

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE DECEMBER 1, 2010 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Lee Baca, Sheriff and Chair pro tem

*Richard Barrantes for Larry Waldie, Undersheriff

*Reaver Bingham for Donald Blevins, County Chief Probation Officer

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

*Dardy Chen for William Fujioka, County Chief Executive Officer

Steve Cooley, District Attorney

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

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

Janice Fukai, Alternate Public Defender

Lois Gaston, California Contract Cities Association

*Jon Goldberg for Tim Landrum, Special Agent in Charge, U.S. Drug Enforcement Administration

Pamela Hamanaka for Edmund Brown, California Attorney General

Al Leiga for William Sullivan, Chair, County Quality & Productivity Commission

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

Michael Moore for Charles Beck, Chief, Los Angeles Police Department

*Cecile Ochoa for Dennis Tafoya, County Affirmative Action Compliance Officer

Steven Olivas for Antonio Villaraigosa, Mayor, City of Los Angeles

*Joshua Parr for Robin Toma, Executive Director, County Human Relations Commission

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

Robert Philibosian for Isaac Barcelona, Chair, County Economy and Efficiency Commission

Scott Pickwith, President, Los Angeles County Police Chiefs Association

Bruce Riordan for Andre Birotte, U.S. Attorney

Vicky Santana for Gloria Molina, County Supervisor for the First District and Chair of the County Board of Supervisors, CCJCC Chair

Stanley Shimotsu for Michael Judge, County Public Defender

Gordon Trask for Andrea Ordin, County Counsel

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

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

Mike Webb, County Prosecutors Association

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Mark Arnold, Judge, Superior Court
Steve Beeuwsaert, Chief, Southern Division, California Highway Patrol
Michelle Carey, Chief U.S. Probation Officer
John Clarke, Superior Court Executive Officer
Peter Espinoza, Supervising Judge, Superior Court
Gigi Gordon, Directing Attorney, Post Conviction Assistance Center
Lili Hadsell, President, San Gabriel Valley Police Chiefs Association
Anthony Hernandez, Director, County Department of Coroner
Gabriella Holt, County Probation Commission
Sean Kennedy, Federal Public Defender
Richard Kirschner, Judge, Superior Court
Steve Martinez, Assistant Director in Charge, Los Angeles Division, Federal Bureau of Investigation
Charles McCoy, Presiding Judge, Superior Court
Michael Nash, Supervising Judge, Juvenile Court
Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program
Richard Propster, Peace Officers Association of Los Angeles County
Richard Sanchez, County Chief Information Officer
Miguel Santana, Los Angeles City Chief Administrative Officer
Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner
Stephanie Sautner, Judge, Superior Court
Greg Savelli, President, South Bay Police Chiefs Association
Patricia Schnegg, Assistant Supervising Judge, Superior Court
David Singer, United States Marshal
Greig Smith, Los Angeles City Council, 12th District
Thomas Sonoff, President, Southeast Police Chiefs Association
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

CCJCC STAFF

Mark Delgado, Executive Director
Kenna Ackley
Cynthia Machen
Craig Marin

GUESTS/OTHERS

Gary Akopyan, County Chief Executive Office
Carol Burke, District Attorney's Office
Noble Kennamer, Information Systems Advisory Body

John Neu, Chief, Torrance Police Department
Marguerite Rizzo, District Attorney's Office
Joanne Rotstein, Public Defender's Office
Devallis Rutledge, District Attorney's Office
Robert W. Taylor, Sheriff's Department Crime Lab
Cheri Thomas, LAUSD
Jill Thomas, Public Defender's Office
Philip Ybarra, LAPD

I. CONVENE/INTRODUCTIONS

Lee Baca, Sheriff

The meeting was called to order at 12:00 noon by Los Angeles County Sheriff Lee Baca, Chair pro tem.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Lee Baca, Sheriff

There were no requests for revisions to the minutes of the November 3, 2010 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the November 3, 2010 meeting was seconded and approved without objection.

III. DNA TASK FORCE UPDATE

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.

The DNA Task Force was created as a standing subcommittee of CCJCC in April 2008. The task force aims to increase the utilization of DNA technology to solve crimes and coordinate responses to DNA-related issues.

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.

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 III integrates DOTS 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. Booking officers no longer need to check a separate database to determine if a DNA sample is warranted.

