

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE APRIL 6, 2011 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Ronald Brown, County Public Defender and Chair Pro Tem

*Francesca Anello for Marvin Southard, Director, County Department of Mental Health

Richard Barrantes for Larry Waldie, Undersheriff

Steve Beeuwsaert, Chief, Southern Division, California Highway Patrol

Donald Blevins, County Chief Probation Officer

Michelle Carey, Chief U.S. Probation Officer

Elvira Castillo for Cynthia Banks, Director, County Department of Community & Senior Services

Marv Cavanaugh for Lee Baca, Sheriff and Vice Chair of CCJCC

Susan Cichy for John Clarke, Superior Court Executive Officer

Steve Cooley, District Attorney

Paul Cooper, President, San Gabriel Valley Police Chiefs Association

*David Doan for Charles Beck, Chief, Los Angeles Police Department

Xiomara Flores-Holguin for Antonia Jimenez, Director, County Department of Children and Family Services

Janice Fukai, Alternate Public Defender

Lois Gaston for Laura Olhasso, California Contract Cities Association

Pamela Hamanaka for Kamala Harris, California Attorney General

Anthony Hernandez, Director, County Department of Coroner

*Ben Lee for Jonathan Fielding, Director, County Public Health Department

Joe Leonardi, President, South Bay Police Chiefs Association

George Lomeli, Assistant Supervising Judge, Criminal, Superior Court and representing Patricia Schnegg, Supervising Judge, Criminal, Superior Court

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

Cecile Ochoa for Dennis Tafoya, County Affirmative Action Compliance Officer

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

Andrea Ordin, County Counsel

Anna Pembedjian for Michael Antonovich, Mayor, County of Los Angeles and Chair of CCJCC

Earl Perkins for Ramon Cortines, Superintendent, Los Angeles Unified School District

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

Richard Sanchez, County Chief Information Officer

Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner

Peter Shutan, County Probation Commission

David Singer, United States Marshal

William Sullivan, Chair, County Quality & Productivity Commission

Carmen Trutanich, Los Angeles City Attorney

Jackie White for William Fujioka, County Chief Executive Officer

*Erin Zapata for John Torres, Special Agent-in-Charge, U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Andre Birotte, U.S. Attorney

Matthew Cate, Secretary, California Department of Corrections and Rehabilitation

Jorge Cisneros, President, Southeast Police Chiefs Association

Lee Smalley Edmon, Presiding Judge, Superior Court

Gigi Gordon, Directing Attorney, Post Conviction Assistance Center

Jon Gundry, Superintendent, County Office of Education

Tim Jackman, President, Los Angeles County Police Chiefs Association

Sean Kennedy, Federal Public Defender

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, North Valley - San Fernando, Superior Court

Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program

Richard Propster, Peace Officers Association of Los Angeles County

Miguel Santana, Los Angeles City Chief Administrative Officer

Greig Smith, Los Angeles City Council, 12th District

Robin Toma, Executive Director, County Human Relations Commission

Frank Venti, President, Independent Cities Association

Mitch Ward, League of California Cities, Los Angeles County Division

Mike Webb, County Prosecutors Association

David Wesley, Assistant Presiding Judge, Superior Court

CCJCC STAFF

Mark Delgado, Executive Director

Kenna Ackley

Cynthia Machen

Craig Marin

GUESTS/OTHERS

Dan Bower, California Highway Patrol

Emily Dauhl, Project 180

Mark DeWit, Public Defender's Office

Adrienne Gee, Department of Mental Health

Laura Green, Public Defender's Office

Nicole Hemans, Project 180

Kyle Lent, County Chief Executive Office

Kimanh Nguyen, Cambria Solutions
Jorge Reyes, City of Los Angeles
Joanne Rotstein, Public Defender's Office
John Ruegg, Information Systems Advisory Body
Devallis Rutledge, District Attorney's Office
Stanley Shimotsu, Public Defender's Office
Victoria Simon, Ph.D., Project 180
Scott Stickney, Probation Department
Sarah Sullivan, Department of Mental Health
Cheri Thomas, LAUSD
Anne Tremblay, Los Angeles City Attorney's Office
Michael Tynan, Judge, Superior Court

I. CONVENE/INTRODUCTIONS

Ronald Brown, Public Defender

The meeting was called to order at 12:00 p.m. by Los Angeles County Public Defender Ronald Brown, Chair pro tem.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Ronald Brown, Public Defender

There were no requests for revisions to the minutes of the March 2, 2011 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the March 2, 2011 meeting was seconded and approved without objection.

