

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE
MINUTES OF THE JULY 17, 2013 MEETING
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 140
Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Chairman: Mark Ridley-Thomas, County Supervisor for the Second District and
Chairman of the County Board of Supervisors

Lee Baca, Sheriff and Vice Chair of CCJCC

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

Bruce Barrows, California League of Cities

*Reaver Bingham for Jerry Powers, County Chief Probation Officer

James Brandlin, Assistant Supervising Judge, Criminal, Superior Court

Ronald Brown, County Public Defender

Daniel Calleros, President, Southeast Police Chiefs Association

Paul Cooper for Jim McDonnell, President, Los Angeles County Police Chiefs
Association

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

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

Janice Fukai, County Alternate Public Defender

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

Christa Hohmann, Directing Attorney, Post Conviction Assistance Center

*Tracey Lopez for Jackie Lacey, District Attorney

Georgia Mattera for William Fujioka, County Chief Executive Officer

*Jon McCaverty for John Krattli, Acting County Counsel

Edward McIntyre, Chair, County Quality & Productivity Commission

Don Meredith, President, County Probation Commission

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

*Fred Nazarbegian for Richard Sanchez, County Chief Information Officer

Earl Perkins for John Deasy, Superintendent, Los Angeles Unified School District

Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program

Jeffrey Prang, California Contract Cities Association

Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner

Annemarie Sauer for Miguel Santana, Los Angeles City Chief Administrative Officer

*Peter Shutan for Mike Feuer, Los Angeles City Attorney

Robin Toma, Executive Director, County Human Relations Commission

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

Anthony Williams, Special Agent in Charge, U.S. Drug Enforcement Administration

Lance Winters for Kamala Harris, California Attorney General

*Tara Yaralian for Marvin Southard, Director, County Department of Mental Health

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Jeffrey Beard, Secretary, California Department of Corrections and Rehabilitation
Charles Beck, Chief, Los Angeles Police Department
Andre Birotte, U.S. Attorney
Dan Bower, Chief, Southern Division, California Highway Patrol
Michelle Carey, Chief U.S. Probation Officer
Arturo Delgado, Superintendent, County Office of Education
Mitchell Englander, Los Angeles City Council, 12th District
Peter Espinoza, Judge, Superior Court
Robert Fager, President, South Bay Police Chiefs Association
Eric Garcetti, Mayor, City of Los Angeles
Sean Kennedy, Federal Public Defender
William Lewis, Assistant Director in Charge, Los Angeles Division, Federal Bureau of Investigation
David Marin, Field Office Director, U.S. Immigration and Customs Enforcement
Michael Nash, Supervising Judge, Juvenile, Superior Court
William Mitchell, Superior Court Executive Officer
Charlaine Olmedo, Supervising Judge, Criminal, Superior Court
Richard Propster, Peace Officers Association of Los Angeles County
Joseph Santoro, Independent Cities Association
David Singer, United States Marshal
Jim Smith, President, San Gabriel Valley Police Chiefs Association
Mike Webb, County Prosecutors Association
David Wesley, Presiding Judge, Superior Court

I. CONVENE/INTRODUCTIONS

Mark Ridley-Thomas, County Supervisor, Second District

The meeting was called to order at 12:00 noon by Los Angeles County Supervisor Mark Ridley-Thomas, Chairman of CCJCC.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Mark Ridley-Thomas, County Supervisor, Second District

There were no requests for revisions to the minutes of the June 19, 2013 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the June 19, 2013 meeting was seconded and approved without objection.

III. CHAIRMAN'S REPORT

Supervisor Ridley-Thomas provided an overview of the Jail Plan presentation that was made at the July 16, 2013 meeting of the Los Angeles County Board of Supervisors. The Jail Plan was prepared by Vanir Construction Management, Inc., an independent consultant that was selected for this task.

The report includes a description of existing facilities, a profile of the inmate population, and an analysis of jail trends. In addition, five options are presented for modernization of the county jail system.

The Supervisor emphasized that the Board has not made a determination as to which of the options, if any, to pursue. There will be a report back to the Board pursuant to motions that were made at the meeting, and it was agreed that further analysis is required with respect to problems and issues that need to be resolved.

The additional analysis will likely include staffing and operational costs, identifying additional revenue, potential future design efforts, and an inquiry regarding the conditions under which an AB 900 grant can be used for other qualifying projects.

Some of the key issues that have been raised regarding the Jail Plan include the cost per bed, how identifying a threshold for time served by inmates will impact the plan, and what impact potential increases of split sentencing will have on the jail population. In addition, much of the discussion at the Board meeting focused on the provision of mental health services.

