

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE JUNE 17, 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

Peter Espinoza, Supervising Judge of Criminal, Superior Court
Janice Fukai, County Alternate Public Defender
Gigi Gordon, Directing Attorney, Post Conviction Assistance Center
Anthony Hernandez, Director, County Department of Coroner
Gabriella Holt, County Probation Commission
James Hudson, President, Los Angeles County Police Chiefs Association
Robert Kalunian, County Counsel
Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program
Richard Propster, Peace Officers Association of Los Angeles County
Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner
Robert Taylor, County Chief Probation Officer
Michael Tynan, Judge, Superior Court

ALTERNATES

*Damon Alexander for John Torres, Special Agent-in-Charge, U.S. Bureau of Alcohol,
Tobacco, Firearms and Explosives
Ed Brekke for John Clarke, Superior Court Executive Officer
Michelle Carey for Loretta Martin, Chief U.S. Probation Officer
Marv Cavanaugh for Lee Baca, Sheriff and Vice Chair of CCJCC
Ed Eng for Isaac Barcelona, Chair, County Economy and Efficiency Commission
Peter Espinoza for Charles McCoy, Presiding Judge, Superior Court
Xiomara Flores-Holguin for Trish Ploehn, Director, County Department of Children and
Family Services
Pamela Hamanaka for Edmund Brown, California Attorney General
*Greg Keosian for Richard Kirschner, Judge, Superior Court
Jason Killeen for Raymond Ciranna, Los Angeles City Chief Administrative Officer
Peter Loo for Richard Sanchez, County Chief Information Officer
*Michael Maloney for Marvin Southard, Director, County Department of Mental Health
William Montgomery for Tom Tindall, Director, County Internal Services Department
*Suzanne Pulice for Steve Cooley, District Attorney
Bruce Riordan for Rockard Delgadillo, Los Angeles City Attorney
Evangeline Ross for Dennis Tafoya, County Affirmative Action Compliance Officer
Buren Simmons for Ramon Cortines, Superintendent, Los Angeles Unified School
District
John Viernes for Jonathan Fielding, Director, County Public Health Department

*Jackie White for William Fujioka, County Chief Executive Officer
*Rick Wyman for Tim Landrum, Special Agent in Charge, U.S. Drug Enforcement Administration

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Mark Arnold, Judge, Superior Court
Cynthia Banks, Director, County Department of Community & Senior Services
William Bratton, Chief, Los Angeles Police Department
Salvador Hernandez, Assistant Director in Charge, Los Angeles Division, Federal Bureau of Investigation
Michael Judge, County Public Defender
Sean Kennedy, Federal Public Defender
Al Leiga, Chair, County Quality & Productivity Commission
Steve Lieberman, Chief, County Office of Public Safety
Michael Nash, Supervising Judge, Juvenile Court
John Neu, President, South Bay Police Chiefs Association
John Noguez, President, California Contract Cities Association
Thomas O'Brien, U.S. Attorney
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
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
Frank Venti, President, Independent Cities Association
Antonio Villaraigosa, Mayor, City of Los Angeles
Larry Waldie, Undersheriff
Dan Watson, President, San Gabriel Valley Police Chiefs Association
Jack Weiss, Los Angeles City Councilman, District 5

CCJCC STAFF

Mark Delgado, Executive Director
Kenna Ackley
Cynthia Machen
Craig Marin

GUESTS/OTHERS

Dardy Chen, County CEO
Richard Fajardo, Second District, County Board of Supervisors
Sue Frauens, Los Angeles City Attorney's Office
Carl Gallucci, Fourth District, County Board of Supervisors
Anselmo Gonzalez, Sheriff's Department
Arnold Lee, Los Angeles City Attorney's Office

Ana Maria Luna, Judge, Superior Court
Earl Perkins, Los Angeles Unified School District
Marguerite Rizzo, District Attorney's Office
Peter Shutan, Los Angeles City Attorney's Office and County Probation Commission
Maureen Siegel, Los Angeles City Attorney's Office
Jason Smith, Los Angeles City Attorney's Office
Chris Stevens, Los Angeles School Police Department

I. CONVENE/INTRODUCTIONS

Don Knabe, County Supervisor, Fourth District

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

Self-introductions followed.

