

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE FEBRUARY 2, 2011 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS AND ALTERNATES PRESENT

Chair: Michael Antonovich, Mayor, County of Los Angeles

Lee Baca, Sheriff and Vice Chair of CCJCC

Richard Barrantes for Larry Waldie, Undersheriff

Donald Blevins, County Chief Probation Officer

*Bill Bodner for Tim Landrum, Special Agent in Charge, U.S. Drug Enforcement Administration

Dan Bower for Steve Beeuwsaert, Chief, Southern Division, California Highway Patrol

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

Susan Cichy for John Clarke, Superior Court Executive Officer

Paul Cooper, President, San Gabriel Valley Police Chiefs Association

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

Xiomara Flores-Holguin for Antonia Jimenez, Director, County Department of Children and Family Services

Janice Fukai, Alternate Public Defender

Pamela Hamanaka for Kamala Harris, California Attorney General

Eric Harden for John Torres, Special Agent-in-Charge, U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives

Joe Leonardi, President, South Bay Police Chiefs Association

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

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

*Michael Osborn for Steve Martinez, Assistant Director in Charge, Los Angeles Division, Federal Bureau of Investigation

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

Devallis Rutledge for Steve Cooley, District Attorney

Richard Sanchez, County Chief Information Officer

Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner

Patricia Schnegg, Supervising Judge, Criminal, Superior Court

Stanley Shimotsu for Ronald Brown, County Public Defender

David Singer, United States Marshal

William Sullivan, Chair, County Quality & Productivity Commission

Cheri Thomas for Ramon Cortines, Superintendent, Los Angeles Unified School District

Robin Toma, Executive Director, County Human Relations Commission

Gordon Trask for Andrea Ordin, County Counsel

Carmen Trutanich, Los Angeles City Attorney

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

Brenda Wells for Mike Webb, County Prosecutors Association
Jackie White for William Fujioka, County Chief Executive Officer

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Andre Birotte, U.S. Attorney
Michelle Carey, Chief U.S. Probation Officer
Lee Smalley Edmon, Presiding Judge, Superior Court
Lois Gaston, California Contract Cities Association
Gigi Gordon, Directing Attorney, Post Conviction Assistance Center
Jon Gundry, Superintendent, County Office of Education
Anthony Hernandez, Director, County Department of Coroner
Gabriella Holt, County Probation Commission
Tim Jackman, President, Los Angeles County Police Chiefs Association
Sean Kennedy, Federal Public Defender
George Lomeli, Assistant Supervising Judge, Criminal, Superior Court
Michael Nash, Supervising Judge, Juvenile, Superior Court
Charlaine Olmedo, Supervising Judge, North Valley - San Fernando, Superior Court
Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program
Richard Propster, Peace Officers Association of Los Angeles County
Miguel Santana, Los Angeles City Chief Administrative Officer
Greig Smith, Los Angeles City Council, 12th District
Thomas Sonoff, President, Southeast Police Chiefs Association
Dennis Tafoya, County Affirmative Action Compliance Officer
Frank Venti, President, Independent Cities Association
Antonio Villaraigosa, Mayor, City of Los Angeles
Mitch Ward, League of California Cities, Los Angeles County Division
David Wesley, Assistant Presiding Judge, Superior Court

CCJCC STAFF

Mark Delgado, Executive Director
Kenna Ackley
Cynthia Machen
Craig Marin

GUESTS/OTHERS

Gary Akopyan, County Chief Executive Office
Steve Biagini, Sheriff's Department
Joseph Charney, Third District, County Board of Supervisors
Richard Fajardo, Second District, County Board of Supervisors
Marcia Franco, California Department of Corrections and Rehabilitation
Alex Johnson, Second District, County Board of Supervisors
Fred Klunder, Superior Court

Cookie Lommel, Local 685
Anna Pembedjian, Fifth District, County Board of Supervisors
Cecil Rhambo, Sheriff's Department
John Ruegg, Information Systems Advisory Body
Scott Stickney, Probation Department
Michael Tynan, Judge, Superior Court
Philip Ybarra, LAPD

I. CONVENE/INTRODUCTIONS

Lee Baca, Sheriff

The meeting was called to order at 12:00 p.m. 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 January 5, 2011 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the January 5, 2011 meeting was seconded and approved without objection.

