

# COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

## MINUTES OF THE **November 15, 2017** MEETING

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 140  
Los Angeles, California 90012

### **MEMBERS AND ALTERNATES PRESENT**

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

Erika Anzoategui for Janice Fukai, County Alternate Public Defender

Reaver Bingham for Terri McDonald, County Chief Probation Officer

Kenneth Clayman, Acting County Public Defender

Beatriz Dieringer, California League of Cities

Peter Espinoza, Director, Office of Diversion and Reentry

\*Xiomara Flores Holguin for Brandon Nichols, Acting Director, County Department of Children and Family Services

Michael Garcia, Assistant Supervising Judge, Criminal Division, Superior Court

Michael Garcia for Scott Gordon, Supervising Judge, Criminal Division, Superior Court

Kelly Harrington for Jim McDonnell, Sheriff

\*Jason Hasty for Debra Duardo, Superintendent, County Office of Education

Doug Haubert, Long Beach City Prosecutor, County Prosecutors Association

Christa Hohmann, Directing Attorney, Post Conviction Assistance Center

Dan Jeffries for Mike Feuer, Los Angeles City Attorney

\*Kelly Jones for Eric Garcetti, Mayor, City of Los Angeles

\*Trinh Mac for Scott Minnix, Director, County Internal Services Department

David Marin, Field Office Director, U.S. Immigration and Customs Enforcement

Mary Marx for Jonathan Sherin, Director, County Department of Mental Health

Jonathan McCaverty for Mary Wickham, County Counsel

Edward McIntyre for Rodney Gibson, Chair, County Quality & Productivity Commission

\*Daryl Narimatsu for Michelle King, Superintendent, Los Angeles Unified School District

\*Bryan Oh for Richard Llewellyn, Interim Los Angeles City Administrative Officer

Chris O'Quinn, Chief, Southern Division, California Highway Patrol

Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program

Robert Philibosian, Peace Officers Association of Los Angeles County

Robert Philibosian for Ed Eng, Chair, County Economy and Efficiency Commission

Marcel Rodarte for Michael Davitt, President, California Contract Cities Association

Devallis Rutledge for Jackie Lacey, District Attorney and Vice Chair of CCJCC

\*Susan Sullivan Pithey for Xavier Becerra, California Attorney General

\*David Turla for Sachi Hamai, County Chief Executive Officer

**\*Not a designated alternate**

**I. CALL TO ORDER / INTRODUCTIONS**

Chairman Mark Ridley-Thomas, County Supervisor, Second District

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

Self-introductions followed.

Supervisor Ridley-Thomas congratulated Bruce Brodie for his recent appointment as a Superior Court Judge. Mr. Brodie has served as the Alternate Public Defender's chief deputy and alternate on this committee for many years.

**II. APPROVAL OF THE MINUTES**

Chairman Mark Ridley-Thomas, County Supervisor, Second District

There were no requests for revisions to the minutes of the September 20, 2017 meeting. A motion was made to approve the minutes.

**ACTION: The motion to approve the minutes of the September 20, 2017 meeting was seconded and approved without objection.**

**III. 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.

Youth Diversion Subcommittee

As previously reported, the Board of Supervisors directed CCJCC in January of this year to establish a Youth Diversion Subcommittee to develop a coordinated approach to youth diversion across the County of Los Angeles. The subcommittee released its final report on October 30<sup>th</sup> (<http://goo.gl/Vw5yw5>).

Following the report's submission, Supervisor Ridley-Thomas and Supervisor Janice Hahn co-authored a Board motion to implement the report's framework (<http://goo.gl/FgN6Gk>). On November 7, 2017, the Board passed the motion and voted unanimously to:

- Accept the report's recommendations;
- Establish and staff a Youth Diversion and Development Division within the Office of Diversion and Reentry (ODR);
- Establish a steering committee to guide implementation;
- Direct the CEO to report back in two weeks with potential funding sources to implement the report's recommendations; and

- Direct ODR to report back regularly (180 days) with implementation status reports.

Mr. Delgado thanked Supervisor Ridley-Thomas for his leadership in putting forward the motion, along with Supervisor Hahn, that created the Youth Diversion Subcommittee. He also noted that many of the departments and organizations represented on CCJCC participated and contributed to the process that resulted in the final report.

Supervisor Ridley-Thomas invited Judge Espinoza, Director of ODR, to offer his comments. Judge Espinoza served as a member of the Youth Diversion Subcommittee.