Supervisor Knabe noted that Buren Simmons of the Los Angeles Unified School District (LAUSD) is retiring. Mr. Simmons was thanked for his many years of service representing LAUSD on this committee.

II. APPROVAL OF THE MINUTES

Don Knabe, County Supervisor, Fourth District

There were no requests for revisions to the minutes of the May 20, 2009 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the May 20, 2009 meeting was seconded and approved without objection.

III. TASK FORCE ON REGIONAL AUTOTHEFT PREVENTION (TRAP)

Captain Anselmo Gonzalez, Sheriff's Department

Captain Anselmo Gonzalez of the Los Angeles County Sheriff's Department appeared before CCJCC to present the Taskforce for Regional Auto-theft Prevention (TRAP) semi-annual progress report.

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 a \$1 fee on all registered personal vehicles and \$2 on all registered commercial vehicles in Los Angeles County.

TRAP consists of representatives from various law enforcement agencies throughout the county. Partnerships have been formed with other government and private organizations.

The current funding legislation for TRAP is set to sunset on January 1, 2010. Assembly Bill 286 (AB 286) would extend TRAP funding to January 1, 2018. AB 286 has passed the Assembly and is awaiting a hearing date in the Senate. It is hoped that it will be scheduled to be heard by July 10th.

TRAP will be participating in a bait car reality television show that will depict individuals being arrested when they attempt to steal bait cars. The goal of this program will be to serve as a warning to potential car thieves.

Current staffing includes personnel from the Sheriff's Department, LAPD, CHP, El Monte Police Department, El Segundo Police Department, Glendale Police Department, Long Beach Police Department, and Vernon Police Department. The total number of investigators has decreased over the years due to increasing operating costs and static funding.

TRAP has four teams in the county that are divided among geographical areas. The Central and West Teams are predominantly LAPD efforts while the San Gabriel Valley and South Teams are primarily driven by the Sheriff's Department.

The total value of stolen vehicles in Los Angeles County during 2008 was nearly \$325 million. Fortunately, all but 10% of stolen vehicles are recovered. Statewide, approximately 30% of vehicle thefts occur in Los Angeles County.

In 2008, TRAP was responsible for 476 arrests, 114 warrants served (includes arrest, search, and other), 226 Vehicle Code (V.C.) 2085 inspections¹, and the recovery of 1,264 vehicles. The total value of the recovered vehicles amounts to \$19,393,939.

Most cases that TRAP handles are complex and long-term. An example was provided of a street gang that was very brazen and sophisticated in the process through which they stole vehicles. After careful investigation and surveillance, eight individuals were arrested.

ACTION: For information only.

IV. PROPOSITION 69 IMPLEMENTATION TASK FORCE

Suzanne Pulice, Special Assistant, District Attorney's Office

Suzanne Pulice, Special Assistant in the District Attorney's Office and Chair of the Proposition 69 Implementation Task Force, appeared before CCJCC to provide an overview of the task force's activities and to request two motions.

¹ V.C. 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.

As a review, the DNA Fingerprint, Unsolved Crime and Innocence Protection Act (Proposition 69) was passed on November 2, 2004. The law significantly expanded the legal provisions for the collection and use of criminal offender DNA samples.

To facilitate the implementation of this new law, CCJCC created the Proposition 69 Implementation Task Force in November 2004. This task force has met regularly to ensure both compliance with the law's provisions and a uniform implementation throughout Los Angeles County.

The task force includes representation from the District Attorney's Office, Sheriff's Department, LAPD, L.A. City Attorney's Office, County Police Chiefs Association, County Prosecutors Association, Public Defender's Office, Alternate Public Defender's Office, Probation Department, Superior Court, Information Systems Advisory Body, County CEO, and County Auditor-Controller's Office.

Since the creation of the task force, Proposition 69 has been fully implemented throughout the county; all law enforcement agencies, including adult and juvenile Probation, are collecting DNA samples from qualifying individuals. In addition, in compliance with the change in law that took effect on January 1, 2009, all felony arrestees are now providing DNA samples.

Ms. Pulice noted that nearly 190,000 criminal offender samples have been collected in the county since the passage of Proposition 69.