III. FOLTZ CRIMINAL JUSTICE CENTER VIDEO ARRAIGNMENT PROJECT

Chief Richard Barrantes, Los Angeles County Sheriff's Department

Chief Richard Barrantes of the Sheriff's Department Court Services Division appeared before CCJCC to provide an update on the Foltz Criminal Justice Center Video Arraignment Project. This is a pilot program in which qualified inmates at the Men's Central Jail are video arraigned in Department 30 of the Clara Shortridge Foltz Criminal Justice Center.

This project is funded by a grant and matching funds from the County Chief Information Office (CIO) and the County Quality and Productivity Commission. It is a multi-agency effort that involves collaboration among the Superior Court, Public Defender's Office, Alternate Public Defender's Office, District Attorney's Office, CIO, Information Systems Advisory Body (ISAB), Internal Services Department, and the Sheriff's Department.

Chief Barrantes introduced Lieutenant Steve Biagini of the Sheriff's Department to provide further details.

The project began operating on October 1, 2010. Through January 2011, there have been 90 arraignments completed through this video arraignment process. The focus is on those inmates that have difficulty getting to Court due to medical or physical reasons.

The advantages of video arraigning an inmate include reducing transportation costs as well as minimizing safety issues involved in moving the prisoners from the jail to the courthouse.

Lieutenant Biagini discussed the process by which a case is processed through this video arraignment project. First, detectives that file the case identify it as eligible for video arraignment. The District Attorney's Office then processes the case and conducts all required discovery. The case is then sent to the courtroom for process to the Public Defender's Office (or Alternate Public Defender's Office if there is a conflict). The file is electronically scanned to the appropriate attorney from the courtroom.

Next, the inmate's attorney at the Inmate Reception Center retrieves the case file via email. The attorney conducts an interview with the inmate and then the video arraignment is conducted. All defendants that either refused or were not suitable for video arraignment have been sent to Court for arraignment without any incidents.

Lieutenant Biagini provided examples of video arraignments that have occurred during this pilot phase. In one case, an inmate weighing over 400 pounds, and confined to a wheelchair, was video arraigned. The inmate was pleased with the process and thankful that he wasn't transported to the courtroom.

In another case, an inmate refused to exit his cell to go to Court. However, when offered the opportunity to be video arraigned, the inmate voluntarily exited his cell and the video arraignment was completed without incident. This eliminated the need to forcibly extract the individual from his cell.

None of the inmates that have participated have complained about the use of the video technology. In fact, there have been a number of positive remarks made concerning the preference for being arraigned via video. For inmates, this process results in a quick return to their cells, little or no waiting time, no dealing with court lockups, and a safer environment.

The next phase of the pilot will include increasing the volume of video arraignments and possible expansion of the project to other law enforcement agencies.

ACTION: For information only.

IV. SEXUAL ASSAULT FELONY ENFORCEMENT (SAFE) TASK FORCE

Supervising Special Agent Michael Osborn, FBI

Michael Osborn, Supervising Special Agent with the Federal Bureau of Investigation (FBI) Los Angeles Division, appeared before CCJCC to provide an update on the Sexual Assault Felony Enforcement (SAFE) Task Force.

SAFE is a federal task force begun in 1993 by the FBI. The task force consists of representatives from federal, state, and local law enforcement agencies.

SAFE is responsible for investigating crimes against children, such as the sexual exploitation of children on the Internet, child abductions, interstate travel for the purpose of committing crimes against children, travel to foreign countries for the purpose of engaging in sexual activity with minors, distribution of child pornography, and juvenile prostitution.

SSA Osborn provided a brief review of a recently publicized case involving perpetrators and victims in numerous countries (Lost Boy Message Board case). The perpetrators had created a message board that restricted membership to individuals that provided child pornography.

In all, 35 individuals throughout the world engaged in the production and distribution of child pornography. In addition, a handbook was created on how to molest young boys. Thus far, over 200 victims have been identified worldwide.

The criminal conspiracy was identified as a result of leads that were received from Norway and Italy. This ultimately led to the arrest of four individuals in the Los Angeles area. Half of the 16 named defendants in this case have pled guilty or signed plea agreements; trial is set to begin for the remaining defendants in about 60 days.

SSA Osborn noted that the investigation into this case involved both international and domestic cooperation among law enforcement agencies.

SAFE has been implementing locally a national initiative known as Innocence Lost, which targets child prostitution. It has been found that individuals who engage in the pimping of children are often involved in other forms of criminal activity as well. Arresting these individuals thereby prevents them from continuing to victimize minors and prevents them from continuing to commit other crimes.

