

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE June 17, 2015 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

Calvin Aubrey, Chief, Southern Division, California Highway Patrol

Ronald Brown, County Public Defender

*Brian Buchner for Eric Garcetti, Mayor, City of Los Angeles

Daniel Calleros, President, Southeast Police Chiefs Association

Peter Espinoza, Judge, Los Angeles Superior Court

Walter Flores for Ramon Cortines, Superintendent, Los Angeles Unified School District

Janice Fukai, County Alternate Public Defender

Scott Gordon, Assistant Supervising Judge, Criminal Division, Superior Court

Scott Gordon for James Brandlin, Supervising Judge, Criminal Division, Superior Court

Christa Hohmann, Directing Attorney, Post Conviction Assistance Center

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

Mark Matsuda, President, South Bay Police Chiefs Association

Terri McDonald for Jim McDonnell, Sheriff

Emilio Mendoza for Philip Browning, Director, County Department of Children and
Family Services

Don Meredith for Cyn Yamashiro, President, County Probation Commission

Mary Molitor for Mike Feuer, Los Angeles City Attorney

William Montgomery for James Jones, Director, County Internal Services Department

Fred Nazarbegian for Richard Sanchez, County Chief Information Officer

Earl Paysinger for Charlie Beck, Chief, Los Angeles Police Department

Margarita Perez for Jerry Powers, County Chief Probation Officer

Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program

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

*Steven Reyes for Cynthia Harding, Acting Director, County Department of Public
Health

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

Annemarie Sauer for Miguel Santana, Los Angeles City Chief Administrative Officer

Robin Toma, Executive Director, County Human Relations Commission

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

Mark Waronek, Executive Board Member, California Contract Cities Association

Mary Wickham, Interim County Counsel

*Ed Winter for Mark Fajardo, County Coroner – Medical Examiner

Lance Winters for Kamala Harris, California Attorney General

***Not a designated alternate**

I. CALL TO ORDER / INTRODUCTIONS

Mayor Michael Antonovich, County Supervisor, Fifth District

The meeting was called to order at 12:05 p.m. by Mayor Michael Antonovich, Chair of CCJCC.

Mayor Antonovich introduced Mary Wickham. Ms. Wickham was recently appointed to the position of Interim County Counsel.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Mayor Michael Antonovich, County Supervisor, Fifth District

There were no requests for revisions to the minutes of the April 15, 2015 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the April 15, 2015 meeting was seconded and approved without objection.

III. CRIME STATISTICS UPDATES

Assistant Chief Early Paysinger, Los Angeles Police Department

Assistant Sheriff Michael Rothans, Sheriff's Department

Assistant Chief Earl Paysinger of the Los Angeles Police Department (LAPD) and Assistant Sheriff Michael Rothans of the Los Angeles County Sheriff's Department provided an update on crime statistics and trends.

Los Angeles Police Department (LAPD)

There has been a 12.8% increase in Part 1 crimes in the City of Los Angeles since the beginning of the year. Assistant Chief Paysinger reported that there are few Part 1 crimes, other than homicides, where there has been a decrease. He noted that rapes, robberies, aggravated assaults, burglaries, motor vehicle thefts, and personal thefts have all increased this year.

In contrast, there had been a slight reduction in crime in 2014 in comparison to 2013 (51 fewer crimes).

It is too early to conclude that the increase in crime this year is due to the passage of Proposition 47 last November or the continuing implementation of AB 109. A more thorough analysis is needed before a determination can be made.

Assistant Chief Paysinger discussed community and youth outreach campaigns that are focused on reducing crime in neighborhoods. To date, there are about 30,000 young people involved in various LAPD sponsored youth programs. This and other outreach efforts serve to educate local communities as well as empower them to address crime problems in their areas.

About 83% of Part 1 crimes in the city are property crimes, such as auto thefts, personal thefts, and residential burglaries. These are the types of crimes in which local residents can have a role in crime control and ensuring that their neighborhoods are safe.

