

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE JULY 6, 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 Paul Tanaka, Undersheriff

Ronald Brown, County Public Defender

Betty Chu, Director, Independent Cities Association

Susan Cichy for John Clarke, Superior Court Executive Officer

Steve Cooley, District Attorney

Paul Cooper, President, San Gabriel Valley Police Chiefs Association

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

*David Doan for Charles Beck, Chief, Los Angeles Police Department

Xiomara Flores-Holguin for Jackie Contreras, Director, County Department of Children
and Family Services

Janice Fukai, Alternate Public Defender

Lois Gaston, California Contract Cities Association

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

Christa Hohmann for Gigi Gordon, Directing Attorney, Post Conviction Assistance
Center

Joe Leonardi, President, South Bay Police Chiefs Association

George Lomeli, Assistant Supervising Judge, Criminal, Superior Court

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

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

Andrea Ordin, County Counsel

Earl Perkins for John Deasy, Superintendent, Los Angeles Unified School District

Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program

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

Richard Propster, Peace Officers Association of Los Angeles County

Bruce Riordan for Andre Birotte, U.S. Attorney

Timothy Robbins, Field Office Director, U.S. Immigration and Customs Enforcement

Richard Sanchez, County Chief Information Officer

Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner

Greg Savelli for Tim Jackman, President, Los Angeles County Police Chiefs Association

David Singer, United States Marshal

William Sullivan, Chair, County Quality & Productivity Commission

Robin Toma, Executive Director, County Human Relations Commission

*Robin Toma for Cynthia Banks, Director, County Department of Community & Senior Services

Carmen Trutanich, Los Angeles City Attorney

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

Jackie White for William Fujioka, County Chief Executive Officer

*Steve Woodland for Tim Landrum, Special Agent in Charge, U.S. Drug Enforcement Administration

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Steve Beeuwsaert, Chief, Southern Division, California Highway Patrol

Matthew Cate, Secretary, California Department of Corrections and Rehabilitation

Donald Blevins, County Chief Probation Officer

Michelle Carey, Chief U.S. Probation Officer

Jorge Cisneros, President, Southeast Police Chiefs Association

Arturo Delgado, Superintendent, County Office of Education

Lee Smalley Edmon, Presiding Judge, Superior Court

Mitchell Englander, Los Angeles City Council, 12th District

Anthony Hernandez, Director, County Department of Coroner

Sean Kennedy, Federal Public Defender

Steve Martinez, Assistant Director in Charge, Los Angeles Division, Federal Bureau of Investigation

Don Meredith, President, County Probation Commission

Michael Nash, Supervising Judge, Juvenile, Superior Court

Charlaine Olmedo, Supervising Judge, North Valley - San Fernando, Superior Court

Miguel Santana, Los Angeles City Chief Administrative Officer

Patricia Schnegg, Supervising Judge, Criminal, Superior Court

Dennis Tafoya, County Affirmative Action Compliance Officer

Mike Webb, County Prosecutors Association

David Wesley, Assistant Presiding Judge, Superior Court

CCJCC STAFF

Mark Delgado, Executive Director

Kenna Ackley

Cynthia Machen

Craig Marin

GUESTS/OTHERS

Claude Arnold, U.S. Immigration and Customs Enforcement

Joseph Charney, Third District, County Board of Supervisors

Dardy Chen, County Chief Executive Office

Michael Colton, U.S. Drug Enforcement Administration

Richard Fajardo, Second District, County Board of Supervisors

Martha Jimenez, First District, County Board of Supervisors
Fred Klunder, Superior Court
David Lindsey, LAPD
David Marin, U.S. Immigration and Customs Enforcement
Richard Martinez, County Chief Executive Office
Gary Mead, U.S. Immigration and Customs Enforcement
Tami Omoto-Frias, County Chief Executive Office
Anna Pembedjian, Fifth District, County Board of Supervisors
Cecil Rhambo, Sheriff's Department
Andrea Rogers, U.S. Immigration and Customs Enforcement
John Ruegg, Information Systems Advisory Body
Devallis Rutledge, District Attorney's Office
Mark Tajima, County Chief Executive Office
Cheri Thomas, LAUSD
Michael Tynan, Judge, Superior Court
Sergio Vasquez, First District, County Board of Supervisors
Anthony Ward, Sheriff's Department

I. CONVENE/INTRODUCTIONS

Lee Baca, Sheriff

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

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Lee Baca, Sheriff

There were no requests for revisions to the minutes of the June 1, 2011 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the June 1, 2011 meeting was seconded and approved without objection.