Perpetrators that are convicted of pimping children face mandatory ten year federal prison sentences.

Dr. Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner, inquired as to whether efforts are made to provide rehabilitation services to the victims. SSA Osborn stated that the FBI has specialized individuals who interview abused children and provide victim services.

Xiomara Flores-Holguin of the Department of Children and Family Services (DCFS) noted that DCFS has worked with SAFE and will take the victims into protective custody where appropriate.

In response to a question concerning the Lost Boy Message Board case, SSA Osborn stated that he does not have any information indicating that any of the domestic victims were trafficked out of the country. However, several of the defendants are alleged to have engaged in child sex tourism in which they traveled to other countries to have sex with minors.

In response to a question about the role of parents in these cases, SSA Osborn stated that in many of the cases the victims are from broken homes or do not have a parent present in their life. In other cases, the offender is a relative of the victim and is able to gain the trust of the parent.

ACTION: For information only.

V. CALIFORNIA CRIMINAL JUSTICE REALIGNMENT PROPOSALS

Chief Don Blevins, Probation Department

Chief Probation Officer Donald Blevins appeared before CCJCC to provide an update on various statewide criminal justice realignment proposals.

Governor Jerry Brown has proposed several criminal justice realignment strategies that would shift responsibilities from the state to counties. Some laws that have passed have already begun this process.

Assembly Bill 1628 (AB 1628) was signed into law last year and became effective at the beginning of this month. The Probation Department is now responsible for juvenile parole functions at the local level. All minors that are paroled from the Department of Juvenile Justice (DJJ) are now placed on local probation instead of state parole.

This will begin slowly with about 5 to 10 individuals being released to probation each month, but this will grow over time. Chief Blevins noted that many of these individuals were originally sentenced as minors but are being released as adults.

Senate Bill 678 (SB 678) was signed into law on October 11, 2009, and establishes a system of performance-based supervision of adult felony probationers. The law provides a financial incentive for counties to implement probation supervision strategies that contribute to probationers' success and reduce revocations that result in prison terms.

There are five basic components to the realignment that has been proposed. These are:

1. Transfer of Low-level Offenders;
2. Adult Parole;
3. Closure of DJJ Facilities;
4. Court Security; and
5. Local Safety and Protection Account.

Transfer of Low-level Offenders

The transfer of low-level offenders to local jurisdictions would involve taking responsibility for non-violent, non-serious felony, non-sex offender individuals with no prior convictions of such offenses.

Statewide, there are about 37,000 individuals that are in this category, with about 13,000 of those belonging to Los Angeles County.

This would be implemented on a prospective basis so that there would not be a transfer of inmates that are currently in custody. As of July 1, 2011, all individuals in this category would remain locally and not be transferred to state prison.

The initial cost to counties for FY 2011-2012 would be about \$300 million, but this would increase to over \$900 million by FY 2014-2015.

Issues that will need to be addressed locally include the capacity in county jails, how this will interact with SB 678 legislation, and determining exactly how many additional individuals the county will be responsible for each year.

The realignment proposal assumes that the average length of incarceration of this population is 24 months and incarceration costs are \$25,000 per offender for six months. It also assumes that community supervision and/or alternative custody costs, which could include electronic monitoring, are \$3,500 per offender for 18 months.

Treatment costs are assumed to be \$2,275 per offender. The proposal also presumes that about 75% of this population will require rehabilitative services, such as drug treatment and job training, while the remaining 25% will not require these intensive services.

Adult Parole

The second component of the realignment is for the counties to assume all parole responsibilities. This would also be on a prospective basis, with the initial cost to counties being over \$100 million and escalating to over \$400 million.

The statewide parole population is about 130,000, with around 30,000 in Los Angeles County.

As with the first component, an issue that will need to be addressed locally is the capacity in the county jails. Further, as the proposal does not specify a process for parole revocation, this would need to be addressed as well.

Transition plans will be needed for parolees with special medical or mental health needs. More information is needed on the resources that will be made available and how many parolees with these needs would be coming to this county.

Closure of DJJ Facilities

The third component of the realignment is the closure of DJJ facilities. While the population of these facilities has been significantly reduced in the past ten years, the population that remains consists of those individuals that were convicted of serious

offenses.

If the DJJ facilities close, the counties will be taking custody of these serious offenders. In addition, many of the individuals have been in custody for several years and are no longer juveniles.

