

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE
MINUTES OF THE MARCH 20, 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

Cynthia Banks, Director, County Department of Community & Senior Services
Richard Barrantes for Paul Tanaka, Undersheriff
Dan Bower, Chief, Southern Division, California Highway Patrol
James Brandlin, Assistant Supervising Judge, Criminal, Superior Court
Ronald Brown, County Public Defender
Douglas Bys for Michelle Carey, Chief U.S. Probation Officer
Daniel Calleros, President, Southeast Police Chiefs Association
Paul Cooper for Jim McDonnell, President, Los Angeles County Police Chiefs
Association
Robert Fager, President, South Bay Police Chiefs Association
Xiomara Flores-Holguin for Philip Browning, Director, County Department of Children
and Family Services
Maria Franco for Jeffrey Beard, Secretary, California Department of Corrections and
Rehabilitation
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
*Cecille Manalo-Lopez for John Clarke, Superior Court Executive Officer
Mary Marx for Marvin Southard, Director, County Department of Mental Health
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
Michel Moore for Charles Beck, Chief, Los Angeles Police Department
*Fred Nazarbegion for Richard Sanchez, County Chief Information Officer
Earl Perkins for John Deasy, Superintendent, Los Angeles Unified School District
Robert Philibosian for Isaac Barcelona, Chair, County Economy and Efficiency
Commission
Cecil Rhambo for Lee Baca, Sheriff and Vice Chair of CCJCC
Devallis Rutledge for Jackie Lacey, District Attorney
Annemarie Sauer for Miguel Santana, Los Angeles City Chief Administrative Officer
*Peter Shutan for Carmen Trutanich, Los Angeles City Attorney
Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner

David Singer, United States Marshal
Jim Smith, President, San Gabriel Valley Police Chiefs Association
John Viernes for Jonathan Fielding, Director, County Department of Public Health
*Tony Williams for Tim Landrum, Special Agent in Charge, U.S. Drug Enforcement
Administration
Lance Winters for Kamala Harris, California Attorney General

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Bruce Barrows, California League of Cities
Andre Birotte, U.S. Attorney
Arturo Delgado, Superintendent, County Office of Education
Mitchell Englander, Los Angeles City Council, 12th District
Peter Espinoza, Judge, Superior Court
Sean Kennedy, Federal Public Defender
Steve Martinez, Assistant Director in Charge, Los Angeles Division, Federal Bureau of
Investigation
Michael Nash, Supervising Judge, Juvenile, Superior Court
Charlaine Olmedo, Supervising Judge, Criminal, Superior Court
Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program
Jerry Powers, County Chief Probation Officer
Jeffrey Prang, California Contract Cities Association
Richard Propster, Peace Officers Association of Los Angeles County
Timothy Robbins, Field Office Director, U.S. Immigration and Customs Enforcement
Joseph Santoro, Independent Cities Association
Robin Toma, Executive Director, County Human Relations Commission
Antonio Villaraigosa, Mayor, City of Los Angeles
Mike Webb, County Prosecutors Association
David Wesley, Presiding Judge, Superior Court

CCJCC STAFF

Mark Delgado, Executive Director
Cynthia Machen
Craig Marin
Michelle Pangborn
Glee Quiaot
Ana Silva
Erika Williams

I. CONVENE/INTRODUCTIONS

Ronald Brown, Public Defender

The meeting was called to order at 12:05 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 February 20, 2013 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the February 20, 2013 meeting was seconded and approved without objection.

III. CHAIRMAN'S REPORT

Mark Ridley-Thomas, County Supervisor, Second District

For this meeting, this subject was moved to Agenda Item IX.

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.

Annual Drug Court Conference – May 16, 2013

The 10th Annual Drug Court Conference is scheduled for Thursday, May 16, 2013, at The California Endowment located at 1000 North Alameda Street, Los Angeles 90012. This event is hosted through the Drug Court Oversight Subcommittee of CCJCC. An Agenda and Registration form will be distributed in the coming weeks.

Compliance Checks Review Project

As a follow-up to an issue that was raised at previous CCJCC meetings, a project is underway to review the AB 109 compliance checks protocols of various law enforcement agencies throughout the county.

Through the assistance of Supervisor Ridley-Thomas' Office, the county is working with a professor from Biola University and his team to conduct interviews with law enforcement personnel. This is being done in cooperation with the Police Chiefs Association and the Probation Department.

The interviews will determine the factors that law enforcement officers must consider when conducting AB 109 compliance checks, the procedures that are followed, what resource commitments are needed, and what safety issues are considered, among

other issues.