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

III. IMMIGRATION AND CUSTOMS ENFORCEMENT – SECURE COMMUNITIES

Gary Mead, Executive Associate Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement

Gary Mead, Executive Associate Director of Enforcement and Removal Operations for U.S. Immigration and Customs Enforcement (ICE), appeared before CCJCC to make a presentation on ICE's Secure Communities program.

Secure Communities is a federal data sharing program implemented by ICE to identify criminal aliens and place immigration holds on them. Those criminal aliens that are identified may face deportation and/or federal prosecution.

Identification is achieved through biometrics. Specifically, fingerprints taken at the time of booking are electronically shared by DOJ with the Federal Bureau of Investigation (FBI), which are automatically matched against immigration databases. Secure Communities is made possible through federal interoperability, which is a Congressional mandate that federal agencies share information.

Mr. Mead emphasized that Secure Communities involves information sharing at the federal level. It does not involve enforcement of immigration law by local law enforcement agencies, nor does it require local law enforcement to accept any responsibilities that they do not already have.

When a match is found, ICE personnel first review the information to ensure that the person in question is deportable. They then subsequently make the decision as to what action to take with respect to the individual.

Since the program began in 2008, there have been nearly 570,000 matches. Of that total, 115,000 individuals have been removed from the country, or about 1 in 5 matches. There are a number of reasons why a match may not result in a deportation. For example, the person may be on trial, serving a sentence, or otherwise still within the local criminal justice process.

Of these 115,000 people who were removed, 83,000 were convicted of a crime in this country. Of the remaining 32,000, 25,000 were previously deported from the country or were ICE fugitives (they were ordered to leave the country and had failed to do so).

Ultimately, there have been less than 7,000 people removed from the country that were not convicted criminals, ICE fugitives, or illegal reentrants. A further review of the records for these individuals has found that many of them had criminal convictions that ICE was not aware of.

Mr. Mead noted that critics of this program have expressed concern that it may be misused by local law enforcement agencies to target certain groups. So far, there have not been any substantiated cases of this happening.

Another concern that has been raised is that the program may deter individuals who are in the country illegally from coming forward as witnesses or victims. Mr. Mead stated that this also does not appear to be a problem.

There have been three cases where individuals in domestic violence incidents had matches against federal databases through the Secure Communities program. None of these three individuals were detained or removed. Furthermore, Mr. Mead noted that ICE's policy is not to detain or remove victims of domestic violence.

ICE has posted information on its website to address concerns and provide information about the Secure Communities program. This includes information on prosecutorial discretion and a link pertaining to civil rights and civil liberties. The webpage can be found at: http://www.ice.gov/secure_communities/.

Mr. Mead stated that the program does not depend on a local jurisdiction's option to participate. By either the end of 2012 or the beginning of 2013, all jurisdictions in the United States will be covered by the Secure Communities program.

Sheriff Baca stated that any individuals or organizations with concerns about Secure Communities can contact his office and he will provide contact information for a civil rights attorney with ICE or the local ICE office.

Mr. Mead added that their website explains how to file a complaint. ICE will also be utilizing a new detainer form that provides instructions for detainees who believe that their detainer is improper or that the process is not being fair to them.

Tim Robbins, who serves as the local ICE Field Office Director, stated that members of this committee may contact him if there are any concerns locally about Secure Communities or immigration enforcement.

Mayor Antonovich noted that former Los Angeles Superior Court Judge Alice Hill now serves as a legal counsel with ICE. He also expressed his support for the work that ICE is doing through the Secure Communities program.

Martha Jimenez from the Office of the First District of the County Board of Supervisors requested that Mr. Mead elaborate on how prosecutorial discretion is to be applied.

Mr. Mead stated that ICE policy is to apply prosecutorial discretion evenly across the country and that it may be utilized at any point in the process, from the time that the detainer is issued up until the actual removal. If ICE chooses not to use prosecutorial discretion in a particular case, the individual may request it.