Chief Blevins noted that the juvenile halls and camps in the county are designed for short term stays. The county does not have facilities designed to hold juvenile offenders for multiple years.

Court Security

The fourth component of the realignment is to shift the funding for court security to the counties rather than through the California Administrative Office of the Courts (AOC). County Sheriff's Departments would establish security contracts directly with their local Superior Courts.

Local Safety and Protection Account

The fifth component of the realignment is to establish a local safety and protection account. The state would dedicate a fixed amount of funding to backfill for the costs of the realignment.

Comments

Sheriff Baca stated that he and other county officials have met with state officials concerning the proposed realignment. He emphasized the need for planning locally in the event that the realignment is implemented and he discussed the need for effective reentry efforts. He also stated that the state must work with the counties to find solutions to problems rather than dictate unfunded mandates.

Joseph Charney, Justice Deputy for the Third District of the Board of Supervisors, inquired about the issues involved in taking responsibility for funding court security.

Sheriff Baca stated that the transition establishes an initial amount of funding for the county and increases over the next few years. However, if there are unforeseeable increases in court security needs, it is not clear how this would be resolved, particularly if the local revenue is not sufficient to cover the increase in costs.

Sheriff Baca suggested that the issue of housing serious juvenile offenders long-term could be addressed by building a new juvenile facility designed for this function. Some funding may be available from Assembly Bill 900 (AB 900) for this purpose.

With respect to parole revocation, Sheriff Baca noted that a local commission that includes the Sheriff and others in the local criminal justice community would be needed to insure that the state does not make determinations as to who would be sent to local

jails.

The Sheriff stated that parolee management could be organized through a centralized information center that allows local law enforcement to track the parolees in their respective areas as well as coordinate with rehabilitation efforts for proactive monitoring.

Mr. Charney inquired as to the ability of the county to send juveniles to state prison once they turn 18 years of age. Chief Blevins stated that this is not an option for the county. The juveniles can only be sent to state prison if they were tried and convicted as adults.

Currently, if a person is sentenced as a juvenile, the person cannot be held by DJJ beyond age 25. In the local juvenile halls, probation can hold juveniles until the age of 20. Beyond that age, to keep them in custody, they would either need to be in county jail or a facility built for this purpose.

Kathleen Daly of the Department of Mental Health observed that public housing for parolees will be an additional problem for the county to address. Many may not be able to return to their families.

Devallis Rutledge of the District Attorney's Office advised that potential liability is another concern for the county in taking custody and supervision of these additional individuals. There could potentially be lawsuits resulting from charges of inadequate treatment, inadequate medical care, cruel and unusual punishment, or negligence, just to name a few.

Mayor Michael Antonovich questioned how the county could absorb the costs of the proposed realignment. Given the difficulty that the state has in providing funding for supervision and rehabilitation programs, it is unlikely that the counties would be better able to fund them.

Mayor Antonovich also stated that the realignment proposals have been presented in a hasty manner and without sufficient input from the counties and local governments.

Rather than presenting the current realignment proposals, Mayor Antonovich stated that the state government should instead undertake structural reforms at the state level that will result in fiscal discipline.

He added that sending criminals back to their communities in the manner provided in the realignment proposals would pose a danger to public safety.

On Friday, February 4, 2011, Mayor Anotonovich and other Board members will testify to state officials about the concerns that the county has with the current realignment proposals. Sheriff Baca and District Attorney Steve Cooley will also testify on the potential impact of the realignment.

The County Board of Supervisors will discuss the state's realignment proposals at its meeting on Tuesday, February 15, 2011.

ACTION: For information only.

NOTE: During this presentation, Mayor Michael Antonovich arrived and served as Chair for the remainder of the meeting.

VI. MEMBERSHIP MATTERS

Mayor Michael Antonovich, County Supervisor, Fifth District

Mayor Antonovich made a motion to grant membership on CCJCC to both the California Department of Corrections and Rehabilitation (CDCR) and the United States Immigration and Customs Enforcement (ICE).

ACTION: The motion to grant membership on CCJCC to the California Department of Corrections and Rehabilitation (CDCR) and the U.S. Immigration and Customs Enforcement (ICE) was seconded and approved without objection.

VII. OTHER MATTERS/PUBLIC COMMENT

There were no additional matters or public comments.

VIII. ADJOURNMENT

The meeting was adjourned at 1:02 p.m.