

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE
MINUTES OF THE July 15, 2015 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

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

Calvin Aubrey, Chief, Southern Division, California Highway Patrol

*Richard Barrantes for Jim McDonnell, Sheriff

*Reaver Bingham for Jerry Powers, County Chief Probation Officer

Ronald Brown, County Public Defender

*Brian Buchner for Eric Garcetti, Mayor, City of Los Angeles

*Dardy Chen for Sachi Hamai, Interim County Chief Executive Officer

Mark Fajardo, County Coroner – Medical Examiner

Janice Fukai, County Alternate Public Defender

David Herriford for James Brandlin, Supervising Judge, Criminal Division, Superior Court

David Herriford for Scott Gordon, Assistant Supervising Judge, Criminal Division, Superior Court

Christa Hohmann, Directing Attorney, Post Conviction Assistance Center

*Dan Jeffries for Mike Feuer, Los Angeles City Attorney

David Marin for David Jennings, Field Office Director, U.S. Immigration and Customs Enforcement

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

Mark Matsuda, President, South Bay Police Chiefs Association

Edward McIntyre for Rodney Gibson, Chair, County Quality & Productivity Commission

Emilio Mendoza for Philip Browning, Director, County Department of Children and Family Services

Don Meredith for Cyn Yamashiro, President, County Probation Commission

William Montgomery for James Jones, Director, County Internal Services Department

Earl Perkins for Ramon Cortines, 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

Devallis Rutledge for Jackie Lacey, District Attorney and Vice Chair of CCJCC

Richard Sanchez, County Chief Information Officer

*Valerie Sifuentes for Cynthia Harding, Acting Director, County Department of Public Health

Robin Toma, Executive Director, County Human Relations Commission

Robin Toma for Cynthia Banks, Director, County Department of Community & Senior Services

Mike Webb, County Prosecutors Association

Lance Winters for Kamala Harris, California Attorney General
*Rochelle Young for Sherri Carter, Superior Court Executive Officer
*Janice Yu for Miguel Santana, Los Angeles City Chief Administrative Officer
*Alexandra Zuiderweg for Mary Wickham, Interim County Counsel

***Not a designated alternate**

I. CALL TO ORDER / INTRODUCTIONS

Mayor Michael Antonovich, County Supervisor, Fifth District

The meeting was called to order at 12:13 p.m. by Mayor Michael Antonovich, Chair of CCJCC.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Mayor Michael Antonovich, County Supervisor, Fifth District

There was one request for a revision to the minutes of the June 17, 2015 meeting:

The second paragraph on page 6 stated: "To date, 66 crimes have been removed from the Trust Act criteria." This is incorrect. It should instead state, "To date, 66 crimes have been identified for consideration to be removed from the Trust Act criteria. No decision on this has yet been made, and the Sheriff's Department will be seeking community input."

A motion was made to approve the minutes with this amendment.

ACTION: The motion to approve the minutes of the June 17, 2015 meeting as amended was seconded and approved without objection.

III. CUSTODY-BASED AMERICAN JOB CENTER

Otto Solorzano, Chief Deputy, Department of Community & Senior Services

Otto Solorzano, Chief Deputy of the County Department of Community and Senior Services (DCSS), appeared before CCJCC to discuss the co-location of a job center within the custody environment.

Mr. Solorzano introduced Josie Marquez, who represents the Workforce Development Program in DCSS.

As background, there are 44 WorkSource centers throughout the County of Los Angeles. These offer comprehensive employment and hiring services to workers, employers, and job seekers at no charge. Over half a million individuals enter WorkSource centers in the county every year.

Most WorkSource facilities have technology resource centers with phones, fax machines, computers with Internet access, and copiers. Job seekers also have access to employment specialists, training and education resources, and local job listings at the centers.

DCSS is modernizing its employment programs to improve job and career options through a comprehensive, integrated, and streamlined job-driven public workforce system that expands opportunities for jobseekers, workers, and businesses. Efforts are being made to ensure that the job centers have complete access to high growth industries, businesses, and the public sector. This includes determining what the growth industries are in the county, what skills businesses need, and what public sector jobs will be available.

In addition, DCSS is working with the California Employment Development Department (EDD), California Department of Rehabilitation, County Department of Public Social Services (DPSS), the Probation Department, and the Sheriff's Department as part of its comprehensive approach.

With regard to training, DCSS is working with community colleges and over 400 training institutions to help prepare the county's workforce. Additionally, DCSS works with employee unions to determine which apprenticeship or pre-apprenticeship programs are available for job seekers.

Currently, DCSS is proposing to co-locate a job center within a County Jail facility. DCSS is partnering with the Sheriff's Department to establish a model of coordination between the Sheriff's Department Education-Based Incarceration programs and the network of job centers. This link would also create a system of navigation from jail into the job centers.

The proposed job center would be located at the Pitchess Detention Center with the intention of preparing soon to be released inmates for jobs. Career services will also be paired with goals that include changing one's core beliefs, intensive system navigation, and on-going peer support.

The initial objective will be to enroll 150 inmates that are about to be released. Of these, the hope is to place at least 65% (98 individuals) into jobs. Among these participants, the program will seek to have at least 50% (49 individuals) still employed after nine months in a job.