Supervisor Ridley-Thomas noted the importance of having a county jail system that avoids the circumstance that the State of California is in where there is federal oversight of the state prison system.

During public comments, a large number of individuals highlighted the need for alternatives to incarceration. Supervisor Ridley-Thomas agreed that alternatives to incarceration should be made available when appropriate, but added that the use of incarceration is needed in cases that involve serious violations of the law.

Sheriff Lee Baca stated that he is hopeful about the effort to modernize the jail system and thanked the Board of Supervisors for addressing this issue.

Assistant Sheriff Teri McDonald stated that she appreciated the dialogue at the Board meeting and the opportunity to discuss various impacts and opportunities.

Supervisor Ridley-Thomas instructed the members of the committee to contact CCJCC Executive Director Mark Delgado with any input that they wish to share with respect to this subject matter. The Jail Plan report can be found online at the following link:

http://file.lacounty.gov/bc/q3_2013/cms1_197361.pdf

IV. EXECUTIVE DIRECTOR'S REPORT

Mark Delgado, Executive Director, Countywide Criminal Justice Coordination Committee

Mark Delgado, Executive Director of the Countywide Criminal Justice Coordination Committee (CCJCC), provided the Executive Director's Report to the committee.

At the March 20, 2013 CCJCC meeting, Mr. Delgado informed this committee that a review of law enforcement policies for AB 109 compliance checks in the county was being conducted. Through the assistance of Supervisor Ridley-Thomas' Office, the Public Safety Realignment Team (PSRT) Law Enforcement Subcommittee worked with a professor from Biola University and his team to conduct interviews with law enforcement personnel.

The review confirmed that compliance checks are conducted differently among jurisdictions. The PSRT Law Enforcement Subcommittee will now take the findings from this study and develop a "best practices" document. The goal is to have this document completed and presented to this committee in September.

Supervisor Ridley-Thomas stated that, as AB 109 compliance checks are relatively new, there is a need for a best practices document to assist with the training of law enforcement officers who conduct these checks.

V. DEFINING RECIDIVISM

Deputy Chief Reaver Bingham, Probation Department
Captain Michael Bornman, Sheriff's Department
Mark Delgado, Executive Director, CCJCC

Mr. Delgado provided a review of the actions that were taken by this committee at its previous meeting with respect to developing a definition of recidivism. Specifically, this committee voted to approve in concept the following definition of recidivism:

"A qualifying return to custody during a specified time period."

The following sub-definitions accompany this:

1. **Time Period:** A three (3) year period immediately following custody release.
2. **Custody:** Jail, prison, and alternative sentencing options.
3. **Qualifying Returns:** This includes the following four categories:
 - a. **New arrests with judicial finding of probable cause**
 - b. **Convictions**
 - c. **Revocations**
 - d. **Flash incarceration**

One issue that was discussed at the previous meeting as needing further refinement is that of how to capture data pertaining to new arrests with a judicial finding of probable cause. After further discussion, the definition of “new arrests” is categorized as follows:

- For misdemeanor arrests, the qualifying return applies where there has been a new criminal filing or a violation in lieu of a new criminal filing.
- For felony arrests, the qualifying return applies where there has been a finding of probable cause through a preliminary hearing or grand jury indictment.

It was also agreed at the last meeting that data would be test run against the proposed definition and that sample results would be provided to the committee at this meeting.

Mr. Delgado introduced Deputy Chief Reaver Bingham of the Probation Department and Captain Michael Bornman of the Sheriff’s Department to present the results of test runs performed by their respective departments.

Captain Bornman stated that the Education Based Incarceration (EBI) Bureau of the Sheriff’s Department uses the following definition of recidivism: Conviction and incarceration for the commission of a new crime(s). Using this definition, a sample of 354 MERIT program participants had a recidivism rate of 19.8% for a period of one year.

Using the new definition approved in concept by this committee at the previous meeting, the recidivism rate for the 354 participants increases to 27.7%.

Captain Bornman noted that a control group of 204 non-EBI, non-MERIT participating inmates has a recidivism rate of 36.8% using the EBI Bureau’s definition of recidivism.

Mr. Bingham stated that the Probation Department selected a sample of 10 individuals that were on Post Release Community Supervision (PRCS) and 10 individuals that were on adult probation supervision between October 1, 2011 and September 30, 2012. Using these samples with the new recidivism definition, the resulting data is broken down into the following categories: (1) New Arrest; (2) Conviction; (3) Revocation of PRCS/Probation; (4) Flash Incarceration (only applies to PRCS); (5) New Arrest Rate; (6) Conviction Rate; (7) Revocation of PRCS/Probation Rate; (8) Flash Incarceration Rate (only applies to PRCS); and (9) Recidivism Rate.