Los Angeles County Sheriff's Department (LASD)

Crime has also increased in the areas of the county patrolled by the Sheriff's Department. There has been a 6.5% increase overall in 2015, with violent crime up almost 4% and property crime up 7%. Crime rates have risen in the jurisdictions of 20 of the 23 Sheriff's stations, as well as in almost every crime category.

Assistant Sheriff Rothans noted that the increase in violent crime is largely being driven by the number of reported rapes, which have gone up by about 40%. A significant reason for this is a reclassification by the Federal Bureau of Investigation (FBI) and Federal Department of Justice (DOJ) of what constitutes rape. For example, the felony sexual assaults of sodomy and oral copulation are now recorded in the crime category of rape.

The increase in the number of property crimes is due in large part to the increase in auto thefts, which are up nearly 18%. Nearly all 23 Sheriff's stations have reported an increase in incidents of grand theft auto.

Prior to the passage of Proposition 47 last November, the population of the County Jail was around 19,000. This total fell to about 15,000 within two months after the new law went into effect. This allowed the Sheriff's Department to increase the percentage of time served by inmates, which in turn resulted in the population rising back up to about 18,000. The jail population has subsequently remained steady at that level.

Throughout the County of Los Angeles, including all cities and unincorporated areas, there were 28,623 arrests made on Proposition 47-related charges from November 5, 2014 through June 5, 2015 (the first eight months of this law). Of those arrests, 8,390 individuals subsequently committed additional offenses and were arrested again. This resulted in 15,754 additional crimes that range from minor to serious offenses.

While it is unknown how the cases would have been resolved if the Proposition 47-related charges had still been felonies, there is a concern that some of the offenders now have an opportunity to quickly reoffend as a result of being charged with a misdemeanor instead of a felony.

Another concern is that, prior to the passage of Proposition 47, the 28,623 arrests would have required the arrestees to provide a DNA sample. Now, because they were charged with misdemeanors, there were no DNA collections. This could potentially result in future crimes going unsolved.

Further, it has been found that there has been a decrease in the number of individuals entering Drug Court and community-based treatment programs, which may be due to a reduced incentive for individuals to choose treatment over sentencing.

Assistant Sheriff Rothans noted that there has not been an empirical study showing the effects of Proposition 47 on the criminal justice system, but the numbers so far suggest that there has been some impact. He added that neighboring counties have also reported an increase in crime rates.

Assistant Chief Margarita Perez of the Los Angeles County Probation Department suggested that this committee may wish to commission an evaluation of the impact of Proposition 47 after it has been in place for a year. A vendor could be selected from the Master Services Agreement list. She added that this evaluation could assist local governments and law enforcement agencies in determining how best to modify efforts and utilize resources moving forward.

A public comment was made by Mr. Joseph Maizlish.

ACTION: For information only.

IV. ICE 287(g) AND PRIORITY ENFORCEMENT PROGRAMS

Commander Jody Sharp, Custody Services Division, Sheriff's Department

Commander Jody Sharp of the Sheriff's Department appeared before CCJCC to provide a briefing on actions taken by the Board of Supervisors related to the 287(g) program and the Priority Enforcement Program (PEP), as well as update the committee on the development of policies and procedures related to PEP. Commander Sharp oversees the Population Management Bureau and the Inmate Reception Center (IRC).

On May 12, 2015, the Board voted to discontinue the 287(g) program, which had been in place in the County of Los Angeles since 2005. This program had allowed U.S. Immigration and Customs Enforcement (ICE) agents to operate in the County's jails in order to identify inmates that are deportable. In addition, the 287(g) program had trained and deputized five custody assistants to work as ICE agents within the jail system.

The Board also passed a separate motion expressing its support for a new initiative from ICE known as the Priority Enforcement Program (PEP). The Board requested that the Sheriff's Department continue cooperating with the U.S. Department of Homeland Security in implementing PEP. The Sheriff's Department was also asked to report back

to the Board in 90 days with clearly defined policies, practices, and procedures relating to this cooperation.

Following the Board's actions on May 12th, ICE agents vacated their offices in the release area of IRC and no longer have Federal computers onsite. When ICE agents are working on the premises, which they are allowed to do, they can utilize the offices as well as Sheriff's Department computers and telephones.

