

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE NOVEMBER 18, 2009 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS PRESENT

Chair: Don Knabe, County Supervisor for the Fourth District and
Chair of the County Board of Supervisors

Gigi Gordon, Directing Attorney, Post Conviction Assistance Center

Anthony Hernandez, Director, County Department of Coroner

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

Richard Propster, Peace Officers Association of Los Angeles County

Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner

Dennis Tafoya, County Affirmative Action Compliance Officer

Robert Taylor, County Chief Probation Officer

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

ALTERNATES

*Richard Barrantes for Lee Baca, Sheriff and Vice Chair of CCJCC

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

Brence Culp for William Fujioka, County Chief Executive Officer

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

Ed Eng for Isaac Barcelona, Chair, County Economy and Efficiency Commission

Xiomara Flores-Holguin for Trish Ploehn, Director, County Department of Children and
Family Services

Briane Grey for Tim Landrum, Special Agent in Charge, U.S. Drug Enforcement
Administration

Pamela Hamanaka for Edmund Brown, California Attorney General

*Robert Kalunian for Michael Judge, County Public Defender

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

Peter Loo for Richard Sanchez, County Chief Information Officer

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

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

Jon Pinto for Charles Beck, Chief, Los Angeles Police Department

*Dustin Shiao for Antonio Villaraigosa, Mayor, City of Los Angeles

*John Spillane for Steve Cooley, District Attorney

John Viernes for Jonathan Fielding, Director, County Public Health Department

Roy Wallen for Janice Fukai, County Alternate Public Defender

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Mark Arnold, Judge, Superior Court
Michelle Carey, Chief U.S. Probation Officer
John Clarke, Superior Court Executive Officer
Peter Espinoza, Supervising Judge of Criminal, Superior Court
Lois Gaston, California Contract Cities Association
Salvador Hernandez, Assistant Director in Charge, Los Angeles Division, Federal
Bureau of Investigation
Gabriella Holt, County Probation Commission
James Hudson, President, Los Angeles County Police Chiefs Association
Sean Kennedy, Federal Public Defender
Richard Kirschner, Judge, Superior Court
Charles McCoy, Presiding Judge, Superior Court
Michael Nash, Supervising Judge, Juvenile Court
Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program
Tom Reeves, County Prosecutors Association
Darline Robles, Superintendent, County Office of Education
Stephanie Sautner, Judge, Superior Court
Patricia Schnegg, Assistant Supervising Judge of Criminal, Superior Court
Greig Smith, Los Angeles City Council, 12th District
Warren Stanley, Southern Division Commander, California Highway Patrol
Robert Todd, President, Southeast Police Chiefs Association
Robin Toma, Executive Director, County Human Relations Commission
Adam Torres, United States Marshal
John Torres, Special Agent-in-Charge, U.S. Bureau of Alcohol, Tobacco, Firearms and
Explosives
Carmen Trutanich, Los Angeles City Attorney
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
Craig Marin

GUESTS/OTHERS

Dardy Chen, County CEO
Karen Dalton, Sheriff's Department
Rick DeMartino, LAPD
Judith Gambon, Department of Children and Family Services
Noble Kennamer, Information Systems Advisory Body
Ronan Loying, LAUSD School Police Department
Winter McDaniel, American Justice Associates

Marguerite Rizzo, District Attorney's Office
Karen Tamis, Vera Institute of Justice
Robert W. Taylor, Sheriff's Department Crime Lab
Cheri Thomas, LAUSD
Jeff Thompson, LAPD Crime Lab
Jaclyn Tilley Hill, Quality & Productivity Commission
Charles Trask, Probation Department
David Walters, Sheriff's Department Crime Lab

I. CONVENE/INTRODUCTIONS

Don Knabe, County Supervisor, Fourth District

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

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Don Knabe, County Supervisor, Fourth District

There were no requests for revisions to the minutes of the September 16, 2009 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the September 16, 2009 meeting was seconded and approved without objection.

III. DNA TASK FORCE

Chief John Neu, Torrance Police Department
Marguerite Rizzo, District Attorney's Office

Chief John Neu of the Torrance Police Department and Marguerite Rizzo of the District Attorney's Office serve as co-chairs of the DNA Task Force. They appeared before CCJCC to provide an update on the activities of the task force.

Background on DNA Task Force

Ms. Rizzo stated that the DNA Task Force was created as a standing subcommittee of CCJCC in April 2008. The purpose of the task force is to improve day-to-day coordination and cooperation among local criminal justice agencies in the utilization of forensic DNA technology.