Ms. Jimenez also inquired as to whether a local entity is required to hold the individual if a detainer is issued by ICE.

Mr. Mead stated that the Code of Federal Regulations requires that the local entity hold the individual in the event that a detainer is issued. Chief Richard Barrantes of the Sheriff's Department added that the arresting agency is responsible for holding the individual for 48 hours.

Sheriff Baca thanked Mr. Mead for coming to Los Angeles to make this presentation.

ACTION: For information only.

IV. STATE BUDGET AND PUBLIC SAFETY REALIGNMENT

Cecil Rhambo, Assistant Sheriff, Sheriff's Department

Assistant Sheriff Cecil Rhambo appeared before CCJCC to provide an update on recent changes to the state budget and the state's public safety realignment legislation.

Of particular significance for this county is that there is no constitutional guarantee for funding. There would be initial funding in the first year, but nothing specific beyond that. Additionally, the realignment implementation date is delayed three months and changes have been made to the Community Corrections Partnership (CCP) Executive Committee.

Assistant Sheriff Rhambo reviewed the following specific changes with respect to realignment funding and legislation:

Realignment Funding

- The 2011 funding for realignment is to come from a dedicated portion of state sales tax revenue and the Vehicle License Fee (VLF).
- Assembly Bill 118 (AB 118) outlines the financial structure for allocating funds to a variety of accounts for realignment.
 - Counties are directed to create local accounts to receive these funds.
- Funding will be provided for training, recruitment, retention, and to cover the costs of the District Attorney's Office and Public Defender's Office.
- AB 118 makes clear that allocation formulas apply only to the first year of realignment and that methodologies for Fiscal Year 2012-2013 and beyond are open to review and revision.
 - Los Angeles County's allocation percentage for Fiscal Year 2011-2012 is 31.7692%.
- According to the California Department of Finance (DOF), the amount estimated for realignment to jails and PRCS in Fiscal Year 2011-2012 is \$354.3 million statewide.
 - About \$112.5 million of this total will be allotted to Los Angeles County for jail costs and PRCS (which is down from \$147 million that was previously estimated).
- AB 118 provides a separate allocation of \$12.7 million statewide that is designated for County District Attorney and Public Defender Offices to cover the costs of handling revocation.
 - The County of Los Angeles will receive \$4,034,688 of this amount.
- The main budget bill, Senate Bill 87 (SB 87), provides counties with a one time appropriation of \$25 million, which is distributed using the AB 109 allocation formula to cover costs associated with hiring, retention, training, data improvements, contracting costs, and capacity planning.
 - The County of Los Angeles will receive \$7.9 million of this funding.
- SB 87 also provides each county with a one time grant for the purpose of supporting the CCP.

- The Corrections Standards Authority (CSA) will administer these grants, which are based on population.
- The County of Los Angeles will receive approximately \$200,000 for its CCP.
- SB 87 also provides \$1 million for the CSA to distribute to the California State Association of Counties (CSAC), California State Sheriffs' Association (CSSA), and Chief Probation Officers of California (CPOC) for training to assist in the implementation of AB 109.

Realignment Legislation – Assembly Bill (AB) 117 and Assembly Bill (AB) 118

- Delays the implementation of AB 109 to October 1, 2011 (from July 1, 2011).
- Delays the Court's responsibility for handling the parole revocation process for state parolees until July 1, 2013.
- The Court will assume responsibility for imposing sanctions on state inmates placed on Post Release Community Supervision (PRCS) on October 1, 2011.
- Requires counties to inform the California Department of Corrections and Rehabilitation (CDCR) by August 1, 2011 as to the designated entity that will be responsible for PRCS.
- Adds Penal Code Section 4115.55 to authorize counties to contract with public community correctional facilities to house county jail inmates.
 - This authority will sunset in three years.

Changes To Community Corrections Partnership (CCP)

- AB 117 revises the composition of the CCP and its Executive Committee.
- The CCP Executive Committee is recast to include the following seven members:
 - Chief Probation Officer (Chair)
 - Presiding Judge or designee
 - District Attorney
 - Public Defender
 - Sheriff
 - A Chief of Police
 - One of the following as designated by the Board of Supervisors: Department head of Social Services, Mental Health, or substance abuse programs.
- Specifies that the Executive Committee vote on the final AB 109 implementation plan that is to be presented to the County Board of Supervisors.
- Provides that the County Board of Supervisors can reject the AB 109 implementation plan as submitted by the CCP with a four-fifths vote of the Board.
 - If the plan is rejected, it is referred back to the entire CCP for revision.
- Gives the Board of Supervisors the flexibility to appoint a designee (other than the CEO or a Board member) to the CCP.
- The Board of Supervisors retains exclusive authority for allocating funds.
- The role of the CCP and its Executive Committee is to develop the implementation plan for the adult offender population shifts.