III. CO-OCCURRING DISORDERS COURT (CODC)

Judge Michael Tynan, Superior Court
Mark DeWit, Public Defender's Office
Victoria Simon, Ph.D., MFT, Director, Project 180

Judge Michael Tynan appeared before CCJCC to make a presentation on the Co-Occurring Disorders Court (CODC), which he presides over.

CODC began operating in the Spring of 2007 to address the needs of non-violent criminal offenders who suffer from both mental illness and substance abuse issues. Individuals in the program receive treatment as part of their criminal case disposition. Participants voluntarily enroll in the program and graduate through a series of phases.

This is a multi-agency effort that includes the County Department of Mental Health (DMH) in collaboration with the Superior Court, District Attorney's Office, Public

Defender's Office, Alternate Public Defender's Office, Substance Abuse Prevention and Control (SAPC), Probation Department, CCJCC, and Sheriff's Department.

According to the District Attorney's Office, the program saves the county an estimated \$690,000 a year. For participating individuals, the program has led to an 85% decrease in days spent in jail, a 79% drop in the number of arrests, and a 95% decrease in homelessness.

Judge Tynan introduced Mark DeWit of the Public Defender's Office to provide additional information.

Mr. DeWit stated that 930 individuals have been screened for the program since its inception in April 2007. Of this total, 235 have been accepted. Currently, there are 51 individuals enrolled and 14 pending at the Antelope Valley Reception Center (AVRC) in Acton.

The Public Defender's Office screens for potential CODC participants and receives assistance in this process from the Department of Mental Health. Those individuals that appear to be appropriate for CODC are then screened by Project 180 (formerly Special Services for Groups), which is the treatment provider for the program.

Individuals that are recommended for the program are presented in court to Judge Tynan for final consideration.

CODC participants are required to complete an initial 90-day residential stay at AVRC. A grant from SAMHSA (Substance Abuse and Mental Health Services Administration) provides for 16 beds at that location.

The program has received positive coverage in the local press and a presentation on the program was made at the National Association of Drug Court Professionals Conference last year in Boston.

Mr. DeWit introduced Dr. Victoria Simon, Ph.D., of Project 180 to discuss the treatment aspect of the program.

Dr. Simon emphasized that the success of the program comes from Project 180 working closely with the Court and other program entities to provide a comprehensive approach to treatment.

Clients are required to live in supervised housing for a minimum of six months to demonstrate stability and sobriety. The entire CODC treatment program is highly structured and lasts from 18 to 30 months.

All services other than medical and dental are provided in-house. This includes a housing specialist who assists the clients when they are approved to move into independent housing.

In addition, a Bureau of Justice Assistance (BJA) grant is funding a new program called Project Employ. This program entails the use of a full-time employment specialist to assist CODC participants in obtaining both job skills and employment. Thus far, 13 CODC clients have been hired through Project Employ.

Dr. Simon noted that an alumni program has been created for those individuals that have graduated from the CODC program. This provides them with the opportunity to continue to meet at Project 180's facility and serve as mentors to the new clients.

In 2010, the CODC program was recognized with a County Productivity and Quality Award for Best Teamwork.

ACTION: For information only.

IV. LOS ANGELES COUNTY TASK FORCE ON RAVES

Ben Lee, Ph.D., Substance Abuse Prevention & Control, Department of Public Health

Dr. Ben Lee from Substance Abuse Prevention & Control of the Department of Public Health appeared before CCJCC to make a presentation on the Los Angeles County Task Force on Raves.

Dr. Lee provided a background on raves, which are electronic music events that began in the 1990's as underground events in temporary venues but have since become mainstream.

A negative aspect of these events is that many individuals have been found to distribute and use ecstasy/MDMA while in attendance. Ecstasy is illegal to use or sell and has no approved medical use. The drug is a stimulant related to methamphetamine and mescaline and usually comes in pill form.

The effects of ecstasy can last from three to eight hours, and sometimes longer. The initial effects may include nausea, anxiety and agitation, elevated mood and energy, distortion of senses and sensory enhancement, increased self-confidence, empathogenesis, and entactogenesis. Physical effects may also include increased heart rate, blood pressure, body temperature, and sweating, as well as dry throat and mouth, muscle spasms, loss of appetite, blurred vision, and teeth grinding/clenching.