The membership of the task force includes representatives from prosecution, defense, probation, law enforcement, Sheriff's and LAPD Crime Labs, Information Systems Advisory Body (ISAB), Post Conviction Assistance Center (PCAC), and the California Department of Justice.

With the implementation of Proposition 69 throughout the county, the Proposition 69 Implementation Task Force recommended that it be disbanded and that its remaining issues be incorporated into the DNA Task Force. CCJCC approved this recommendation in June 2009. The issues that were incorporated into the DNA Task Force are:

- Monitoring of the DNA Reimbursement Fund;
- Implementation of the DNA Offender Tracking System (DOTS) Phase III; and
- Monitoring of the DNA Expungement process for petitioners eligible to have their samples expunged from the state databank.

DNA Reimbursement Fund

Chief Neu stated that Proposition 69 allocates \$1 for every \$10 of penalty assessments paid on traffic and criminal fines to fund the collection and use of criminal offender DNA samples. This funding is managed by the County Auditor-Controller's Office.

The Los Angeles Superior Court is collecting about \$550,000 per month for the DNA Reimbursement Fund, 75% of which remains with the county.

The County Board of Supervisors has authorized that Proposition 69 funds may be used for the following three purposes:

1. Reimbursement to local law enforcement agencies and the Probation Department for DNA sample collections;
2. Reimbursement to the Information Systems Advisory Body (ISAB) for DOTS maintenance costs (\$250,000 allocated annually); and
3. Reimbursement to the Sheriff's Department and LAPD crime labs for costs associated with the analysis of DNA evidence.

For the 2008-2009 Fiscal Year, the fund began with a balance of over \$2.2 million and ended with a balance of over \$2.9 million. Total revenues during this time exceeded \$5.1 million; total expenditures were nearly \$4.5 million. Payments to law enforcement agencies for DNA samples collected were over \$1.8 million and payments to the crime labs totaled nearly \$2.3 million.

All felony arrestees are now required to provide DNA samples due to a change in law that took effect in January. As a result, there has been an increase in reimbursement payouts this year.

Since the beginning of Fiscal Year 2009-2010, over \$1.2 million has been paid to reimburse agencies for DNA collections (the total for all of 2008 was just short of \$1 million). Currently, these reimbursements account for about half of each month's local revenue collections.

Chief Neu observed that the average number of samples collected in the first six months of 2009 was 7,572 per month. In contrast, the average number of samples collected for all of 2008 was 2,631 samples per month. There were more samples collected in the first five months of 2009 than in all of 2008.

While the number of collections per month remains higher than in 2008, there has been a noticeable decrease in the second half of this year; there were just over 6,000 samples collected in October 2009.

There is currently \$3.48 million in the fund, of which \$2.9 million is reserved for Sheriff's Department and LAPD Crime Lab expenses.

DNA Offender Tracking System (DOTS)

DOTS is a countywide information system that serves as a means for tracking the collection of DNA samples from individuals, avoiding duplicate sampling, determining compliance with Court orders, and reimbursing law enforcement agencies for the collection process.

Phase I of DOTS is operational throughout the county. This tracks sample collections and informs law enforcement personnel when an individual that they have arrested qualifies for DNA sampling.

Phase II of DOTS is also now fully operational. This provides automatic daily screenings of the jail population to determine which inmates need to have DNA samples taken.

Phase III of DOTS will integrate the system with the LiveScan fingerprint system so that law enforcement agencies will be automatically informed as to whether a person's DNA sample should be taken at the time of arrest and booking.

Phase III of DOTS is being tested at three locations. These are the Inmate Reception Center (IRC), Sheriff's Department station in Palmdale, and a Probation Department location.

Chief Neu stated that full countywide implementation of Phase III may be achieved within the next six months.

DNA Expungement Process

The Proposition 69 Implementation Task Force's Expungement Subcommittee created a protocol for expunging DNA samples. This can be found online on both the CCJCC and District Attorney websites (http://www.ccjcc.info/dna_steeringcommittee.asp and <http://da.lacounty.gov/topdocs.htm#dna>).

It had been expected that there would be an increase in the number of expungement petitions filed this year due to the number of people arrested for felonies that later have the charges against them reduced. However, there has so far only been one petition request filed with the Los Angeles Superior Court this year. This petition was rejected by the clerk's office because it was not completed correctly.

Sexual Assault Kit Backlogs

Chief Neu stated that both the Sheriff's Department and LAPD Crime Labs have committed to testing all sexual assault kits and they have both reduced their backlogs this year.

As of October 2009, the Sheriff's Department has outsourced 1,605 sexual assault kits for analysis. This represents 34 percent of their untested kits prior to November 1, 2008.