Judge Espinoza stated that the work that was completed this year in preparation for the final report was intense. He complimented the CCJCC, CEO, and Department of Public Health staff for leading a diverse group of stakeholders through that process. He also joined with Mr. Delgado in thanking Supervisor Ridley-Thomas and Supervisor Hahn for their leadership on the subject of youth diversion.

**ACTION: For information only.**

#### **IV. SHERIFF'S DEPARTMENT BODY WORN CAMERAS**

Captain Chris Marks, Sheriff's Department  
Max Huntsman, Inspector General

Captain Chris Marks of the Sheriff's Department appeared before CCJCC to provide an overview of the Sheriff's Department pilots on Body Worn Cameras (BWCs) and implementation efforts. Inspector General Max Huntsman joined Captain Marks in this presentation.

BWCs record both audio and video and are manually activated by the law enforcement officer. The law enforcement officer brings the device to a docking port at the end of each shift. The videos are then automatically uploaded.

The videos cannot be deleted unless the device is destroyed prior to the upload. In addition, there is an audit trail created on the videos in that they are time and date stamped and the officer's name is assigned to the device. Further, is also a time and date stamp for any other individual that accesses the video.

The Los Angeles County Sheriff's Department has performed two tested evaluations of BWCs. The first was conducted in 2011 when the devices were tested in custody facilities. A decision was ultimately made to use fixed cameras instead.

In late 2014 and early 2015, the devices were tested in a patrol environment using four different manufacturers at four patrol stations. The testing took place during a six month period lasting from September 2014 through March 2015.

The Sheriff's Department sought to study the devices, the digital evidence software system that accompanies each device, and cloud storage. Additional goals of the

testing included developing a policy for BWCs, understanding the workflow through the criminal justice system, and determining their impact on the system.

The study found that deputies liked the use of the devices. They noted the usefulness of a feature that records events 30 seconds before the deputy presses the button to record. When deputies first start to use the BWCs, some may forget to switch it on until an incident is already in progress. It takes months for the muscle memory to happen so that the deputies will remember to turn on the camera in a timely manner.

The results of the study also highlighted the fact that every video is a piece of evidence. This in turn suggests a need for countywide coordination and a robust digital management system in the transfer of the video to other departments as part of a case.

Captain Marks stated that meta data will need to be added to the recordings in addition to the time and date stamp. For example, if it is related to a criminal case, the case number may need to be added. Or a citation number may be added instead. There may also need to be information indicating if there was a detention or a search involved.

In considering the use of BWCs for patrol deputies, the Sheriff's Department is focusing on the impact with respect Administrative Operations, Investigative Operations, and Evidence Management.

For Administrative Operations, there are multiple individuals within the department that may potentially review the recording. Every incident causes an administrative review, which means that different individuals in the chain of command will be required to watch all or portions of the video. This will increase workload in terms of the amount of time that must be spent viewing the footage.

Additionally, if there was more than one deputy involved in the incident, there may be multiple videos. Captain Marks noted that panels of individuals may also be called upon as part of the review process.

With Investigative Operations, detectives would have to include viewing the recordings of the BWCs as part of their investigations. This would be needed in order to make sure that they are consistent with the reports from the patrol officers.

With Evidence Management, it will be necessary to assign people to manage potentially millions of videos annually. In addition, these individuals will have to audit the system to confirm that law enforcement officers are following the department's policies with BWCs.

Another area of interest that will be impacted is that of video forensic analysis. Digital photography is different than film photography and certified analysts in the field will be needed to identify distortions in the video.

Captain Marks stated that the Sheriff's intent is to provide a path for the release of videos that are not evidence in active cases or otherwise restricted from public viewing.

However, the Sheriff's Department is still early in process of developing a policy for this, and discussions are needed with various stakeholders.

Inspector General Max Huntsman reported that the Office of the Inspector General is working with the Sheriff's Department on potentially implementing the use of BWCs and addressing the issues raised by Captain Marks. He also noted that his office issued a report on the subject in September 2015, which can be found at the following link:

[https://oig.lacounty.gov/Portals/OIG/Reports/Body-Worn%20Cameras\\_OIG%20Report.pdf?ver=2015-10-28-164758-800](https://oig.lacounty.gov/Portals/OIG/Reports/Body-Worn%20Cameras_OIG%20Report.pdf?ver=2015-10-28-164758-800)

While increasing costs and workload is a concern, Inspector General Huntsman observed that, in some cases, BWCs may serve to reduce workload in that having video evidence may decrease the amount of time that must be spent investigating a case.

The use of cameras is becoming more prevalent and it is important that this information be utilized efficiently and intelligently to assist the work of the criminal justice system and enhance public confidence.