Another accomplishment that has been overseen by the task force is the development of the DNA Offender Tracking System (DOTS). This 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, which is currently in development, will integrate the system with the LiveScan fingerprint system so that law enforcement agencies are automatically informed as to whether a person's DNA sample should be taken at the time of arrest and booking. We are prepared locally to proceed with this phase and are waiting for the state to begin implementation.

Proposition 69 provides for expungement procedures which allow qualified individuals to have their DNA sample and profile removed from the database. For example, felony

arrestees who ultimately are not charged may be eligible for DNA sample expungement.

To address the expungement issue, the task force created an Expungement Policies and Procedures Manual. This was approved by CCJCC in November 2008. The manual has been distributed among criminal justice agencies and serves to standardize the DNA expungement process – both for the petitioner and for the agencies that need to respond to the request.

The Expungement Policies and Procedures Manual can be accessed on CCJCC's website at http://www.ccjcc.info/dna_steeringcommittee.asp or on the District Attorney's website at <http://da.lacounty.gov/topdocs.htm#dna>.

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. The Court collects approximately \$550,000 every month and 75% is retained locally (with the remaining 25% going to the state).

The Proposition 69 Implementation Task Force develops recommendations for the use of Proposition 69 funds in the county. These recommendations are presented to CCJCC for approval and submission to the County Board of Supervisors.

Per the recommendation of the task force and this committee, the Board of Supervisors has established the following policy for the use of Proposition 69 funds:

1. Reimbursement to local law enforcement agencies and the Probation Department for DNA sample collection at a rate of \$30 per sample;
2. Reimbursement to the Information Systems Advisory Body (ISAB) for DOTS maintenance costs in the amount of \$250,000 per year through June 30, 2009; and
3. Reimbursement with the remaining funds to the Sheriff's Department and LAPD crime labs for costs associated with the analysis of DNA evidence.

At its meeting on June 3, 2009, the Proposition 69 Implementation Task Force voted to recommend that the current \$250,000 annual funding allocation to ISAB for the maintenance of DOTS be extended and continued for as long as the system is in operation. Maintenance costs are ongoing and ISAB requires this funding in order to keep the system operational.

DOTS expenses are a pass-through cost for ISAB. The expenses only include what the Internal Services Department (ISD) charges ISAB for the support and maintenance of the system.

A motion was made to approve the recommendation that the current \$250,000 annual funding allocation to ISAB for the maintenance of DOTS be extended and continued for as long as the system is in operation.

ACTION: The motion to approve the recommendation that the current \$250,000 annual funding allocation to ISAB for the maintenance of DOTS be extended and continued for as long as the system is in operation was seconded and approved without objection.

With Proposition 69 implemented throughout the county, the only remaining issues are the implementation of Phase III of DOTS, the monitoring of Proposition 69 funds and their usage, and the monitoring of any issues that may arise with the DNA expungement process.

At its meeting earlier this month, the Proposition 69 Implementation Task Force approved a recommendation that it be disbanded and that all remaining issues be handled by CCJCC's DNA Task Force.

A motion was made to disband the Proposition 69 Implementation Task Force and incorporate all remaining issues into the DNA Task Force.

ACTION: The motion to disband the Proposition 69 Implementation Task Force and incorporate all remaining issues into the DNA Task Force was seconded and approved without objection.

V. LOS ANGELES SUPERIOR COURT

Supervising Judge Peter Espinoza, Criminal Division, Superior Court

Judge Peter Espinoza, Supervising Judge of the Superior Court's Criminal Division, appeared before CCJCC to provide an overview of the Court's furlough program and changes to Proposition 36 case management.

The budget shortfall facing the State of California has led to reduced funding for the judicial system. As a result, the Los Angeles Superior Court is facing a large budget deficit that will lead to various changes in procedure in the coming fiscal year.

The Court's staffing costs for Proposition 36 are estimated to be nearly \$1.4 million annually. The Court receives \$500,000 per year from the program to cover these expenses, but this may be eliminated. In addition, Proposition 36 is reported to only have a 10% successful completion rate. Judge Espinoza observed that 57% of felons assigned to Proposition 36 are on bench warrant status. The Court has therefore determined that cost savings can be obtained by changing the manner in which Proposition 36 cases are handled.

Effective July 1, 2009, there will no longer be 19 dedicated courtrooms handling Proposition 36 cases in a centrally-located drug court model. Instead, Proposition 36 cases will be dispersed throughout general criminal workload and will be treated similar to Deferred Entry of Judgment (DEJ) cases.

