

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE MARCH 7, 2012 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Chair: Zev Yaroslavsky, County Supervisor for the Third District and
Chair of the County Board of Supervisors

Lee Baca, Sheriff and Vice Chair of CCJCC

*Kirk Albanese for Charles Beck, Chief, Los Angeles Police Department

Richard Barrantes for Paul Tanaka, Undersheriff

Ronald Brown, County Public Defender

Betty Chu, Director, Independent Cities Association

Susan Cichy for John Clarke, Superior Court Executive Officer

*Edward Eng for Isaac Barcelona, Chair, County Economy and Efficiency Commission

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

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

*Chuck Goldenberg for Carmen Trutanich, Los Angeles City Attorney

Anthony Hernandez, Director, County Department of Coroner

Christa Hohmann, Directing Attorney, Post Conviction Assistance Center

David Kettle, President, San Gabriel Valley Police Chiefs Association

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

Georgia Mattera for William Fujioka, County Chief Executive Officer

Don Meredith, President, County Probation Commission

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

Jerry Powers, County Chief Probation Officer

Richard Propster, Peace Officers Association of Los Angeles County

*C.H. Rehm for Patricia Schnegg, Supervising Judge, Criminal, Superior Court

Bruce Riordan for Andre Birotte, U.S. Attorney

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

Christopher Rogers for Lakshmanan Sathyavagiswaran, County Coroner – Medical
Examiner

Devallis Rutledge for Steve Cooley, District Attorney

Richard Sanchez, County Chief Information Officer

*Mary Savinar for William Sullivan, Chair, County Quality & Productivity Commission

Mitch Tavera, President, South Bay Police Chiefs Association

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
Mike Webb, County Prosecutors Association

*Patrick Wu for John Krattli, Acting County Counsel

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

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Bruce Barrows, California League of Cities

Steve Beeuwsaert, Chief, Southern Division, California Highway Patrol

Michelle Carey, Chief U.S. Probation Officer

Jorge Cisneros, President, Southeast Police Chiefs Association

John Deasy, Superintendent, Los Angeles Unified School District

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

George Lomeli, Assistant Supervising Judge, Criminal, Superior Court

Steve Martinez, Assistant Director in Charge, Los Angeles Division, Federal Bureau of
Investigation

Edward Medrano, President, Los Angeles County Police Chiefs Association

Michael Nash, Supervising Judge, Juvenile, Superior Court

Charlaine Olmedo, Supervising Judge, North Valley - San Fernando, Superior Court

Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program

Miguel Santana, Los Angeles City Chief Administrative Officer

David Singer, United States Marshal

Nancy Tragarz, California Contract Cities Association

Antonio Villaraigosa, Mayor, City of Los Angeles

David Wesley, Assistant Presiding Judge, Superior Court

CCJCC STAFF

Mark Delgado, Executive Director

Cynthia Machen

Craig Marin

Michelle Pangborn

GUESTS/OTHERS

David Abernathy, Cuffed and Wanted, Inc.

Don Abernathy, Cuffed and Wanted, Inc.

Kenna Ackley, County Chief Executive Office

Bernie Brown, Los Angeles City Attorney's Office

Alex Canchola, County Chief Executive Office
Joseph Charney, Third District, County Board of Supervisors
Dardy Chen, County Chief Executive Office
Carol Clem, Public Defender's Office
Jerry Cooper, Sheriff's Department
Rone Ellis, Private Citizen
Richard Fajardo, Second District, County Board of Supervisors
Laura Green, Public Defender's Office
Cookie Lommel, AFSCME Local 685
Dave Marin, U.S. Immigration and Customs Enforcement
Kim McGill, Youth Justice Coalition
Jorge Morales, First District, County Board of Supervisors
Anna Pembedjian, Fifth District, County Board of Supervisors
Joanne Rotstein, Public Defender's Office
John Ruegg, Information Systems Advisory Body
Jose Sanchez, Aladdin Bail Bonds
Stanley Shimotsu, Public Defender's Office
Scott Stickney, Probation Department
Gymika Williams, U.S. Attorney's Office
Alexander Yim, Sheriff's Department

I. CONVENE/INTRODUCTIONS

Zev Yaroslavksy, County Supervisor, Third District

The meeting was called to order at 12:00 noon by Los Angeles County Supervisor Zev Yaroslavsky, Chair of CCJCC.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Zev Yaroslavksy, County Supervisor, Third District

There were no requests for revisions to the minutes of the February 1, 2012 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the February 1, 2012 meeting was seconded and approved without objection.

