Unresolved issues such as these are being addressed by the Probation Department and the California Department of Corrections and Rehabilitation (CDCR).

Chief Remington introduced Howard Wong of his department to provide additional information.

Mr. Wong reported that 3,621 pre-release packets have been received by the Probation Department. Of these, 1,027 had projected released dates in October; however, as of

this morning, CDCR reports that 989 have actually been released. Thus far, 747 Postrelease Community Supervision (PCS) individuals have reported to the hubs, which is an appearance rate of about 93%.

It was reported that 33 of the individuals released by CDCR had Immigration and Customs Enforcement (ICE) detainers, and an additional 18 were held on pending warrants or other detentions.

Deputy Chief Michel Moore of the Los Angeles Police Department (LAPD) inquired as to how many warrants have been issued on absconders. Mr. Wong stated that preparations are being made for issuing 65 warrants on PCS absconders. It is expected that the warrants will be issued by the end of this week and that local law enforcement agencies will be notified.

Maria Franco of CDCR stated that the 93% appearance rate is consistent with what should be expected. She also emphasized the importance of quickly issuing arrest warrants on the PCS absconders.

Mr. Cooley inquired as to how many individuals have been sentenced to county jail under the non-serious, non-violent, non-sex offense (N3) criteria.

Chief Richard Barrantes of the Sheriff's Department reported that over 900 individuals have been sentenced to county jail under the public safety realignment criteria. Mark Delgado, Executive Director of CCJCC, added that the average sentence in length of days is 742 and the average length of time left to serve after the sentence is 244 days.

It is not known at this time how many individuals were sentenced on split sentences (incarceration followed by a period of mandatory supervision).

Mr. Charney inquired if the N3 county jail inmates are serving a higher percentage of time than convicted misdemeanants in the county jail. Chief Barrantes confirmed that they are and stated that the N3 inmates are serving normal time with credits.

ACTION: For information only.

NOTE: During this presentation, Mayor Michael Antonovich arrived and served as chair for the remainder of the meeting.

V. OTHER MATTERS/PUBLIC COMMENT

There were no additional matters or public comments.

VI. CHAIR'S CLOSING REMARKS

This is the last meeting this year that Mayor Antonovich is serving as chair of CCJCC. Mayor Antonovich noted that this year marks the 30th Anniversary of the creation of this

committee. Next month, Supervisor Zev Yaroslavsky will become the chair.

Mayor Antonovich thanked Sheriff Lee Baca (Vice Chair of CCJCC), District Attorney Steve Cooley, and all of the members of this committee for their work and dedication during his tenure as chair. He also thanked his Justice Deputy, Anna Pembedjian, and CCJCC Executive Director Mark Delgado for their work this year.

He emphasized that the current County Board of Supervisors and their staff work well with one another in serving the county and its residents.

The implementation of public safety realignment this year presented a challenge for the local criminal justice system. Mayor Antonovich remarked that he recently suggested that the County Grand Jury has an opportunity to study the impact of realignment on public safety, health services, and social services in the county. Such a study could potentially influence future actions of the state legislature.

Mayor Antonovich expressed his concern that the local impact of realignment may be very harmful. He added that it is important that the county receive full reimbursement from the state for the expenses it incurs.

VII. ADJOURNMENT

The meeting was adjourned at 12:46 p.m.