Supervisor Ridley-Thomas stated that there are additional issues to be discussed with this topic and various perspectives to consider. He emphasized that this county will need to proceed in a manner that builds the appropriate consensus and fosters public trust.

**ACTION: For information only.**

**V. IMMIGRATION DETAINER AND CUSTODY RELEASE POLICIES**

Captain Elier Morejon, Sheriff's Department  
Max Huntsman, Inspector General

Captain Elier Morejon of the Sheriff's Department Inmate Reception Center (IRC) appeared before CCJCC to provide an overview of Sheriff's Department custody release policies concerning inmates with immigration detainees. Inspector General Max Huntsman joined Captain Morejon in this presentation.

Captain Morejon provided an overview of the following topics during this presentation:

- California Assembly Bill 4 (AB 4) – The TRUST Act (Transparency and Responsibility Using State Tools), which was implemented in January 2014;
- California Assembly Bill 2792 (AB 2792) – The TRUTH Act (Transparent Review of Unjust Transfers and Holds), which was implemented in January 2017;
- Immigration Detainer I-247A; and
- The IRC's release process and how the Sheriff's Department releases inmates.

## AB 4 – TRUST Act

The Trust Act provides a list of qualifying charges which, upon conviction, would qualify an inmate for release to United States Immigration and Customs Enforcement (ICE).

AB 4 gives local law enforcement officials discretion to cooperate with federal immigration officials by holding an individual for up to 48 hours if a Detainer has been issued when they become eligible for release. Captain Morejon noted that the Sheriff's Department does not hold individuals past their release date.

## AB 2792 – TRUTH Act

The TRUTH Act provides certain rights to inmates. These include the following:

- Inmates must be advised that an ICE Detainer has been issued by the U.S. Department of Homeland Security (DHS).
- A copy of the ICE Detainer must be provided to the inmate.
- Must advise and have the inmate acknowledge his/her rights as follows:
  - The purpose of the interview (with ICE).
  - That it is voluntary and they may decline the interview.
  - That they may choose to be interviewed only with their attorney present.
- Must advise inmates when ICE is advised of their release date.
- All information provided to ICE must also be made available to the public.

Captain Morejon added that, though not a requirement, all inmate release dates are made available to the public via the Sheriff's Department website at [www.lasd.org](http://www.lasd.org).

Pending release dates are updated every 20 minutes and actual release dates are updated every day. Once an inmate is sentenced, the actual release date is entered into the system, but this may change based on credits. A pending release applies to individuals that are being released on bail, bond, or a situation where their case has not been completed and the person is in the process of being released.

The Sheriff's Department has created a TRUTH Act Notice Form (Notification To Inmate Of Immigration Detainer & Interview, Government Code Section 7283.1) for inmates to sign to acknowledge: (1) They have been told that ICE has issued an immigration hold on them and may wish to interview them; (2) They have been provided with a copy of the written hold from ICE to the Sheriff's Department; and (3) That they have been provided with a list of legal resources.

The inmate may indicate on the form may that he/she does not agree to speak to ICE, or agrees to speak with ICE, but only with their attorney present, or agrees to speak with ICE without an attorney present.

## Issuing An ICE Detainer

Upon arrest, the inmate is fingerprinted and the fingerprints are automatically sent to Cal-DOJ and to the FBI. The FBI then shares the fingerprints with DHS, which in turn shares the information with the Pacific Enforcement Regional Center (PERC).

PERC is a center that vets the inmates via a biometric match. If the individual has ever had contact with ICE, they will have a biometric "hit". The ICE agent will then determine whether to place an ICE Detainer on that person. If a Detainer is placed, it will be issued to the arresting agency.

ICE Detainers are sent to the IRC for all Sheriff's Department arrests, and they are vetted against the AB 4 charge list. (Captain Morejon noted that ICE Detainers previously were sent to the arresting station. Now that they are all sent to IRC, it is easier to ensure that inmates are provided with rights under the TRUTH Act.)

Next, the inmate is advised of the ICE Detainer and acknowledges it by signing the TRUTH Act Notice Form, referenced above. Although not mandated by law, the Sheriff's Department has agreed to provide inmates with an Immigration Advocate List, which can be used to seek out legal assistance. In addition, the presence of an ICE Detainer does not disqualify the inmate from any programs or benefits afforded to all inmates.

The Sheriff's Department also notifies the Public Defender's Office and Alternate Public Defender's Office of all ICE Detainers issued on inmates.

In response to a question from Xiomara Flores Holguin of the Department of Children and Family Services, Captain Morejon stated that the TRUTH Act Notice Form is available in 27 different languages.