III. COMMUNITY BASED ALTERNATIVES TO CUSTODY

Chief Alex Yim, Sheriff's Department

Chief Alex Yim of the Los Angeles County Sheriff's Department Correctional Services Division appeared before CCJCC to provide a report on Community Based Alternatives to Custody (CBAC) release polices and notification to local law enforcement.

At the CCJCC meeting on February 1, 2012, questions were raised concerning the Sheriff's Department CBAC release policies and whether local law enforcement agencies are notified upon an inmate's release. It was agreed that these issues would be addressed at this meeting.

Chief Yim stated that the Sheriff's Department utilizes Radio Frequency (RF) technology, Global Positioning System (GPS) technology, and combined technology to monitor supervised individuals that are out of custody.

The RF technology provides a "tether" to a particular area. The individual must remain within certain boundaries in order to be in compliance with the terms of release. For example, an ankle bracelet may confine the person to their home. If the person goes beyond the virtual boundary, the Sheriff's Department will be notified immediately that a violation has occurred.

The GPS technology is effective in tracking someone who is employed or otherwise is expected to have more freedom in traveling beyond their immediate surroundings.

The Sheriff's Department makes the determination as to which electronic monitoring technology is appropriate given the specific circumstances of each individual.

The three CBAC programs offered by the Sheriff's Department are work release, electronic monitoring, and the weekender commitment program. A total of 207 individuals are currently on work release. The electronic monitoring program is voluntary, managed by the Probation Department, and based on the offender's ability to pay.

Each candidate for alternative custody programs is subjected to a comprehensive assessment based on potential risk to the community. The individuals that are placed on CBAC programs are medium to low risk and the criteria for eligibility has remained consistent for many years.

Since the implementation of public safety realignment on October 1, 2011, nearly all N3 (sentenced to county jail under realignment) inmates are serving or have served 100% of their legally required time. The exception to this was in November 2011 when 35 individuals were released to the Probation Department for voluntary electronic monitoring.

Chief Yim noted that a concern was raised at the last meeting about a crime committed by individual on alternative sentencing. He asked that the District Attorney's Office provide him with the details of this case. Devallis Rutledge of the District Attorney's Office stated that he will provide him with the information.

Supervisor Yaroslavsky inquired as to whether non-N3 inmates are being released early. Chief Yim confirmed that non-N3 inmates are released early, but this is not being done in order to make room for N3 inmates and the county release policy has not

changed as a result of realignment.

There are currently 17,100 inmates in County Jail. The added space for N3 individuals has been made available incrementally by opening areas that had been closed. It is expected that jail capacity may be reached by the summer of this year.

The Sheriff's Department is considering the possibility of taking control of the fire camps and utilizing them for low risk offenders. This could provide an additional 1,000 jail beds at a relatively low cost.

Supervisor Yaroslavsky noted that the operating cost of the camps is not inconsequential. He stated that the Board of Supervisors has concerns that will need to be addressed before it would agree to an approval of the proposal.

Sheriff Baca reported that the costs would be reduced by consolidation of five camps into three camps. Additionally, the Sheriff's Department intends to propose that funding from AB 109 be used to offset the costs associated with the takeover of the fire camps from the state. The operating costs are estimated to be \$4.8 million.

Supervisor Yaroslavsky expressed concern that there may not be sufficient funding available from the state for all of the expenses that will be incurred locally for public safety realignment.

Chief Yim reported that a manual system is in place to notify local law enforcement agencies about the early release of N3 inmates. A contact person will notify the affected law enforcement agency when an N3 inmate is released into their jurisdiction. This process also applies to the release of N3 individuals onto electronic monitoring.