Chief Neu stated that the implementation of Phase III of DOTS is near completion. Approximately 50% of sample collections countywide are now completed through the Livescan process. The Sheriff's Department and several police departments are utilizing the Livescan process to collect samples. In addition, the LAPD is expected to begin collecting samples through Livescan in December.

DNA Collections

The number of DNA samples collected in the county has continued to decrease. This was expected due to recidivism and the fact that many arrestees who would qualify for a sample to be taken already have their profile in the statewide database.

Due to a change in law that took effect in January 2009, all felony arrestees are required to provide DNA samples. The initial implementation of this change resulted in an increase in sample collections to approximately 7,700 samples per month. However, the monthly average of samples collected in the county is now down to 5,500 per month and appears to be leveling off.

DNA Reimbursement Fund

Proposition 69 (DNA Fingerprint, Unsolved Crime and Innocence Protection Act) 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 county retains 75% of the funds collected, which amounted to about \$4.7 million in Fiscal Year 2009-2010.

As recommended by CCJCC, 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 (at \$30 per sample, which amounts to about \$2 million per year);
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 (approximately \$2.4 million per year, divided evenly between the two labs).

Chief Neu noted that the decrease in samples collected has resulted in slightly more funding available for use by the crime labs.

Probation Department Collections

As of October 1, 2010, the Probation Department no longer collects samples from adults that were arrested after January 2009. Those adults that owe a sample will instead be referred back to the arresting police agency. If the probationer fails to report to the police agency for a sample to be taken, the individual will be brought back to court for a probation violation proceeding. This change, necessitated by staffing constraints, raises the concern of potentially missed samples.

Chief Neu stated that the Police Chiefs Association has emphasized to its members the importance of front-end collections of DNA samples, particularly now that the Probation Department will no longer serve as a "backstop" for missed collections.

The Probation Department will continue to collect samples from those juveniles that are required to provide a DNA sample.

Sexual Assault Kit Backlogs

The Sheriff's Department and LAPD Crime Labs have been working to clear their backlogs of unanalyzed Sexual Assault Kits (SAK's), and both are now close to completion.

The Sheriff's Department had a historical backlog, defined as kits collected prior to November 2008, of about 4,700 kits. As of October 31, 2010, all of these kits had either been tested or outsourced for testing. Of the outsourced kits, analysis has been completed on 90% of them.

The LAPD had a historical backlog, defined as kits collected prior to December 2008, of slightly over 6,000 kits. As of September 1, 2010, the LAPD had outsourced all but about 150 these kits, which have since all been outsourced.

The technical review and analysis of the LAPD's historical backlog is expected to be complete by June 2011. The LAPD Crime Lab is now close to real time in sending out newly collected SAK's.

Cold Hit Outcome Project (CHOP)

Marguerite Rizzo reported that the Cold Hit Outcome Project (CHOP) began in September 2009 as an effort of the California Department of Justice (DOJ) to create a

statewide clearinghouse for information on DNA databank hits and unsolved DNA cases.

The main purpose of CHOP is to track cold hits and determine what type of follow up is needed. CHOP provides a mechanism for law enforcement agencies, crime labs, and the District Attorney's Office to share information and track changes in cases related to forensic samples submitted for DNA comparison and analysis.

Automated alerts and email notifications of hits between known offender profiles and forensic unknown samples are provided through CHOP, as well as email notifications and alerts for case-to-case hits where there is a connection between DNA profiles from two or more cases.

CHOP also has an automated system for tracking the age of sample data within the database. This feature allows for automated notices to be given for benchmark dates, such as if a case is reaching its statute of limitations and the law enforcement agency may lose the ability to file.

The Sheriff's Department, LAPD, and District Attorney's Office volunteered to be among the first agencies in the state to pilot test the system. The California DOJ is working to upgrade CHOP to a more robust platform and resolve technical issues that have been identified by users.

The District Attorney's Office, working with the Sheriff's Department, has developed a ten minute training video on both CHOP and DNA evidence and collection. This video was made possible by assistance from individuals responsible for the television show *CSI: Las Vegas*. The goal is to distribute the video to all law enforcement agencies in the county for training purposes.

Ms. Rizzo noted that the total number of profiles in the state databank (Combined DNA Information System, or CODIS) as of October 31, 2010 was 1,641,156.