The goal of these interviews will be to create a best practices document that can be shared with all agencies involved with supervising individuals on Post Release Community Supervision.

ACTION: For information only.

NOTE: During this presentation, Supervisor Ridley-Thomas arrived.

V. DEFINING RECIDIVISM

Mark Delgado, Executive Director, Countywide Criminal Justice Coordination Committee

Mark Delgado, Executive Director of the Countywide Criminal Justice Coordination Committee (CCJCC), next provided an update on the subject of creating a uniform definition of recidivism.

At the previous CCJCC meeting, Supervisor Ridley-Thomas identified this matter as a critical need to be addressed. It is not possible to adequately measure the success of programs designed to reduce recidivism without first having an agreed upon definition of the term.

Mr. Delgado noted that there are many definitions of recidivism in the criminal justice system. In agreeing upon a definition of the term, the following three questions should be considered:

1. What counts as a recidivism event?
2. What is the period being measured?
3. How long is recidivism tracked?

The answer to the first question may include, but is not limited to, any of the following:

- A technical violation of supervision conditions
- An arrest on a new offense
- A new prosecution filing
- A new conviction
- A flash incarceration
- An incarceration following revocation
- A new custody sentence

The second question considers issues such as whether the period being measured begins when the individual is in the program, when the individual is on supervision, the period following supervision discharge, the period following custody release, or the period following completion of the treatment program.

The third question, concerning the length of time that recidivism is tracked, can significantly affect the results of a recidivism study. The analysis may look only at the term of supervision or the program itself, or it may focus on a specific period of time following discharge from supervision or the program. This could range from one to ten years, depending upon what is being measured.

Mr. Delgado noted that, in addition to agreeing upon the definition of recidivism, a recidivism analysis will also need a means for accumulating accurate data.

Devallis Rutledge of the District Attorney's Office suggested that an ad hoc subcommittee be formed to consider the question of defining recidivism. He advised that the United States Department of Justice should be consulted to determine if there is a federal or national agreed upon definition of the term. He also noted that, without a statewide agreement, there cannot be an accurate comparison of the recidivism rates among counties in the state.

Mr. Brown inquired as to whether California has a standard definition of recidivism. Maria Franco of the California Department of Corrections and Rehabilitation (CDCR) responded that it is not standardized because there are different definitions depending upon what is being measured.

Deputy Chief Michel Moore of the Los Angeles Police Department suggested that the Public Safety Realignment Team (PSRT) would be an appropriate forum for discussing this issue. Much of the current discussion concerning recidivism concerns the impact of public safety realignment.

Supervisor Ridley-Thomas noted that Chief Probation Officer Jerry Powers referenced three different definitions of recidivism in a recent presentation to the Board of Supervisors. At least one appeared to be a statewide definition. The Supervisor requested that Mr. Delgado obtain those definitions from Chief Powers.

Supervisor Ridley-Thomas agreed that the PSRT or one of its subcommittees should consider this issue and report back, but he urged that this matter must be addressed quickly as analyses of the impact of public safety realignment are ongoing and of immediate importance.

Additionally, the Supervisor suggested that the Office of California Attorney General Kamala Harris be contacted, as she has insights on the issue of developing a statewide operational definition of recidivism. An invitation could be extended to Attorney General Harris to make a presentation as to her views on this subject.

ACTION: For information only.

VI. LOS ANGELES COUNTY COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC) TASK FORCE

Michelle Guymon, Probation Department

Roberta Medina, Department of Children and Family Services

Michelle Guymon of the Probation Department and Roberta Medina of the Department of Children and Family Services (DCFS) appeared before CCJCC to provide a briefing on the Los Angeles County Commercial Sexual Exploitation of Children (CSEC) Task Force. Ms. Guymon and Ms. Medina serve as Co-Chairs of the CSEC Task Force.

Ms. Guymon thanked Supervisor Ridley-Thomas and CCJCC members for inviting them to make this presentation. She stated that she will provide background information on this issue and Ms. Medina will discuss the current status of the task force.

Background

In November 2011, the Juvenile Court and the Probation Department received a grant to provide services for sexually exploited youth in the county.

On January 10, 2012, on a motion by Supervisor Knabe, the Board of Supervisors required the Probation Department to develop a strategy to combat the problem of sex trafficking of minors.

As a result of this motion, a number of prevention and intervention initiatives were implemented. For instance, the Probation Department trained over 3,000 individuals from partner agencies on how to identify and address sexual exploitation of minors. This included agencies both within the county and the community.