The LAPD's rape kit backlog is down to 2,368 kits as of the end of October. If funding continues, it is expected that the backlog will be eliminated in six to eight months.

DNA Task Force Subcommittees

The DNA Task Force has two subcommittees. One of these, the Agency Contract Subcommittee, was formed to determine the feasibility of police departments contracting with the Sheriff's Department for dedicated DNA criminalists.

Both the Long Beach and Torrance Police Departments have these contracts in place. Chief Neu stated that his department entered into this agreement with the Sheriff's Department five years ago and it has proven to be very beneficial. By utilizing their own criminalist, the Torrance Police Department is able to assign work based on its priorities.

A survey has shown that there is interest among many police departments to contract for the use of criminalists. This could be accomplished using a regional approach in which multiple departments combine their resources for a shared criminalist.

Chief Neu emphasized that this is ultimately an issue for the individual cities and police chiefs that wish to participate. They have the burden of identifying the revenue and working with the Sheriff's Department to ensure that they have the funding and staffing to make these contractual agreements possible.

The goal of the Evidence Retention Subcommittee is to develop a comprehensive, countywide policy for the long-term storage of biological evidence.

The task force recently surveyed police departments throughout the county on storage practices, capabilities, and suggestions. The results from the questionnaire indicate that there is a need for increased freezer space among many police departments. One

suggestion has been to have a large warehouse where DNA evidence can be stored long-term.

More pressing, the results reveal a desire for a countywide policy and/or state legislation to clarify how long evidence must be stored and under what conditions.

With the results of the survey, the Evidence Retention Subcommittee will be meeting to discuss best practices and to draft proposed policies for evidence storage. Once those proposals are developed, the task force will report back to CCJCC for approval.

Cold Hit Outcome Project (CHOP)

Ms. Rizzo reported that the Cold Hit Outcome Project (CHOP) is being implemented by the California Department of Justice. It provides a mechanism for law enforcement agencies and the District Attorney's Office to share information and track changes in cases relative to forensic samples that were submitted for DNA analysis.

CHOP provides automated alerts and email notifications of hits between known offender profiles and forensic unknown samples. It can also provide email notifications and alerts of case-to-case hits where there is a connection between DNA profiles from two cases. The contact information from each of the law enforcement agencies handling the particular case would then be sent to people wishing to be notified.

The system also has the capability of tracking and providing notice of cases that are about to reach certain statute of limitations dates.

The Sheriff's Department, LAPD, and District Attorney's Office are participating in a pilot CHOP program in this county. The District Attorney's Office is receiving email notifications about cold hits and case-to-case hits. They are also informed when rape kits are uploaded into CODIS.

Ms. Rizzo noted that the total number of profiles in the state databank as of the end of October is 1,378,846.

John Doe Warrants

Ms. Rizzo discussed the case of *People v. Robinson*, which is currently pending with the California Supreme Court. The outcome of this case will determine the legality of the use of John Doe warrants in the state.

John Doe warrants are placed on individuals whose names are not known, but it is known that their DNA is associated with the crime. If the California Supreme Court upholds John Doe warrants, the District Attorney's Office will develop policies and procedures for their use in the county.

A decision in the case is expected within the next 90 days.

Analyst Testimony

Ms. Rizzo discussed the U.S. Supreme Court case of *Melendez-Diaz v. Massachusetts*, which was decided earlier this year. In this case, the U.S. Supreme Court held that it was a violation of the Sixth Amendment right of confrontation for a certificate of analysis of a chemical drug test to be submitted without the testimony of the analyst.

The implication of this decision is that a DNA analyst who performed a test may be required to testify if DNA evidence is at issue. In the past, the actual lab analyst would sometimes not testify regarding the DNA testing process. Instead, a supervisor or other qualified individual would testify in place of the analyst.

Thus far, California Appellate Courts have been split on the implications of *Melendez-Diaz* with respect to DNA analyst testimony. It is possible that the U.S. Supreme Court will revisit their ruling in this case in the near future.

Questions and Comments

Dr. Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner, requested that the Evidence Retention Subcommittee include representation from the Coroner's Office. It was agreed that the Department of Coroner will be invited to participate on the subcommittee.

Supervisor Knabe noted that the issue of cities contracting for use of DNA analysts is essentially like an extension of the agreements between the county and contract cities.

Supervisor Knabe inquired as to the temperature required for storage. Dr. Sathyavagiswaran and Anthony Hernandez of the Department of Coroner stated that it depends upon the evidence. Forty degrees Fahrenheit or less is often used depending on the type of evidence (when evidence can't be kept at room temperature and needs to be in a freezer for a longer term).

ACTION: For information only.