## IRC Release Process for Inmates with an ICE Detainer

When an inmate comes up for release, the inmate is updated to the Release Area of IRC. The inmate's name will appear on the Sheriff's Department website and the IRC Release Hallway Dashboard. (Female inmates are released through the Century Regional Detention Facility, and the same process applies for them.)

If the inmate is not AB 4 qualified, he/she is released. If the inmate is AB 4 qualified, he/she is released to ICE within the normal release processing time parameters.

ICE used to have three offices in IRC under the 287(g) program. Now there is one office that is available for use by any law enforcement agency.

## Statistics

In 2016, the Sheriff's Department released 1,007 inmates to ICE. In contrast, thus far in 2017, the Sheriff's Department has released 1,078 inmates to ICE.

## Frequently Asked Questions

Captain Morejon reviewed the following four frequently asked questions about immigration detainers and custody release policies:

1. Can ICE agents interview anyone that they want?
2. In what ways does the Sheriff's Department currently record immigration status?
3. Will an inmate be detained longer than any other inmate due to an ICE Detainer?
4. Does the Sheriff's Department provide ICE with exclusive office space?

For Question 1, the answer is no. If an ICE Agent wishes to interview an inmate, the Sheriff's Department will ensure that the inmate meets the criteria outlined in the TRUST Act. Only if an inmate has a qualifying charge and agrees to be interviewed by ICE will ICE agents be allowed to interview the inmate.

For Question 2, the answer is that the Sheriff's Department does not record an inmate's immigration status.

For Question 3, the answer is no. Inmates will only be transferred to the custody of ICE during the normal period of time it takes for the Sheriff's Department release process, regardless of an ICE request.

For Question 4, the answer is no. As previously noted, the Sheriff's Department provides a room that all outside law enforcement agencies may use.

## Questions

In response to a query about the impact of California Senate Bill 54 (SB 54), Captain Morejon stated that this new law will place some time limits on how far back one can look into a person's past for qualifying offenses.

Assistant Sheriff Kelly Harrington added that SB 54 will not likely have much impact in Los Angeles County, as it mirrors much of what is currently being done.

Inspector General Huntsman agreed that SB 54 won't radically change the practice in this county.

## Office of Inspector General

Given the political sensitivity of this issue and the rumors that spread, Inspector General Huntsman emphasized the importance of releasing accurate information to the public on this topic.

The Sheriff's Civilian Oversight Commission has been reviewing this issue and the Office of Inspector General issued a report in October of this year entitled, Immigration: Public Safety and Public Trust. The report can be accessed at the following link:



**ACTION: For information only.**

**VI. SHERIFF CIVILIAN OVERSIGHT COMMISSION**

Brian Williams, Executive Director, Sheriff Civilian Oversight Commission

Brian Williams, Executive Director of the Sheriff's Civilian Oversight Commission, appeared before CCJCC to provide a status update on the Commission.

As a reminder, the Board of Supervisors established the Commission on November 1, 2016, with nine appointed members. The inaugural meeting of the Commission was held in January of this year.

So far in 2017, the Commission has had 11 Commission meetings, 5 Town Hall meetings, and numerous meetings with community groups and smaller community gatherings. Altogether, just over 1,100 people have attended the meetings and about 340 persons have made public comments.

Mr. Williams noted that one public comment at a Town Hall meeting stated that the purpose of the Commission is to build trust through reform. He expressed his view that this is a good summary of what the Commission has set out to do.

The two subjects that have resulted in the most public comments have been drones and immigration. Other issues that have been addressed by the Commission include use of force, BWCs, the Prison Rape Elimination Act (PREA), and Metropolitan Transportation Authority (MTA) issues, among other topics.

The Commission is still in the process of hiring staff. Mr. Williams stated that they are doing well with the staff that has been brought on board, but more are needed.

Another challenge for the Commission is to distinguish itself from the LAPD Commission among members of the public so that those in attendance at its meetings are aware of the difference.

The Commission is working hard to manage expectations and convey both what it can and can't do. It is also seeking to obtain diverse perspectives throughout the community.

Mr. Williams expressed his appreciation for the cooperation that the Commission has received from the Board of Supervisors, Sheriff's Department, Office of Inspector General, and the County CEO's Office.

**ACTION: For information only.**

**VII. OTHER MATTERS / PUBLIC COMMENT**

A public comment was made by Dr. Genevieve Clavreul.

**VIII. ADJOURNMENT**

The meeting was adjourned at 12:57 p.m.