The Probation Department also began a ten week curriculum entitled, *My Life, My Choice*, which targets at-risk girls in the county. This program provides prevention services as well as information on how to recognize and avoid sexual exploitation. About 300 participants have been through the program and approximately 90% have come from the child welfare system.

A detention outreach program was created that focuses on young women and girls that come through Probation Department's detention. Weekly group meetings are held and both government and community services are offered. In 2011, through this effort, 37 girls disclosed that they were being sexually exploited. These are individuals that had never previously been arrested for a prostitution related offense or been identified as being sexually exploited.

Through the grant that was received, a collaborative court (Girls' Court) was created that hears cases every Tuesday. A multi-disciplinary approach is taken with a focus toward providing the necessary services and support.

Ms. Guynon noted that an important aspect of both intervention and prevention efforts is to connect the minors with permanent, stable people in their lives. The lack of connection makes them vulnerable to being preyed upon and manipulated by pimps and sex traffickers.

In 2012, 24 of the girls that the Probation Department had been working with testified against their traffickers, which is an indication that progress in being made in reaching out to these victims. In previous years, the number had been much lower.

Another indication of progress is that many of the girls that have been the focus of prevention efforts have referred friends to the support group.

The California Child Welfare Council recently released a report that calls for a multi-system collaboration in addressing commercial sexual exploitation of children. This provides an overall approach for both the state and the counties to follow. The following is a link to that report:

[California Child Welfare Council Report On The Commercial Sexual Exploitation Of Children](#)

Last November, the voters of California passed Proposition 35 (Californians Against Sexual Exploitation Act), which enhances penalties for human trafficking convictions and makes it easier for prosecutors to prove sex trafficking of minors.

Another aspect of the law prohibits the use of evidence of commercial sex acts against victims of sexual exploitation. Ms. Guynon stated that this is part of a trend toward the decriminalization of prostitution by young women and girls that are victims of sex trafficking.

Commercial Sexual Exploitation of Children (CSEC) Task Force

Ms. Medina stated that the CSEC Task Force was created by the Board of Supervisors in November 2012. It consists of a variety of representatives from both government and the community. The first meeting was held in January 2012.

DCFS began working with the Probation Department to address this problem when it became apparent that many of the sexually exploited children were coming from the child welfare system.

Currently, the process that DCFS has in place to work with these individuals is called the 241.1 process, which is a reference to Welfare and Institutions Code (WIC) Section 241.1. This code section covers the minors that are both delinquents and wards of the Juvenile Court, thereby coming into contact with both the Probation Department and DCFS.

The DCFS Runaway Outreach Unit was created to address the particular needs of their runaway population, which has been shown to be particularly susceptible to being victimized by sexual exploitation. Ms. Medina noted that any minor that runs away from DCFS supervision will have a warrant issued for them if they are under the age of 18.

The DCFS Multi-Agency Response Team (MART) Unit also is involved in dealing with the 241.1 youth. This unit coordinates with law enforcement agencies and conducts specialized investigations at the time that warrants are served and/or checks are being performed by parole or probation at locations that pose a dangerous environment for minors (such as a drug or gang environment).

When the Board of Supervisors created the CSEC Task Force, they noted the importance of cooperation between Probation, DCFS, law enforcement agencies, stakeholders, and community based-organizations (including CSEC survivors).

The Task Force is currently working to develop a comprehensive approach. This includes determining the scope of the crime in this county, identifying current barriers to addressing the issues, identifying the best strategies to working with at-risk and sexually exploited minors (including best practices utilized in other jurisdictions), identifying what additional resources are needed, and developing a plan to address the recruitment of minors from within the child welfare system.

Ms. Medina stated that legislation is currently pending that would include CSEC victims under the WIC Section 300 codes, which covers dependent children of the Juvenile Court. Currently, the codes deal with abuse within the family or by the guardian.

The CSEC Task Force is considering the current process by which minors are assessed and focusing on possible improvements, both in terms of ensuring that they are assessed and determining the most appropriate manner to do so. Minors in the foster care system may require a variety of services, including health and mental health.

The CSEC Task Force is also emphasizing the importance of each agency's role in addressing sexual exploitation of children. Coordination among law enforcement, social services, and community organizations will provide a comprehensive approach to identifying victims and potential victims and linking them to the appropriate services that they need.

ACTION: For information only.

VII. DNA TASK FORCE

Chief John Neu, Torrance Police Department, Co-Chair of the DNA Task Force

Chief John Neu of the Torrance Police Department appeared before CCJCC to provide an update on the DNA Task Force, of which Chief Neu serves as a Co-Chair.