Don Meredith, President of the County Probation Commission, conveyed a question from the Pasadena Police Department concerning who will provide notification of an early release and how that notification will be made.

Chief Yim stated that there will be a contact person for each law enforcement agency and that a call will be made to the department whenever an N3 individual is released from jail prior to the end of their sentence.

ACTION: For information only.

IV. PUBLIC SAFETY REALIGNMENT

Jerry Powers, Chief Probation Officer

Chief Probation Officer Jerry Powers appeared before this committee to provide an update on public safety realignment in the county. Chief Powers serves as the chair of the County's Public Safety Realignment Team.

The most recent bi-monthly progress report on realignment was filed with the Board of Supervisors last week and copies were distributed to the members of this committee. The report includes data and emergent issues for December 2011 through January 2012.

Postrelease Community Supervision

By the end of January, 4,482 individuals had been released onto Postrelease Community Supervision (PCS) in this county.

This number is consistent with initial projections received from the California Department of Corrections and Rehabilitation (CDCR). However, projections anticipated a decline in the number of Postrelease Supervised Persons (PSPs), but this decline has not yet become apparent. If current release rates remain steady, there could be over 1,000 more PSPs by the end of June 2012 than originally anticipated.

Of the 4,482 PSPs released, 3,636 (81%) reported to the hubs and 300 (7%) were released to ICE custody. In addition, 272 (6%) were within the reporting period, released to another jurisdiction's custody, or subject to further probation follow-up, while 274 (6%) failed to report to the Probation Department as instructed and were named in a warrant.

Chief Powers highlighted the following developments related to the hub intake process:

- The Probation Department has initiated drug testing at the hubs of individuals identified in the pre-release packets as having substance abuse histories or potential treatment needs.
- The Probation Department is reconfiguring its existing Antelope Valley Adult Office to serve as a temporary hub. A Space Request/Evaluation (SRE) has been submitted to the Chief Executive Office to explore possible lease sites in the Antelope Valley.
- The Department of Children and Family Services (DCFS) and the Department of Public Health Substance Abuse Prevention and Control (DPH-SAPC) are working with the Probation Department on potential co-location plans.

Departments continue to implement strategies and process improvements to address issues and connect PSPs to treatment as effectively as possible. Chief Powers stated that the Probation Department now imposes mandatory treatment conditions on PSPs where appropriate. This is done before the individual leaves prison so that there isn't a delay or gap in substance abuse or mental health treatment.

There has been some improvement in engaging PSPs in treatment. Most notably, by the end of October 2011, only 3% of referred PSPs had reported to the Community Assessment Service Centers (CASCs) for substance abuse assessment and placement. By the end of January 2012, however, 34% of all referrals had reported.

Similar progress has been made with mental health services. Approximately 30% of those released in October, November, and December refused mental health treatment services. Of those released in January, however, the percentage of refusals dropped to 19%.

With respect to supervision/enforcement, there is ongoing cooperation and coordination with local law enforcement to effectively monitor PSPs.

The Probation Department initiated revocation proceedings in three cases in December and one in January. None of these cases reached the stage of a Court revocation hearing, as all of the cases settled at the probable cause stage.

The Legal Work Group continues to refine the process. In particular, probable cause hearings will be eliminated and replaced by a probable cause determination process administered by designated officers within the Probation Department.

The number of revocations may begin to increase in the coming months with more PSPs in the community and as the Probation Department adds more mandatory treatment conditions and deems intermediate sanctions inadequate for certain individuals.

Custody

The Court reports that there were approximately 3,800 AB 109 (N3) sentences through the end of January. 3,005 individuals accounted for those sentences due to many having multiple cases.

A total of 192 (about 5%) of the sentences were split sentences, which provides custody time plus mandatory supervision. Statewide, split sentences are being used much more frequently than in the County of Los Angeles.

Since the implementation of public safety realignment last October, the jail population grew by 759 by the end of January, which brought the total jail population to 16,357 at that time.

Increases in the N3 population and sentenced parole violator population have so far been partially offset by reductions in other categories.