Biological Evidence Retention

The DNA Task Force formed an Evidence Retention Subcommittee to offer guidance to local law enforcement agencies on the retention of biological evidence. The overall goal of the subcommittee is to gather best practices on the storage and retention of biological materials and to create more consistent practices on biological evidence retention.

As DNA technology improves, the type of crime scene evidence where DNA evidence may be found has expanded. For example, in some cases, "touch DNA" may be possible. This means that more evidence is being collected from crime scenes.

Furthermore, even after a criminal case is completed, there are law enforcement requirements regarding the retention of biological evidence in a condition suitable for DNA testing throughout the duration of a subject's incarceration.

As a result, there is a growing need to identify storage solutions that address space limitations and the manner in which evidence is stored. In addition, there is need for uniformity of storage practices among law enforcement agencies.

Following a questionnaire that was sent to all county police departments, the Evidence Retention Subcommittee began developing suggested guidelines for the manner of storage of biological evidence, and in particular the issue of cold storage. An initial draft has been created and was distributed with the handouts for this meeting.

Once final recommendations have been developed and approved by the DNA Task Force, they will be brought to CCJCC for approval.

Questions

Hermosa Beach Mayor Mitch Ward of the League of California Cities inquired about the percentage of the outsourced SAK's from LAPD that have been completed.

Deputy Chief Michael Moore of the LAPD stated that a monthly report on the status of the LAPD SAK's can be found online at www.lapdonline.org. The LAPD will be making a presentation on the SAK cases to the Los Angeles City Council on December 10, 2010.

Chief Neu stated that the Sheriff's Department Crime Lab is waiting for results from approximately 400 SAK's that have been outsourced.

Los Angeles County District Attorney Steve Cooley asked about the turnaround time for the Sheriff's Department to upload this data into CODIS.

Robert Taylor of the Sheriff's Department Crime Lab responded that they expect to have all information uploaded into CODIS and the project complete by June 2011. He further stated that there have been about 500 hits on the analyzed cases. The Sheriff's Department's Special Victims unit is tracking those hits.

Sheriff Baca stated that there is a strong system in place in this county regarding evidence gathering and analyzing and that the District Attorney's Office has been significantly involved in setting high standards of performance in terms of the evidence that is presented in court. He thanked the District Attorney's Office for their leadership in this regard.

ACTION: For information only.

IV. JUVENILE JUSTICE COORDINATING COUNCIL

Reaver Bingham, Deputy Director, Probation Department

Reaver Bingham, Deputy Director of Special Services within the Los Angeles County Probation Department, appeared before CCJCC to present the annual report on the Juvenile Justice Coordination Council (JJCC) and the Juvenile Justice Crime Prevention Act (JJCPA) activities in the county.

The Los Angeles County Probation Department receives funding through JJCPA to implement juvenile crime prevention programs. JJCC, a subcommittee of CCJCC, oversees the expenditure of the funds.

Mr. Bingham noted that the statistics that he would be presenting are from Fiscal Year 2008-2009. This is because RAND conducts an analysis of the data and reports their findings from the previous year. However, a preliminary review of the Fiscal Year 2009-2010 information is very similar to the data from Fiscal Year 2008-2009.

JJCPA efforts consist of the following three initiatives:

- (1) Enhancing Mental Health Services
- (2) Building Safer Communities
- (3) Promoting School Success

Enhancing Mental Health Services

Programs under the first initiative include the Mental Health Screening, Assessment, and Treatment Program (MH), a Special Needs Court (SNC), and a Multi-Systemic Therapy Program (MST).

Mr. Bingham observed that every minor that enters the juvenile halls undergoes a mental health screening. A determination is made as to whether the individual has mental health issues that will require additional services and treatment. Between July 2008 and June 2009, 10,925 juveniles were screened; of these, 2,325 were treated.

The SNC is offered for those minors with severe mental health needs, and MST coordinates services within several systems (i.e., family, community, school, etc.) to impact the life of the minor.

Building Safer Communities

Programs designed to build safer communities include High-Risk/High-Need Services (HRHN), After-School Enrichment and Supervision, Housing-Based Day Supervision, and Youth Substance Abuse (YSA).

HRHN addresses those individuals that are most likely to be involved with gangs, have social problems, low family functioning, and other high-risk issues.