IV. REENTRY SUBCOMMITTEE

Robert Taylor, Probation Department

Chief Probation Officer Robert Taylor appeared before CCJCC to provide an update on the Reentry Subcommittee.

Subcommittee Goals

The members of the Reentry Subcommittee developed the following goals: Assessing the current reentry programs and services; coordinating effective responses to county mandates; and developing successful and effective reentry policies for the county.

Chief Taylor noted that the subcommittee is also tasked with developing appropriate responses to the state proposals to reduce the prison population.

In order to assist in meeting the goals that it has set, the subcommittee has formed a Juvenile Work Group and an Adult Work Group.

Juvenile Work Group

Chief Taylor introduced Charles Trask of the Probation Department to discuss existing efforts under way regarding reentry issues for youth returning from the camp system.

One of these efforts is the development of a comprehensive Camp-to-Community Transition program. The Probation Department and local juvenile justice stakeholders have been collaborating on this project and members of the Juvenile Work Group are now participating in this collaboration as well.

The Camp-to-Community Transition program utilizes a multidisciplinary team approach to develop in-depth assessments that are conducted as soon as youth arrive at the juvenile halls. Continued assessments occur throughout their camp stay to address education, health, and mental health needs. In addition, camp and community transition plans are created to help assist the youth to return to their families, schools, and community.

Mr. Trask observed that there are 18 different camps operating throughout this county, which has the largest number of minors in custody of any county in the United States. There are also more minors in custody in this county (about 3,500) than in 48 of the 50 states.

Chief Taylor stated that another project related to youth reentry involves a grant that was recently awarded to the Department of Community and Senior Services (DCSS). This grant from the U.S. Department of Labor provides funding to work with local criminal justice agencies and stakeholders to create a blueprint for youth reentry services in the county.

Initial meetings regarding this grant have taken place and the Reentry Subcommittee will continue to partner with DCSS on this project.

Adult Work Group

The Adult Work Group has inventoried current adult reentry programs and services in the county. These include education and vocational programs, case management, drug and alcohol treatment, mental health services, and employment services.

The work group will next be performing a gap analysis to identify missing elements and critical needs. Based on this, specific recommendations on reentry policies and programs will be made.

One specific barrier to effective reentry that has been brought to the attention of the work group is that many inmates lack valid identification upon release. Without a valid form of identification, it is difficult to access many local services.

The Adult Work Group has asked both the Sheriff's Department and the Department of Public Social Services (DPSS) to develop options for addressing this issue. Possible solutions include authorizing a temporary county identification card upon release or having DPSS work with the Sheriff's Department on expediting requests for identification cards while the inmates are still incarcerated. The work group is still gathering information and discussing potential recommendations on this issue.

The Adult Work Group has also explored an opportunity with the National Institute of Corrections (NIC). NIC is part of the U.S. Department of Justice and provides training, technical assistance, information services, and policy/program development assistance to federal, state, and local corrections agencies.

Members of the work group have discussed potential proposals that could be submitted to the NIC for technical assistance on local adult reentry issues and evidence-based practices.

Finally, the Adult Work Group is considering a recently released SAMHSA (Substance Abuse and Mental Health Services Administration) grant that is related to offender reentry. The goal of the grant is to improve linkages from in-custody settings to the community and requires that the treatment or services begin when an offender is within four months of release.

Discussions are currently underway with the Sheriff's Department on potential proposals that could be submitted. The grant is for up to \$400,000 per year for three years.

California Department of Corrections and Rehabilitation (CDCR)

Chief Taylor reminded the committee that the state is under a federal court order to reduce the number of inmates in state prisons. On November 12, 2009, the California Department of Corrections and Rehabilitation (CDCR) filed a revised prison plan with the three judge federal panel. The proposal includes increasing the monetary threshold for grand theft, providing alternative custody housing options, and seeking authorization to continue the California Correctional Out-of-State Facility (COCF) program and to expand the number of inmates that can be held in custody out-of-state.

In addition, California State Assembly Speaker Karen Bass has announced membership in a select committee on reentry in California. Assembly Member Isadore Hall is the chairperson of this committee, and their first meeting will be held on February 10, 2010. Chief Taylor emphasized the importance of having local representation on this committee.

Chief Taylor made a motion that CCJCC recommend that the Chair seek a 5-signature letter from the County Board of Supervisors to Speaker Bass and Assembly Member Hall requesting that the input of local agencies be included in the committee's discussions on the state's reentry plan.

ACTION: The motion to recommend that the Chair seek a 5-signature letter from the County Board of Supervisors to Speaker Bass and Assembly Member Hall requesting that the input of local agencies be included in the committee's discussions on the state's reentry plan was seconded by Supervisor Knabe and approved without objection.