Among the PRCS sample data, the recidivism rates break down as 50% for new arrests, 40% for convictions, 20% for revocations, 30% for flash incarcerations, and an overall recidivism rate of 50%.

For the adult probation supervision sample data, the recidivism rates break down as 30% for new arrests, 30% for convictions, 20% for revocations, and an overall recidivism rate of 40%.

In response to a query concerning the avoidance of duplicate counting, Mr. Bingham stated that there are processes that will need to be refined in order to ensure the accuracy of the reported data.

Los Angeles County Public Defender Ronald Brown inquired as to the need for keeping flash incarceration as a qualifying return. Mr. Bingham stated that there has been much discussion concerning this issue, with differing opinions as to the efficacy of using this category. He stated that the definition allows for flexibility to analyze data depending upon what it is being compared to. The flash incarceration category would not necessarily be included in each data run.

Assistant Sheriff Teri McDonald noted that, from a jail management perspective, data on flash incarcerations is needed to accurately project jail population needs. The information may also be useful in comparing and analyzing arrest and conviction rates with individuals that have been subjected to flash incarceration versus those that have not.

Los Angeles County Alternate Public Defender Janice Fukai agreed that the flash incarceration data can be useful, just so long as clear distinctions are made between flash incarcerations and other categories of data.

Mr. Bingham confirmed that the Probation Department will collect data on flash incarcerations for the purpose of analysis. However, the question as to whether to keep this category in the definition of recidivism is a matter for further discussion.

Sheriff Baca advised that the committee should consider why the information on recidivism rates is needed and what it will be used for. His view is that recidivism occurs when a new crime is committed. Incidents that are less than that are subject to interpretation. He also noted that there is a difference between felonies and misdemeanors that is not captured in the recidivism definition, as well as violent versus non-violent crimes.

Sheriff Baca asked that continued dialogue occur on an appropriate definition of recidivism.

Mr. Bingham noted that the discussions on defining new arrests considered the difference between misdemeanor and felony arrests. Tracey Lopez of the District Attorney's Office stated that she participated in the discussions with representatives from other departments. The compromise that was reached recognized the practical procedural differences between misdemeanors and felonies. For example, misdemeanors don't go through a preliminary hearing or a grand jury indictment.

Supervisor Ridley-Thomas emphasized the need for a consensus on the recidivism definition so that there can be accountability and an agreed upon measure of success. He asked that further discussions be held to better develop an operational definition of recidivism. In addition, he asked that larger sample sizes be test run and presented to this committee.

Sheriff Baca inquired as to what challenges exist to gathering the data from a technological standpoint. Mr. Bingham replied that there are systems modifications that would be needed in order to make the data collection a more efficient process.

Supervisor Ridley-Thomas asked that there be a report back at the next meeting on the efforts to reach consensus on an operational definition of recidivism.

ACTION: For information only.

VI. TASKFORCE FOR REGIONAL AUTO-THEFT PREVENTION (TRAP)

Lieutenant Jeffrey Enfield, Sheriff's Department

Lieutenant Greg Jones, Los Angeles Police Department

Alex Karkanen, Los Angeles County District Attorney's Office

Lieutenant Jeffrey Enfield of the Los Angeles County Sheriff's Department appeared before CCJCC to present the Taskforce for Regional Auto-theft Prevention (TRAP) progress report. Lieutenant Enfield introduced Alex Karkanen of the Los Angeles County District Attorney's Office and Lieutenant Greg Jones of the LAPD, both of whom are also assigned to TRAP.

TRAP is a multi-agency, multi-jurisdictional auto theft task force that was formed in 1993 to combat complex auto theft rings in Los Angeles County. TRAP personnel are comprised of one-third from the Sheriff's Department, one-third from the LAPD, and one-third from other participating law enforcement agencies.

The mission of TRAP is to reduce the number of auto thefts, increase the recovery rate of stolen automobiles, identify trends and patterns of vehicle theft, provide training and expertise to participating law enforcement agencies, and coordinate a deterrence program with the private sector.

TRAP is funded by one dollar from every vehicle registration fee paid in the county.

Lieutenant Enfield stated that FBI preliminary statistics for 2011 through 2012 indicate that auto thefts have increase 10.6% in the western region of the United States, while other regional areas have experienced a decrease.

CHP statewide preliminary statistics for 2011 through 2012 show a total of 156,346 auto thefts in 2011 and 173,976 in 2012, which is an increase of 11%.