The After-School Enrichment and Supervision program is a partnership with Los Angeles City and Los Angeles County Parks and Recreation through which the Probation Department, community-based organizations, and other partners provide services to minors both after school and during the hours that they most likely would be involved in adverse activity.

Housing-Based Day Supervision involves housing projects or communities where probation officers provide intensive supervision to probationers and at-risk individuals. The YSA program provides treatment services to those individuals that have a substance abuse problem.

Promoting School Success

Programs under the third initiative include the Abolish Chronic Truancy Program (ACT), Inside-Out Writing Program (IOW), Gender Specific Services, School-Based Probation Supervision, and the Library Initiative.

ACT is a program of the District Attorney's Office that provides services for students demonstrating a high-risk of truancy. This program works with parents, schools, and partner agencies to ensure that the youth attend school.

IOW is a program located in the juvenile halls and provides an opportunity for individuals to build their writing skills and contemplate their life choices and alternatives for how they want to live.

Gender specific programs are directed toward female juvenile offenders.

With school-based supervision, probation officers at high school and middle school campuses provide direct services to probationers and at-risk individuals with a goal of ensuring that they remain in school and cooperate with school personnel.

The Library Initiative ensures that every minor that goes through the county's juvenile halls has a library card and is taught how to use it and how to research at libraries.

Performance Results

Mr. Bingham presented statistics that show a dramatic increase in school attendance and a reduction in misbehavior on school campuses for the JJCPA participants. In addition, there was a lower recidivism rate for the youth that participated in JJCPA programs as compared to those that did not, as well as a higher rate of probation completion.

JJCPA participants were attending school 90% of the time as compared to about 68% for those not involved in the JJCPA programs. School suspensions for JJCPA participants were at about 10% as opposed to 22% for the non-participants (control group), and school expulsions were at 2% for JJCPA youth and 5% for the non-

participants.

About 12% of JJCPA participants had arrests as compared to 14% of the non-participants. Incarcerations were at 4% for JJCPA participants and 6% for the non-participants, while completion of probation was up by 14% for JJCPA participants and 10% for non-participants.

Mr. Bingham also showed statistics that indicate an improvement in all areas for JJCPA youth as compared to how they were performing prior to participation in JJCPA programs. For example, among the MST participants, school attendance was initially at 58%, but rose to nearly 90% following their participation in the program.

The Parent Project

The Parent Project is another program that is funded by JJCPA. This is a service that empowers parents to be the primary change agents for their children and to be partners in the educational process. In Fiscal Year 2008-2009, 663 families were served by this program.

Funding

Mr. Bingham explained that JJCPA funding faces an uncertain future. In April 2009, the state shifted the source of funding for JJCPA from the state's general fund to the Vehicle License Fee (VLF). JJCPA now receives 100% of its funding from the VLF.

The sunset date for the VLF funding, however, is June 30, 2011. If legislation to extend the VLF beyond this date is not passed, all of the funding for JJCPA will cease. This is a critical issue. All current programs would be discontinued if VLF funding is not extended, as no other funding source is available.

Questions

Cheri Thomas of the Los Angeles Unified School District inquired as to the method by which students are referred to the school-based supervision programs. She also observed from the statistics that there has been an increase in incarceration of at-risk youth participating in school-based supervision (both high school and middle school), yet this same group also has had a decrease in the number of arrests. She inquired as to the reason for this disparity.

Mr. Bingham stated that referrals come from parents, guardians, family members, and school personnel. With respect to incarceration versus arrests, there is no clear answer for this at this time, although he noted that the rise in incarceration was small. One possible explanation is that increased focus on these individuals by corrections may increase the likelihood of drawing attention to any behavior that could result in incarceration.

A suggestion was made that the disparity could also be explained by fewer arrests but longer incarceration periods. It depends upon how incarceration is being defined in the statistics.

Duarte City Councilwoman Lois Gaston of the California Contract Cities Association inquired as to whether the Parks After Dark program is funded by JJCPA. She also inquired as to the prospects for it continuing. Mr. Bingham confirmed that it is a JJCPA program and that it will be discontinued if the VLF is not extended beyond its current sunset date.

Robert Philibosian of the County Economy and Efficiency Commission inquired as to whether the lobbyists for the Board of Supervisors are assisting the Probation Department in their lobbying efforts on behalf of extending the VLF. Mr. Bingham referred that question to Mark Delgado, Executive Director of CCJCC, who stated that this issue is part of the legislative agenda that the County CEO will be presenting to the Board of Supervisors.