Long-term effects of ecstasy use include depression, panic attacks, insomnia, concentration difficulties, muscle fatigue, and brain, liver, and kidney damage.

Use of ecstasy can result in death from hyperthermia (increased body temperature, which can lead to seizures and kidney failure), hyponatremia (electrolyte imbalance due to drinking too much water, which can lead to the swelling of the brain), and heart problems.

Users of ecstasy at raves often have with them paraphernalia intended to enhance the effects of the drug and the dealers are often dressed in a manner that identifies them to potential buyers.

In June 2010, a 15-year old died of complications resulting from ecstasy/MDMA intoxication after having attended a rave event.

As a result of this and other medical emergencies resulting from overdosing on ecstasy, the County Board of Supervisors instructed the Departments of Public Health and Health Services to convene a task force of key departments to identify the public health concerns associated with rave parties and to develop countywide recommendations.

The resulting recommendations for all future raves and electronic music events include measures related to venues, safety and law enforcement, alcohol, education, health, and emergency medical services. These were subsequently adopted by the Board of Supervisors and a copy of the recommendations was distributed to CCJCC members.

All of the rave events are now planned and managed using the Incident Command System (ICS) and the National Incident Management System (NIMS) Model. An Event Action Plan is also developed to address safety, medical, and health issues.

Attendance at these events is now restricted to individuals 18 years of age or older and the performances are concluded by 2:00 a.m. at all electronic music festivals in Los Angeles County. Venue-related recommendations also include limiting capacity to approved space requirements, ceasing alcohol sales at least half an hour before the conclusion, allowing attendees to remain in the venue for at least an hour after the scheduled conclusion, requiring appropriate stage protection and perimeter fencing, and ensuring safe transportation for attendees leaving.

One of the safety and law enforcement recommendations that has been implemented is the placing of an "amnesty box" at locations near the entrance so that attendees may discard any illegal drugs or weapons prior to being searched, which is a requirement for entry into the event. Attendees are also limited in terms of the size of backpacks and bags that they may bring with them.

DUI Sobriety checkpoints are now conducted at the events and signage is posted with public safety information and instructions as to where to find medical aid. Alcohol consumption is restricted to certain areas and the number of sales per person is limited.

One of the education-related recommendations that has been implemented is the development of public service announcements regarding the dangers of drugs, and especially ecstasy, that can be viewed by every ticket purchaser and attendee. A public service announcement is also displayed on the event promoter's website.

Security personnel at these events are now briefed on how to identify symptoms and paraphernalia associated with ecstasy. In addition, roaming vendors with beverages

and EMT personnel are also made available.

The full listing of recommendations from the Rave Task Force can be found online at http://www.ccjcc.info/cms1_158007.pdf.

Dr. Lee noted that the Board of Supervisors has adopted a zero-tolerance drug policy relating to electronic music festivals, or raves, in Los Angeles County, with the exception of alcohol sold to persons aged 21 and over.

The use of ecstasy has been increasing among high school age teenagers. This has corresponded to a decrease in the perceived harmfulness of the drug among this population.

The National Survey on Drug Use and Health found that 1.1 million people used ecstasy for the first time in 2009. According to a California Healthy Kids Survey (2006-08), 8% of teens in grade 11 and 5% of teens in grade 9 in the County of Los Angeles reported using ecstasy. Additionally, the Los Angeles County Participant Reporting System indicates that the number of emergency room admissions reporting ecstasy as a primary or secondary drug of choice has increased from 151 in FY 2005-06 to 588 in FY 2009-10.

Robert Philibosian of the County Economy and Efficiency Commission inquired as to how the services provided at these events are funded. Dr. Lee stated that the promoters cover much of the cost and that he provides his services free of charge. However, there are also public funded costs, such as with law enforcement and medical personnel, that may vary depending upon the event.

Dr. Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner, inquired about the efforts to prevent dehydration. Dr. Lee stated that vendors provide beverages and signage reminds attendees about the dangers of dehydration, but the county does not control the price charged by the vendors.

Lois Gaston, Duarte City Councilwoman representing California Contract Cities, inquired about educational material. Dr. Lee stated that the Department of Public Health is developing fact sheets that will be made available on its web site.