Despite these increases in the western U.S. and California, auto theft has declined slightly in Los Angeles County from 2011 to 2012. CHP preliminary statistics for the county show 41,585 auto thefts in 2011 and 40,149 in 2012, which is a decrease of 3%.

In 2011, TRAP was responsible for 358 arrests, 48 warrants served, 224 Vehicle Code Section 2805 business inspections¹, and 491 vehicle recoveries. The value of the recoveries was \$10,333,706.

In 2012, TRAP was responsible for 332 arrests, 83 warrants served, 258 Vehicle Code Section 2805 business inspections, and 435 vehicle recoveries. The value of the recoveries was \$10,631,191.

In the first six months of 2013, TRAP has been responsible for 141 arrests, 36 warrants served, 95 Vehicle Code Section 2805 business inspections, and 254 vehicle recoveries. The value of the recoveries was \$7,962,131.

Lieutenant Enfield noted that TRAP has seen an increase in the use of identity theft and fraud to steal vehicles. As an example, he discussed a recent case in which an organized crime group had obtained luxury vehicles through identity theft and fraud. The thefts also involved the use of jamming devices to defeat tracking systems and avoid detection. In this case, TRAP recovered 46 vehicles valued at over \$2.6 million.

Another high-profile case involved a celebrity whose vehicle was stolen from an auto repair shop. TRAP uncovered a sophisticated burglary ring that would break into auto repair shops during early morning hours and steal classic vehicles. These would in turn be registered through the DMV using fraudulent documents. In this case, which is ongoing, TRAP has recovered 14 vehicles valued at over \$700,000.

An additional trend in auto theft is that of rental car fraud. In particular, gang members in Southern California have been found to have obtained rental cars through identity theft. These vehicles are then often used in committing other crimes. As an example, TRAP's surveillance uncovered a burglary ring that had been using the fraudulently obtained rental cars to commit residential burglaries.

Mr. Karkanen provided an update on TRAP's current budget, which is approximately \$7.8 million a year. Budgetary constraints have significantly reduced the size of the task force over the years. Where once there were 60 investigators assigned to the task force, there are now 25 investigators responsible for the entire county, which includes 88 cities and over seven million registered vehicles.

As previously noted, the funding for TRAP comes from one dollar from each vehicle registration fee, and this has been set since the program began in 1993. The budget for TRAP is therefore fixed based upon the number of registered vehicles in the county. In real terms, the budget has been shrinking in the past twenty years due to increases in salary, costs of equipment, and other expenses necessary for the task force to function.

In response to these continuing budget difficulties, the participating agencies on the task force appealed to the State Legislature for assistance. Legislation designed to increase funding for TRAP (Vehicle Code Section 9250.14(a)(1)) was subsequently passed and

¹ Vehicle Code (V.C.) Section 2805 allows full-time auto theft investigators to inspect auto dismantling yards, repair and body shops, and other auto dealerships to determine if they are illegally chopping vehicles or are otherwise involved in fraud.

signed into law. The next step required is to receive final approval from the County Board of Supervisors.

Supervisor Ridley-Thomas instructed Mr. Karkanen to speak with County Counsel and other necessary County Department representatives in order to move this process forward.

Lieutenant Enfield reported that TRAP is working with the Sheriff's Department Data Services Bureau to develop an Omega Dashboard, which will be an auto theft information network that will assist in tracking and linking these crimes. This web-based program is slated to go online within the next six months.

In addition, TRAP will continue to partner with the Greater Los Angeles Auto Dealership Association to train and educate dealers and finance institutions in reducing the incidents of stolen vehicles due to fraud and identity theft.

ACTION: For information only.

VII. THE GREAT CALIFORNIA SHAKEOUT

Judge Lance Ito, Los Angeles Superior Court

Judge Lance Ito of the Los Angeles Superior Court appeared before CCJCC to discuss the Superior Court's participation in this year's annual statewide earthquake drill.

As with other public entities, the Court has regularly conducted evacuation drills in its buildings and participated in disaster preparedness. This year, the Court and agencies located in its courthouses will participate in a statewide public education program known as The Great California Shakeout.

The Great California Shakeout began in 2008 and is intended to instruct residents on how to prepare for and survive an earthquake. This year, the disaster drill is scheduled for 10:17 a.m. on October 17, 2013. The drill will include drop, cover, and hold, as well as building evacuations.

More information on The Great California Shakeout can be found online at the following link: <http://www.shakeout.org/california/index.html>.

ACTION: For information only.

VIII. OTHER MATTERS/PUBLIC COMMENT

There were no public comments.

IX. ADJOURNMENT

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