V. CHAIR'S CLOSING REMARKS

Don Knabe, County Supervisor, Fourth District

As there will not be a CCJCC meeting in December, this is the last meeting that Supervisor Knabe will serve as chair. Supervisor Gloria Molina will assume the role of chair of the County Board of Supervisors next month and will be the chair of CCJCC for its meetings in 2010.

Supervisor Knabe thanked the members of this committee and their agencies for their work and dedication during his tenure as chair. He also thanked Mark Delgado, Executive Director of CCJCC, and his staff, the chairpersons of the various subcommittees, and his Justice Deputy, Carl Gallucci, for their work throughout this past year.

He stated that CCJCC represents an important multi-jurisdictional effort to address a variety of issues affecting the local criminal justice system. He noted the work this year of the DNA Task Force, the Drug Court Oversight Committee, the Crimes Against the Homeless Task Force, the Reentry Subcommittee, and the Jail Overcrowding Subcommittee.

Supervisor Knabe requested that CCJCC be included in discussions on the custody master plan that is being developed by the County CEO's Office.

In addition to providing a forum for facilitating cooperation, CCJCC also continues to seek funding for regional solutions to criminal justice matters. For instance, a \$200,000 grant has been obtained for the Co-Occurring Disorders Court, and \$1 million in funding from CDCR has been secured to continue the Women's Reentry Court. There is also a pending grant request concerning the Countywide Warrant System, and CCJCC is working with the Alcohol and Drug Program Administration (ADPA) on an application for nearly \$10.5 million for drug treatment.

VI. COUNTYWIDE WARRANT SYSTEM (CWS) ANALYSIS

Mark Delgado, Executive Director, CCJCC

Mark Delgado provided an update on the activities of the Countywide Warrant System (CWS) Steering Committee. The chair of that committee, Lieutenant Victor Allende, Manager of the Sheriff's Department Countywide Warrant System (CWS) unit, was unable to attend.

In January 2009, CCJCC approved CWS Steering Committee recommendations, which included the seeking of funding for a needs assessment of CWS. In response, CCJCC submitted an Information Technology Fund proposal for \$60,000 from the Information Technology Infrastructure Investment Fund.

This submission is currently pending. If approved, it would fund a consultant to conduct the needs assessment.

In addition, the committee will be conducting research on other jurisdictions to determine what systems they currently have in place for managing their warrants and providing information.

CCJCC will be kept informed about these efforts.

ACTION: For information only.

VII. LOS ANGELES CITY ATTORNEY'S ALTERNATIVE TO PROSECUTION PROGRAM

Winter McDaniel, American Justice Associates

Winter McDaniel from American Justice Associates appeared before CCJCC to provide a brief description of the Los Angeles City Attorney's Alternative to Prosecution Program. This is an educational, offender-financed program that is generally for first-time, non-violent, misdemeanor type of offenses. It was begun in 1995.

The filing deputy has discretion as to which defendants to refer. Once they are determined to be eligible, the participants must successfully complete the program materials and any requirements that the City Attorney wants them to complete, such as paying restitution, performing community service, taking an anger management class, taking a gun safety course, etc.

If the defendant completes the program and requirements, the City Attorney's Office will not file charges against the defendant.

The program is currently in place at the following Los Angeles City Attorney branches: Maria Reyes, Hollywood, Pacific, Metropolitan, San Pedro, Chatsworth, and Van Nuys. This is a pre-filing alternative to criminal prosecution for the Los Angeles City Attorney, while the Burbank City Attorney offers the program as a post-filing sentencing option.

Ms. McDaniel noted that the program has a 98% completion rate and a 2% recidivism rate.

In response to a question from Robert Kalunian, County Counsel, Ms. McDaniel stated that the program fees range between \$295 and \$355, depending on the offense. The fees pay for the cost of administering the program.

If payment of restitution is involved, there may be extra fees to pay for the collection and delivery of the restitution. Payment plans and fee reductions may be available for indigent defendants or those of low income.

There is no age cut-off for participation, but in practice the age for minors does not go below the Seventh Grade.

For more information on this program, please contact Ms. McDaniel at (213) 628-9930.

ACTION: For information only.

VIII. OTHER MATTERS/PUBLIC COMMENT

There were no additional matters or public comments.

IX. ADJOURN

There being no further business, the meeting was adjourned at 1:03 p.m.

The next CCJCC meeting will be held on **Wednesday, January 6, 2010, at 11:30 a.m. in Room 739 of the Kenneth Hahn Hall of Administration.**