Maria Franco of CDCR inquired as to the process that is in place for apprehending the PCS absconders. Chief Powers stated that the Probation Department works with the Sheriff's Department and LAPD to arrest those individuals that have not reported to the hubs as required.

The decision as to whether to use a flash incarceration or to seek a revocation depends upon the circumstances of the violation and the risk assessment.

The current and previous public safety realignment progress reports can be found at the following link: http://www.ccjcc.info/cms1_169172.asp.

ACTION: For information only.

V. JUVENILE JUSTICE REALIGNMENT PROPOSAL

Jerry Powers, Chief Probation Officer

Chief Probation Officer Jerry Powers next addressed the committee on the Governor's Juvenile Justice Realignment Proposal, which was briefly discussed at the previous CCJCC meeting.

As a reminder, the Governor's budget proposal contains language that prohibits the courts from committing juveniles to Division of Juvenile Justice (DJJ) facilities as of January 2013. Juveniles that are currently housed by DJJ would remain in their custody, but the counties would take responsibility for housing any new commitments as of that date.

Chief Powers stated that this county does not have appropriate facilities for housing the juveniles that are sent to DJJ. Those juveniles are serious offenders and may remain in DJJ facilities until the age of 25.

As noted at the previous meeting, one of the possible unintended consequences of this proposal is that many of the juveniles that are currently sentenced to DJJ will be tried as adults instead, and many may serve time in state prison. Another possible result of this proposal would be the Sheriff's Department incorporating these individuals into the county jail system.

The Chief Probation Officers of California and the California District Attorney's Association have each taken a position against the juvenile justice realignment proposal.

Chief Powers made a motion for CCJCC to also take a position in opposition to the proposal.

Supervisor Yaroslavsky noted that the Board of Supervisors will address this issue at its meeting next week on March 13th. A motion was introduced by Supervisor Michael Antonovich and Supervisor Don Knabe seeking a 5-signature letter opposing the Governor's proposal.

Devallis Rutledge of the District Attorney's Office stated the court system would also be negatively impacted by juvenile justice realignment in that adult trials take much longer than juvenile court proceedings, thereby creating a greater strain on limited resources.

Kim McGill of the Youth Justice Coalition stated that her organization is supportive of closing the DJJ facilities. Many DJJ facilities are not close to the county and therefore require families to travel a long distance to visit. This creates a hardship both in time and money, which results in less frequent family visits than with local facilities. This, in turn, can negatively impact the rehabilitation process by incarcerating the youth far from contact with their families.

Ms. McGill stated that the Youth Justice Coalition is advocating that the county create local facilities that can house the youth that are currently sent to DJJ. They believe that funding from AB 900 could be used for this purpose.

Ms. McGill contended that, anecdotally, the county has a high rate of direct filing (charging minors as adults).

Mr. Rutledge disputed this claim by noting that a statewide survey of direct filings in the state indicates that this county has one of the lowest rates of direct filings in the state. He also stated that, while it may be ideal to have local facilities for the youth being sent to DJJ, the costs may be substantial; not just in terms of providing the facilities, but also in terms of staff, medical and dental care, and civil liability.

Supervisor Yaroslavsky stated that Ms. McGill raised good points concerning the value of local incarceration, but the county must respond to the proposal based on the state's timetable. He expressed concern that the county is not equipped financially, nor does it have sufficient time, to make the modifications and accept the responsibility required by the Governor's proposal.

ACTION: The motion to oppose the Governor's juvenile justice realignment proposal was seconded and approved without objection.

Supervisor Yaroslavsky requested that the Board of Supervisors be notified of the position taken by this committee.

VI. OTHER MATTERS/PUBLIC COMMENT

Sheriff Lee Baca notified the committee that California State Senator Mark Leno is authoring a bill (SB 1506) that would revise existing law to state that any individual arrested for possessing an illegal drug in an amount that could be construed as being only for personal use would be subject to no more than a misdemeanor charge. This bill would not apply to selling, manufacturing, or possessing drugs for sale.

VII. ADJOURNMENT

The meeting was adjourned at 12:47 p.m.