DCSS has submitted a grant application for funding from the Productivity Investment Fund (PIF) to implement the proposed jail-based job center. The request is for \$900,000.

Mr. Solorzano stated that DCSS is requesting that CCJCC send a letter to the County Quality and Productivity Commission (QPC) in support of the PIF application. He noted that this program would further the common goals of reducing dependency,

strengthening the local economy, and improving the safety of our communities.

Los Angeles County Public Defender Ron Brown stated that his office would be interested in participating in this program to the extent that it can offer support.

Los Angeles County Alternate Public Defender Janice Fukai agreed that her office would likewise be interested in participating. She also advised that some of the participants may have conditions of probation that program managers should be aware of to ensure that there are no inadvertent violations. For example, participants may be required to report to a probation officer at various intervals.

In response to an inquiry from Robert Philibosian of the County Economy and Efficiency Commission, Mr. Solorzano affirmed that the letter of support that is being requested from CCJCC would go to the QPC.

Edward McIntyre of the County Quality & Productivity Commission reported that the next meeting of the Productivity Investment Board will be held in the first week of August.

Mark Delgado, Executive Director of CCJCC, stated that the deadline for the grant application was last week. QPC was informed that any letter of support from CCJCC could not be submitted until after the committee meets today and the members have had a chance to vote on it. QPC indicated that submission of a letter of support following today's meeting would be allowed.

A motion was made for CCJCC to support DCSS' PIF grant application and for the CCJCC Executive Director to send a letter to QPC indicating this support.

ACTION: The motion for CCJCC to support DCSS' PIF grant application and for the CCJCC Executive Director to send a letter to QPC indicating this support was seconded and approved without objection.

IV. PRIORITY ENFORCEMENT PROGRAM (PEP)

Commander Jody Sharp, Custody Services Division, Sheriff's Department

Commander Jody Sharp of the Sheriff's Department appeared before CCJCC to update the committee on the development of policies and procedures related to the Priority Enforcement Program (PEP) and the handling of U.S. Immigration and Customs Enforcement (ICE) requests. This is an update from last month's presentation at the June 17th CCJCC meeting when Commander Sharp spoke about the dissolution of the 287(g) program and the implementation of PEP.

As discussed at the June 17th meeting, the Sheriff's Department is working with ICE to develop policies and procedures related to PEP. ICE agents still sometimes operate in the jail, but they are not assigned full-time and they no longer have offices in the jail as they did with the 287(g) program.

The Sheriff's Department provides ICE agents with a daily list of all inmates that are going to be released in the next seven days. ICE agents can only arrange to interview those inmates that have been convicted on their current charge. If ICE provides the Sheriff's Department with a detainer on the inmate and the inmate meets the Trust Act criteria, ICE may take custody of the inmate when the person is released.

A recent murder in San Francisco has brought heightened national attention to issues involving cooperation between local jails and U.S. Immigration and Customs Enforcement (ICE). While not commenting on the specifics of that case, Commander Sharp did state that the Sheriff's Department is studying its current policy.

Since May 12th, over 163 inmates in the county have been transferred to ICE custody under the new program.

The Sheriff's Department has held two community meetings thus far, and a third is scheduled for this evening at the Duarte City Hall. This will be the final community meeting prior to the department's 90-day report back to the Board.

The Sheriff's Department is reviewing constructive criticism from all perspectives in the community in order to determine a correct balance between public safety and community trust.

In referring to the recent murder in San Francisco, Anna Mouradian, Justice Deputy for the Fifth District of the Board of Supervisors, stated that the Sheriff in San Francisco reportedly has said that the alleged killer was released because ICE did not obtain a court order. She inquired as to whether ICE is ever required to obtain a court order for an inmate to be released to ICE custody.

Commander Sharp stated that the Los Angeles County Sheriff's Department is not operating under the policy that ICE would need a court order for an inmate to be released to their custody. A detainer is what would be required.

Ms. Mouradian inquired as to whether ICE is receiving court orders in other areas of the country. David Marin from ICE responded that ICE does not obtain court orders for individuals that it seeks to take custody of. It relies on detainers, notifications, and its partnership with local law enforcement agencies.

ACTION: For information only.

V. DISTRICT ATTORNEY'S OFFICE CONVICTION REVIEW UNIT

Ken Lynch, Assistant Head Deputy District Attorney, District Attorney's Office

Ken Lynch, Assistant Head Deputy District Attorney, appeared before CCJCC to provide an overview of the District Attorney's Conviction Review Unit (CRU). Mr. Lynch has been placed in charge of the newly created CRU.

The CRU is a unit comprised of Deputy District Attorneys (DDAs) who will review an inmate's conviction upon a claim of innocence and newly discovered evidence. In addition to Mr. Lynch, the unit will have three DDAs, one investigator, and one paralegal.

Requests for a conviction review can come from inmates themselves, their lawyers, or from Innocence Project attorneys working for an inmate. In addition, requests to have a conviction reviewed can be informal, but they must be in writing and meet certain criteria.