Chief Neu introduced in the audience Marguerite Rizzo of the District Attorney's Office, who serves as the other Co-Chair of the DNA Task Force. He also introduced in the audience Dean Gialamas, Director of the Sheriff's Department Crime Lab.

The DNA Task Force was created as a standing subcommittee of CCJCC in April 2008 to coordinate responses to DNA-related issues among prosecution, law enforcement, and crime lab staff. The task force also assumed the responsibilities of CCJCC's Proposition 69 (DNA Fingerprint, Unsolved Crime and Innocence Protection Act) Implementation Task Force, which occurred in 2009 once that law's implementation was fully underway.

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

Many of the initial focus areas identified for the DNA Task Force have been addressed. In particular, both the Sheriff's Department and Los Angeles Police Department have eliminated the sexual assault kit backlogs that were priorities at the time that the task force was created. In addition, the state's Cold Hit Outcome Project (CHOP) presents cold hit tracking capabilities for the county to monitor cold hits for the purpose of solving crimes. Finally, the task force finalized protocols for DNA sample expungement for qualified individuals.

The members of the DNA Task Force believe that the continued sole focus on DNA-related issues leaves many other forensic science issues unaddressed. Therefore, with its key objectives addressed, the members recommend that CCJCC modify the DNA Task Force mission and expand its focus areas. Specifically, the members recommend that the DNA Task Force be renamed the Forensic Science Task Force and be charged with addressing a broader range of forensic science issues beyond DNA, including:

- Identifying emerging issues in the field of forensics and resource issues, including but not limited to DNA;
- Reviewing federal guidelines developed in forensic sciences for applicability to this county and coordinating implementation, as appropriate;
- Serving as a forum for discussing laboratory policy changes regarding case processing and identifying potential impacts to law enforcement, prosecution, and other justice system stakeholders;
- Monitoring forensic science-related legislation and court decisions, and promoting countywide responses, as needed;
- Developing recommended practices related to the retention of biological evidence; and

- Monitoring usage of Proposition 69 funds and submitting recommendations to CCJCC and the Board of Supervisors for fund usage.

Chief Neu noted that other focus areas related to forensic sciences will likely emerge that the Forensic Science Task Force will be in a position to address from a multi-agency, countywide perspective.

A motion was made to change the name of the DNA Task Force to the Forensic Science Task Force.

ACTION: The motion to change the name of the DNA Task Force to the Forensic Science Task Force was seconded and approved without objection.

A motion was made to broaden the focus of the Forensic Science Task Force beyond DNA so that it includes all forensic science issues.

ACTION: The motion to broaden the focus of the Forensic Science Task Force beyond DNA so that it includes all forensic science issues was seconded and approved without objection.

VIII. LEGISLATIVE UPDATE

Kenna Ackley, County Chief Executive Office, Intergovernmental Relations and External Affairs

Kenna Ackley of the County Chief Executive Office's Intergovernmental Relations and External Affairs Division appeared before CCJCC to provide an update on pending legislation pertaining to public safety realignment, gun violence, and other prioritized criminal justice issues.

Gun Violence Legislation

The shooting massacre in Connecticut last December focused renewed attention on legislation related to the regulation of firearms. A handout was distributed that details current pending state legislation pertaining to gun control. This report from the County Chief Executive Office summarizes 30 bills that are of interest to the County of Los Angeles.

The pending bills cover a wide variety of topics, including taxation on ammunition, expansion of the definition of assault weapons, clarifications and expansions to reporting and waiting periods to purchase firearms, expansion of the number of people who are prohibited from possessing or owning a firearm, as well as legislation that would close what many consider to be loopholes in existing legislation.

Ms. Ackley discussed the following two bills that the County of Los Angeles has taken positions on:

1. Senate Bill 53 (SB 53), by Senator Kevin De Leon, would require a purchase permit for anyone wishing to obtain ammunition, starting in September 2014. There are various provisions as to who would qualify to obtain the purchase permit.

On a motion by Supervisor Ridley-Thomas, the Board of Supervisors voted in January 2013 to support this legislation. The bill is currently pending hearing in the Senate Public Safety Committee.

2. Senate Bill 140 (SB 140), by Senator Mark Leno and Senator Darrell Steinberg, would allocate \$24 million from the Dealers' Record of Sale Special Account (where fees that are collected from firearms dealers are deposited) for the limited purpose of addressing the current Armed Prohibited Persons System backlog.