Also effective July 1, 2009, the Superior Court will implement an employee furlough plan in which most employees will take a day off without pay on the third Wednesday of every month. By law, the courthouses will remain open on those days; however, there will be a greatly reduced level of customer service available to the public.

On these furlough days, each District will have one courtroom open for arraignments and one for any imperative preliminary hearings that occur. The Court will not start any jury trials on a furlough day and, in a case where the last day (by which the trial must begin) arrives on a furlough day, the trial will be started the day before.

Supervisor Knabe inquired as to why Wednesday was chosen for the furloughs. Judge Espinoza stated that this was determined to be the day that would have the least negative impact on court operations and jail overcrowding.

All judicial officers will be reporting to work on the furlough days. As elected officials, they will continue to receive pay, although many have indicated that they will voluntarily return their salary for those days.

Legislation is currently pending that would allow all California trial courts to close on the third Wednesday of the month as a court holiday. This would still be a furlough day for court employees, but the Superior Court would no longer need to be concerned about arraignments, preliminary hearings, trials, etc., that constitutionally must be heard on the day that the furlough falls on.

The Superior Court is working with other criminal justice agencies to minimize the impact on the justice system. Judge Espinoza noted that Los Angeles City Attorney prosecutors will have two furlough days, and neither will fall on the Court's furlough day. The Los Angeles City Council is being requested to grant a public safety exemption for prosecutors to help prevent last day cases from being dismissed due to the unavailability of prosecutors.

It is likely that the Superior Court's budget crisis will continue for several years. While the Court is committed to sustaining its operations for criminal proceedings at a level that meets the needs of the criminal justice system, there may be further changes as circumstances warrant. The Court will continue to consult with other criminal justice agencies.

County Counsel Robert Kalunian inquired as to whether the reported agreement between the state legislature and the Administrative Office of the Courts (AOC) would be helpful to the Superior Court. Judge Espinoza stated that it would be, but is unclear if it will be part of the final budget agreement.

Judge Ana Maria Luna, Chair of the Proposition 36 Steering Committee, appeared before CCJCC to discuss the specific changes to the handling of Proposition 36 cases.

The number of court appearances for the defendants will be reduced to four. These are: (1) Arraignment; (2) Referral to early disposition court where the plea is taken; (3) Progress report to be held 60 days after the plea is taken; and (4) Termination and dismissal of case 180 days after the plea is taken (if the final report is favorable).

With regard to misdemeanors, the defendants will be placed on summary probation rather than formal probation. The misdemeanants will be managed by the Court without probation supervision.

The Proposition 36 Steering Committee hopes that the treatment community will assist with the process by notifying the Court of treatment failures or failures to report for treatment so that probation can be revoked.

As a result of the shortened supervision, treatment will be reduced from 180 days to 120 days. Due to funding issues, the services that the defendants will be able to avail themselves of will also decrease substantially.

A meeting will be held in the Board of Supervisors hearing room on Monday, June 29th, for attorneys and treatment providers affected by the changes to the handling of Proposition 36 cases.

ACTION: For information only.

VI. OTHER MATTERS/PUBLIC COMMENT

Bruce Riordan, Director of Anti-Gang Operations in the Los Angeles City Attorney's Office, addressed CCJCC on the status of California State Senate Bill 282 (SB 282).

As a review, SB 282 by State Senator Roderick Wright (25th Senate District) would provide that a criminal street gang injunction against an individual will be limited to no more than five years. The bill specifies the circumstances under which the prosecutors may apply for a renewal of the injunction. Currently, a gang injunction is permanent and individuals may apply to be removed from the injunction.

The bill has passed the Senate. It was set to be heard in the Assembly yesterday, but it has since been moved to June 30th.

Mr. Riordan will forward the legislative analysis on this bill to Mark Delgado, Executive Director of CCJCC, for those that wish to have more information about the bill.

VII. ADJOURN

There being no further business, Supervisor Knabe adjourned the meeting at 12:50 p.m.

The next CCJCC meeting will be held on **Wednesday, July 15, 2009, at 11:30 a.m. in Room 739 of the Kenneth Hahn Hall of Administration.**