The following are the criteria for a claim to be accepted for review:

- The individual must have asserted innocence;
- The claim must identify new, credible evidence that was not considered by the jury at trial;
- The individual must have been convicted of a serious or violent felony;
- The individual must have been convicted via a trial; and
- The individual must be currently incarcerated.

Claims that will not be reviewed include:

- Claims related to a guilty plea;
- Claims alleging Constitutional error;
- Claims alleging procedural errors;
- Claims of self-defense;
- Claims that the convicted party was guilty of a lesser crime; and
- Claims involving cases currently being litigated in an Appellate Court or state court habeas petition.

Mr. Lynch emphasized that the CRU will not serve as a substitute for an Appellate Court or jury, and the claimants must exhaust their remedies within the state judicial system before having access to the CRU.

The initial review will determine if there was a claim of actual innocence at the outset, if the claimed evidence is both new and credible, and if the new evidence would have affected the outcome of the case. With respect to the latter, this will require a preliminary review of the case file, transcripts, Appellate Court record, and evidence used to obtain the conviction.

If the claim passes the initial review, the trial deputy, the trial deputy's supervisor, and the law enforcement agency that investigated the matter will be contacted. All of them will be invited to provide their input as it relates to the conviction and the submitted claim. After this consultation process, the claim will either be rejected or investigated further.

If a further review of the claim is necessary, the following will occur:

- A DDA, an investigator, and a paralegal will be assigned to the claim;
- The law enforcement agency that initially investigated the crime will be notified that further investigation of the claim is required; and
- Victims and other relevant law enforcement agencies will be notified.

A further investigation may include interviewing new witnesses, re-interviewing old witnesses, submitting evidence for forensic testing, etc.

After the investigation is completed, and if the claim has not been rejected, a presentation will be made to a Conviction Review Committee. This is similar to the Special Circumstance Committee, which is led by the Chief Deputy District Attorney. If the committee decides that the office has lost confidence in the conviction, then it will seek to have the conviction vacated. Mr. Lynch emphasized that the standard of review will be whether the office remains confident in the conviction.

To vacate the conviction, the District Attorney's Office will assist the defense in authoring a Habeas Corpus petition. If the Court issues an order to show cause, an evidentiary hearing will be conducted. The Court will then determine the merits of the petition and either vacate the conviction or not.

Within the structure of the District Attorney's Office, the CRU is within a different division from DDAs that are trying cases and whose convictions are being reviewed. CRU attorneys and staff report to a separate chain of command.

Ms. Mouradian inquired as to how many cases the CRU is handling. Mr. Lynch stated that, as the unit is still relatively new, a definitive number is not yet available. Prior to the announcement of the creation of the unit, there were about 20 to 27 cases. Since then, however, there have been anywhere from 50 to 100 additional claims received. Mr. Lynch cautioned that not all of these claims will be reviewed, as some do not pass the threshold criteria.

Lance Winters of the California Attorney General's Office asked if the new evidence required must be newly discovered evidence. Mr. Lynch stated that, as a general rule, the evidence would need to be newly discovered. If the evidence was known about initially, but not presented at trial as a strategic decision by the defense, that would be a different issue than evidence that has subsequently come to light following the conviction.

In response to a query from Ms. Fukai, Mr. Lynch confirmed that the CRU would not review a claim until all of the appeals have been exhausted. The District Attorney's Office wishes to avoid a potential conflict where an attorney(s) in one part of the office is defending a conviction while an attorney(s) in the CRU is reviewing the conviction.

However, the CRU may review a conviction in situations that involve having to file a

Federal Habeas Corpus petition within a certain period of time.

ACTION: For information only.

NOTE: During this presentation, Mayor Antonovich had to leave the meeting. Los Angeles County Public Defender Ron Brown served as Chair Pro Tem for the remainder of the meeting.

VI. NATIONAL NETWORK OF CRIMINAL JUSTICE COORDINATING COUNCILS (NNCJCC) APPLICATION REQUEST

Mark Delgado, Executive Director, Countywide Criminal Justice Coordination Committee (CCJCC)

Mark Delgado, Executive Director of CCJCC, notified the committee of an invitation from the National Network of Criminal Justice Coordination Committees (NNCJCC) for CCJCC to apply for membership.

As background, the Justice Management Institute (JMI) created the NNCJCC in 2010 to provide a forum for local criminal justice coordinating councils to learn from each other and build local capacity for system improvement.

NNCJCC was originally created with the support of the Bureau of Justice Assistance and in partnership with the National Association of Counties and the Pretrial Justice Institute.

JMI is a non-profit organization based in Arlington, Virginia. It provides research, education, and training programs, as well as technical assistance in justice policy, planning, and operations.

When the NNCJCC was created in 2010, about a dozen jurisdictions were selected. They are now in a position where they are expanding their membership and have invited interested jurisdictions to apply. There is no cost for applying or participating.

A motion was made to submit an application for CCJCC membership in NNCJCC.

ACTION: The motion to submit an application for CCJCC membership in NNCJCC was seconded and approved without objection.

VII. OTHER MATTERS / PUBLIC COMMENT

There were no public comments.

VIII. ADJOURNMENT

The meeting was adjourned at 12:52 p.m.