Earl Perkins of the Los Angeles Unified School District inquired about efforts to work with local schools on this issue. Dr. Lee stated that meetings have been held with local school officials and it is expected that educational materials will be made available for distribution.

ACTION: For information only.

V. STATE PUBLIC SAFETY REALIGNMENT
Chief Donald Blevins, Probation Department

Chief Probation Officer Donald Blevins appeared before CCJCC to provide an update on various statewide criminal justice realignment proposals.

The temporary Vehicle License Fee (VLF) rate increase agreed to as part of the Fiscal Year 2009-10 state budget is scheduled to expire on June 30, 2011. Absent an extension of the existing VLF rate or identification of an alternative revenue source, the County of Los Angeles will lose approximately \$135.8 million in funding for public safety programs. Specifically, Juvenile Probation Camp Funding will lose \$71.2 million, the Citizens Option for Public Safety (COPS) program will lost \$19.9 million, the Juvenile Justice Crime Prevention Act (JJCPA) funding will lose \$28.9 million, various other public safety program grants would lose \$14.4 million, and Jail Booking Fee subventions would lose \$1.4 million.

The loss of the VLF revenues would result in the closing of up to 12 juvenile camps, the elimination or reduction of several juvenile community-based prevention programs, and the elimination of an estimated 1,022 Probation Department positions. The District Attorney's Office and Sheriff's Department will also be negatively affected by the loss of the VLF revenues.

The realignment proposal by the state had included extension of the VLF funding. However, none of the various funding measures proposed for realignment have passed or been placed on a ballot for a vote by the public.

The Governor has signed into law AB 109 and AB 111, which both address realignment. AB 109 assigns responsibility for certain low-level offenders and parolees to the counties, as well as juvenile offenders that were previously sent to the Department of Juvenile Justice (DJJ).

AB 109 will not go into effect until the creation of a community corrections grant program and an appropriation of funding.

With respect to juvenile offenders, AB 109 permits counties to enter into contracts with the state the retain custody of the DJJ inmates.

AB 111 gives priority access to AB 900 funding to those counties that send the most offenders to state prison. This funding allows for the construction of new jails and reentry facilities.

All parole violations will be handled by the Superior Court and only "lifers" can be returned to state prison for parole violations. AB 109 provides that the agency responsible for post-release supervision has the authority to determine additional terms and conditions as well as appropriate incentives, treatment, and services.

Chief Blevins noted that AB 111 shifts \$132.9 million in undesignated funds for AB 900 construction and that cannot be awarded until at least 4,000 local jail beds and 2,000 reentry beds are constructed or sited.

Ronald Brown inquired as to the process for parole violation hearings under the realignment proposal. Scott Stickney of the Probation Department stated that all parole hearings would be heard by the Superior Court. The Parole Board would remain in existence for releasing individuals out on parole, but any parole violations would be handled by the Superior Court.

Steve Cooley stated that Devallis Rutledge from his office has identified a major concern for the counties in this realignment proposal. Specifically, with respect to state prisoners and parolees, county officials do not have the immunity privileges that state officials have.

States are not persons within the meaning of the federal civil rights statute. States and state officials acting in their official capacity are immune from lawsuits under this act. However, the 9th Circuit Court of Appeals has ruled that county officials are not state officials for the purposes of this law. Therefore, local officials would not be immune to federal lawsuits pertaining to custody and supervision of state prisoners/parolees.

Mr. Rutledge stated that language has been submitted to the state for a Constitutional Amendment and code provision that would grant the Sheriff and Chief Probation Officer of each county the same civil liability immunity protection that state officials have under the 11th Amendment to the U.S. Constitution and federal case law.

Without these changes, the realignment could pose a significant financial risk to counties. Mr. Rutledge observed that the potential cost of liability is enormous and that the expense of defending against federal lawsuits could also be substantial.

Anna Pembedjian, Justice Deputy for Mayor Antonovich, inquired as to what the result will be if the VLF rate increase expires prior to its extension being voted on. Chief Blevins stated that the Probation Department likely will close facilities and make significant reductions in personnel and services.

ACTION: For information only.

VI. OTHER MATTERS/PUBLIC COMMENT

There were no additional matters or public comments.

VII. ADJOURNMENT

The meeting was adjourned at 1:00 p.m.