- The CCP and its Executive Committee are subject to the provisions of the Brown Act (open meetings).

Robert Philibosian of the County Economy and Efficiency Commission inquired as to whether the allocation of funding will cover the county's expenses. Jackie White of the County Chief Executive Office (CEO) stated that this matter is being studied and a number of plans are being considered. Projections suggest that it may be possible to implement realignment with the funding that is received from the state.

Sheriff Baca added that a key issue will be the number of inmates that will be eligible for a portion of the funds. The funding is predicated on a per capita allocation formula.

Los Angeles County Public Defender Ron Brown inquired as to whether references to the Public Defender's Office include the Alternate Public Defender's Office as well. Assistant Sheriff Rhambo responded that he believes that the intent is that the Alternate Public Defender's Office is to be included.

Los Angeles County District Attorney Steve Cooley asked for clarification on whether the Sheriff's Department intends to discontinue incarceration of misdemeanants and those who receive jail as a condition of felony probation.

Assistant Sheriff Rhambo stated that the Sheriff's Department policy will not change under AB 109. They will still incarcerate these individuals.

Duarte City Councilwoman Lois Gaston of the California Contract Cities Association inquired as to when local cities can expect to see an increase in the number of offenders supervised locally. Assistant Sheriff Rhambo stated that this will begin as soon as realignment takes effect on October 1, 2011.

Sheriff Baca added that the individuals who will be on PRCS are in the local communities now. There are approximately 30,000 parolees in the county at any given time. The difference is that they are all currently being supervised by state parole.

Assistant Sheriff Rhambo stated that the Sheriff's Department expects about 550 individuals a month coming to the county on PRCS.

Mayor Antonovich stated that the state has not always been timely in reimbursing local governments for mandates that are set by the state. He expressed concern that realignment will serve as a means for the state to transfer its debt to local governments; this, in turn, will have a detrimental effect on public safety.

Sheriff Baca observed that a key point is whether it will be less costly for the county to supervise parolees than for the state. He expressed his belief that there is potential for the county to supervise the PRCS population more efficiently than the state can.

Mr. Cooley inquired as to how many beds are currently available in the county jail system. Assistant Sheriff Rhambo stated that there are 4,000 beds available. There is a total capacity of approximately 20,000.

Mayor Antonovich noted that 95% of the local costs for individuals on Non-Revocable Parole (NRP) are for mental health services. He questioned whether the state will adequately reimburse the county for the mental health services that will need to be provided as a result of realignment.

In addition, Mayor Antonovich observed that the issue of local liability has not been resolved. This issue, which was discussed at the previous two CCJCC meetings, references the problem that county officials do not have the immunity privileges that state officials have with respect to state prisoners and parolees.

Devallis Rutledge of the District Attorney's Office stated that, while state courts have ruled that the Sheriff acts on behalf of the state, the Federal 9th Circuit Court of Appeals has ruled that the Sheriff acts on behalf of the county for the purposes of federal law. Therefore, neither the Sheriff's Department nor the Probation Department has immunity from federal lawsuits.

The effort to obtain a state constitutional amendment that would grant state immunity (U.S. 11th Amendment) to localities has not as yet been successful. Such an amendment would apply specifically to the inmates and parolees that would be county responsibility under realignment.

If realignment takes effect without this amendment in place, the county may face federal civil liability lawsuits over issues such as medical care, conditions of confinement, and use of force.

Los Angeles County Counsel Andrea Ordin stated that she will circulate a memo concerning her office's findings on the issue of liability. She expressed her view that the county may not be subjected to as large a number of additional lawsuits as feared.

Richard Fajardo from the Office of the Second District of the County Board of Supervisors stated that he does foresee an increase in lawsuits against the county.