Sheriff Baca made a motion that CCJCC support the extension of the VLF and send a letter to the legislature expressing such support.

ACTION: The motion that CCJCC support the extension of the Vehicle License Fee (VLF) and send a letter to the state legislature expressing such support was seconded and approved without objection.

Sheriff Baca stated that the Sheriff's Department legislative advocates in Sacramento are actively lobbying to extend the VLF.

Other organizations that are in support of extending VLF funding include the Association of Los Angeles County Deputy Sheriffs, Association of Orange County Deputy Sheriffs, California State Sheriffs Association, California Police Chiefs Association, California Peace Officers Association, Chief Probation Officers of California Association, California Narcotics Officers Association, California District Attorneys Association, California Coalition of Law Enforcement Association, California Fraternal Order of Police, Fraternal Order of Police Sacramento Chapter, Long Beach Police Officers Association, Los Angeles County Probation Officers Union, Los Angeles County Police Chiefs Association, Los Angeles Police Protective League, Los Angeles Professional Peace Officers Association, Peace Officers Research Association of California, Riverside Sheriffs Association, Sacramento County Deputy Sheriffs Association, and the Santa Ana Police Officers Association.

V. SB 1080 and SB 1115
Devallis Rutledge, Special Counsel, District Attorney's Office

Devallis Rutledge, Special Counsel to the District Attorney, appeared before CCJCC to make a presentation on Senate Bill 1080 (SB 1080) and Senate Bill 1115 (SB 1115), which have both been signed into law. They will become effective January 1, 2012.

SB 1080 and SB 1115 reorganizes/renumbers over 900 sections of the Penal Code dealing with firearms and weapons offenses. These changes will require replacement of materials, retraining of staff, reprogramming of automated systems, and other changes.

Mr. Rutledge noted that the bills make 990 specific changes in 10 codes all pertaining to firearms and dangerous weapons. The legislature has created a new Part VI of the Penal Code that will start at Section 16000. All provisions addressing guns and dangerous weapons will be moved there and given new Penal Code numbers.

As an example, each of the weapons listed under Penal Code 12020 will be renumbered and given their own section. Penal Code 12020 itself will be renumbered to Penal Code 21310.

Many law enforcement officers have become accustomed to referring to certain offenses by their Penal Code number, but they will need to be retrained to refer to the new numbers.

The amount of materials and forms that will need to be revised and reprinted will be massive. Furthermore, there is no provision in the legislation for cost recovery to compensate local governments.

Mr. Rutledge suggested that a subcommittee be formed to consider all of the changes that will need to be made within the county so as to avoid duplication.

Stanley Shimotsu of the Public Defender's Office inquired as to the possibility of having these laws repealed prior to their implementation in January 2012.

Sheriff Baca stated that the implementation may not be as problematic as it first appears. He surmised that the intent of this legislation is to eliminate the variability of where gun and dangerous weapons laws can be found in the Penal Code.

Deputy Chief Moore stated that it will be difficult for the LAPD to change its automated systems to account for all of the changes. He inquired as to whether the legislature may be amenable to allowing a three- to five-year implementation period, particularly as this is an unfunded mandate.

Sheriff Baca made a motion that an ad hoc subcommittee of affected agencies be convened to consider all issues concerning the implementation of SB 1080 and SB 1115 in Los Angeles County and to formulate a transition plan.

ACTION: The motion to convene an ad hoc subcommittee of affected agencies to consider all issues concerning the implementation of SB 1080 and SB 1115 in Los Angeles County and to formulate a transition plan was seconded and approved without objection.

Mr. Rutledge suggested that the first step of the subcommittee should be to determine the impact of the legislation and the second step is to determine what can be done in response.

Bruce Riordan of the U.S. Attorney's Office expressed his appreciation to CCJCC for bringing this matter to the attention of the U.S. Attorney's Office. He requested that the U.S. Attorney have representation on the subcommittee.

Sheriff Baca suggested that a possible technical solution for automated systems is to allow information to be searched using either the old code or the new one.

VI. OTHER MATTERS/PUBLIC COMMENT

There were no additional matters or public comments.

VII. ADJOURNMENT

The meeting was adjourned at 1:03 p.m.