There are many individuals that legally obtained a firearm, but were subsequently deemed prohibited based on a conviction and are no longer legally allowed to possess the firearm. There is a large backlog of these individuals.

The Board of Supervisors voted in February 2013 to support this legislation. SB 140 is currently pending on the Senate Floor.

Ms. Ackley observed that many of the bills pertaining to firearm legislation are similar, so it is expected that some will be combined, amended, or placed in a larger package of bills.

Public Safety Realignment Legislation

As with gun violence legislation, a handout from the County Chief Executive Office was distributed that details current pending state legislation pertaining to public safety realignment. This summarizes 23 bills of interest to the county.

The pending bills cover topics that include custody credits, alternatives to custody, eligibility criteria for Post Release Community Supervision (PRCS), supervision, sentence lengths, and issues involving sex offenders.

Ms. Ackley discussed the following two bills that the County of Los Angeles has taken positions on:

1. Assembly Bill 1065 (AB 1065), by Assemblyman Chris Holden, would require that a person released from state prison who has served a previous prison term for which he or she was certified as a Mentally Disordered Offender (MDO), or Mentally Disordered Sex Offender, be subject to parole supervision and to the Court in the county in which the parolee is released. In other words, this legislation would prohibit such a person from being released to the county under PRCS status.

The County of Los Angeles is sponsoring this legislation. AB 1065 is currently pending hearing in the Assembly Public Safety Committee.

2. Senate Bill 287 (SB 287), by Senator Mimi Walters, would prohibit any person released from state prison who has a prior conviction for a serious or violent felony, a crime for which the person received a third strike, or a crime that resulted in the person being classified as a High Risk Sex Offender, from being released to PRCS pursuant to AB 109.

The Board of Supervisors has voted to support this legislation. This is identical to a bill that the county supported last year that was not passed. SB 287 is currently pending hearing in the Senate Public Safety Committee.

Ms. Ackley noted that Governor Brown has been reluctant to consider measures that alter the provisions of AB 109 by shifting a potentially sizeable number of individuals back to state prison or state supervision.

Human Trafficking Legislation

The County of Los Angeles is co-sponsoring Senate Bill 473 (SB 473), by Senator Marty Block, which adds pimping, pandering, and human trafficking to the list of crimes associated with gang activity. Specifically, these crimes are added to the Proposition 21 gang sentencing enhancement. SB 473 is currently pending hearing in the Senate Public Safety Committee.

Questions

With respect to legislation pertaining to public safety realignment, Deputy Chief Moore inquired as to the position of Los Angeles County on Assembly Bill 706 (AB 706). This bill would require an individual (N3) released from a county jail after serving part or all of a sentence for a felony to be placed on Community Reintegration and Transitional Status for a period of 12 months. The bill would make the individual subject to search or seizure by a peace officer at any time.

Ms. Ackley replied that the county has not taken a position on this legislation.

Deputy Chief Moore informed the committee that this legislation is of great importance to local law enforcement agencies, as there is currently no provision for post-release supervision of an N3, absent a split sentence. He asked that this committee give consideration to supporting this bill.

Supervisor Ridley-Thomas requested that legislative staff of the Chief Executive Office conduct further analysis of AB 706 and provide feedback to his office.

ACTION: For information only.

IX. CHAIRMAN'S REPORT

Mark Ridley-Thomas, County Supervisor, Second District

Supervisor Ridley-Thomas provided the Chairman's Report to the committee.

Citizen's Commission on Jail Violence

The Citizen's Commission on Jail Violence has made recommendations for addressing this issue. Additionally, an independent consultant was hired, pursuant to the Board of Supervisors' instruction, to help clarify a number of issues on the jail plan.

The Supervisor stated that progress is being made on this matter, but there is still much to be done.

Proof-Of-Identification Challenges Facing Ex-Offenders

The Supervisor requested that an ad hoc subcommittee be formed to address the issue of providing ex-offenders with proper personal identification. The committee agreed to this proposal.

He noted that individuals released from custody are presented with numerous barriers to reentry, often including the lack of personal identification. Without appropriate identification, individuals have additional challenges accessing housing or benefits, employment opportunities, government benefits, or other stabilizing services.

Participating agencies in the ad hoc task force should include the Sheriff's Department, Probation Department, Department of Public Social Services, the Registrar-Recorders Office, and the Department of Motor Vehicles.

ACTION: An ad hoc committee will be empanelled to address the issue of providing ex-offenders with proper personal identification.

X. OTHER MATTERS/PUBLIC COMMENT

There were no public comments.

XI. ADJOURNMENT

The meeting was adjourned at 1:15 p.m.