Mayor Antonovich reiterated that the realignment legislation is flawed due to all of the unanswered questions that need to be addressed. He expressed his view that the state should delay the implementation of realignment until all of the concerns are resolved.

Anna Pembedjian from the Office of the Fifth District of the County Board of Supervisors asked for clarification on whether the 4,000 available beds in the jail is what is currently available for sentenced inmates (post-conviction sentencing).

Assistant Sheriff Rhambo confirmed that 4,000 beds are currently available for use. He cautioned that this is a moving number that does change as individuals come in and are

released. Sheriff Baca added that this number has been consistent for the past several months.

Joseph Charney from the Office of the Third District of the County Board of Supervisors observed that the amount of time served for misdemeanors may be negatively impacted by the implementation of realignment.

Los Angeles City Attorney Carmen Trutanich reported that the City of Los Angeles has created an Administrative Code Enforcement program that will reduce the number of misdemeanors that are filed in the criminal justice system.

The CCP and its Executive Committee will next meet on July 14, 2011 and will continue to work on crafting a realignment implementation plan for the county.

ACTION: For information only.

V. INFORMATION SYSTEMS ADVISORY BODY (ISAB)

John Ruegg, Director, Information Systems Advisory Body

John Ruegg, Director of the Information Systems Advisory Body (ISAB), appeared before CCJCC to present ISAB's Semi-Annual Report.

ISAB is a standing subcommittee under CCJCC. Its core mission is to facilitate the sharing of information across the criminal justice enterprise using standards-based protocols and technologies. Los Angeles County Sheriff Lee Baca serves as the Chair of ISAB.

The membership of ISAB includes the Alternate Public Defender, County Chief Executive Office (CEO), County Chief Information Office (CIO), Department of Coroner, District Attorney's Office, Internal Services Department (ISD), Los Angeles County Police Chiefs Association, Los Angeles Police Department (LAPD), Superior Court, Probation Department, Public Defender's Office, and the Sheriff's Department.

Mr. Ruegg highlighted the following project developments:

- ISAB has secured funding and initiated the procurement of consultant services for development of the Sheriff's Department electronic Field Based Reporting System (FBRs) for capturing Crime Reports from the patrol car. These can in turn be forwarded to prosecution, defense, and the Court.
 - About 2,800 patrol cars will have mobile digital computers that will be utilized by deputies for their field based reporting.
- ISAB has secured funding and initiated the procurement of consultant services for the development of the Sheriff and local law enforcement agency electronic probable cause determination (ePCD) system.

- This project includes automated document submittal of the PCD from all law enforcement agencies to the Superior Court.
- The Court routes the PCD to the judicial officer for approval and then electronically returns it to the system.
- The Countywide Warrant System (CWS) replacement study has been funded and consultant procurement is in progress. The Sheriff's Department has secured the funding and a consultant will assist in determining the feasibility of replacing the existing CWS, which uses outdated technology, with a new system.
- ISAB completed procurement of computer equipment and established a professional services vendor contract to upgrade the Sheriff's Department records management archival system. This project will likely begin in August of this year.
- The ISAB Arrest Lifecycle Committee has analyzed 81,000 missing disposition records from 2009, as reported by the California Department of Justice (Cal DOJ).
 - Analysis of the arrest and prosecution data has identified some major categories of missing dispositions, including Warrant Arrests, Probation Violations, and related final Court dispositions.
 - Cal DOJ will work with ISAB to conduct further analysis and determine what modifications to existing systems are needed to improve the reporting of arrest dispositions so that information is complete, accurate and timely.

A motion was made to approve the ISAB Semi-Annual Report for submission to the County Board of Supervisors.

ACTION: The motion to approve the ISAB Semi-Annual Report for submission to the County Board of Supervisors was seconded and approved without objection.

VI. TASKFORCE FOR REGIONAL AUTO THEFT PREVENTION (TRAP)
 Captain Anthony Ward, Sheriff's Department

Given the length of this meeting, it was agreed that the update on the Taskforce for Regional Autotheft Prevention (TRAP) will be presented at the next CCJCC meeting on Wednesday, September 7, 2011.

VII. OTHER MATTERS/PUBLIC COMMENT

There were no additional matters or public comments.

VIII. ADJOURNMENT

The meeting was adjourned at 1:20 p.m.