The five custody assistants that were participating in the 287(g) program were absorbed back into line operations at IRC or the Population Management Bureau.

PEP has been in place in the jails for about a month. Policies and procedures are still evolving at this time as best practices are being developed.

One notable difference between PEP and 287(g) is that PEP does not include detainer requests in which ICE asks a local law enforcement agency to detain an individual so that ICE can take custody. Instead, under PEP, law enforcement agencies notify ICE when an individual meets the criteria for ICE to come and take custody of the individual.

Pacific Enforcement Resource Center (PERC) detainers have replaced the previous detainers used with the 287(g) program. As with the previous detainers, PERC detainers are automatically flagged when an inmate is booked. This is done through biometrics and fingerprints.

The PERC detainers are different than the previous detainers in that only those crimes that are serious and violent, and/or can jeopardize the safety of the nation, are to be flagged on inmates when they are arrested.

When the PERC detainer is flagged on an individual who is brought in, it is automatically placed in the detainee's file jacket; however, it is no longer flagged on a computer as was the previous practice. The result is that Sheriff's personnel do not know about the PERC detainer until the inmate is being released.

Currently, ICE agents are given a daily list of all inmates that are going to be released in the next seven days. This differs from the 287(g) program in which ICE agents could speak with any inmate that came through the release area. If the inmate met the qualifying criteria, then ICE agents would take custody of the inmate.

Another change is that now ICE agents can only arrange to interview those inmates that have been convicted on their current charge. ICE agents are also no longer permitted to take the detainee's file jacket to do their work. They are allowed to review the file and look in it, but they cannot take possession of it.

If an inmate being released meets the criteria for ICE to take custody of the person, ICE must arrange to have transportation immediately available. The inmate will not be held any longer than the time required to process the person for release.

Commander Sharp stated that the Sheriff's Department is working with the community and criminal justice partners to balance public safety issues with community trust. She noted that a town hall meeting has been held and another is scheduled.

The Trust Act, which is a list of criteria that qualifies an inmate for ICE custody, went into effect in January 2014. To date, 66 crimes have been identified for consideration to be removed from the Trust Act criteria. No decision on this has yet been made, and the Sheriff's Department will be seeking community input.

The Sheriff's Department is also working with the community on the question of what impact criminal history has in determining whether an individual qualifies for being taken into ICE custody.

Since the Board's actions on May 12th, a total of 86 inmates have been transferred to ICE custody under the new program.

David Marin from ICE addressed the committee and noted that Sheriff McDonnell and Federal officials will be available at the upcoming town hall meeting to address any questions or concerns regarding PEP. He thanked Mayor Antonovich for his continued support of cooperative efforts between the County and ICE.

ACTION: For information only.

V. LASD CIVILIAN OVERSIGHT COMMISSION WORKING GROUP

Dean Hansell, Chair, Civilian Oversight Commission Working Group

Dean Hansell, Chair of the Sheriff's Department Civilian Oversight Commission Working Group, appeared before CCJCC to brief the committee on the Working Group's planned report to the Board of Supervisors.

On December 9, 2014, the Board of Supervisors created a Working Group for the Sheriff's Department Civilian Oversight Commission. The Working Group was instructed to make recommendations to the Board regarding the oversight commission's mission, authority, size, structure, relationship to the Office of the Sheriff and to the Office of the Inspector General, and appointment options.

The Working Group consists of seven members (one per each Supervisor, one representative from the Sheriff, and the Inspector General). Numerous decisions were required to be made and, with the exception of two items, the group was united in its conclusions.

Mr. Hansell stated that the report and recommendations for the creation of the Civilian Oversight Commission will likely be presented to the Board within the next month. A link to the draft of the proposal was sent to CCJCC members.

The Sheriff's Department Civilian Oversight Commission would be different than the LAPD Police Commission in that the Police Commission is the civilian head of the LAPD, while the Sheriff is independently elected. The structure of the Civilian Oversight Commission will therefore be different. For example, the Working Group's report often refers to the Commission's responsibilities rather than its powers.

The draft report recommends the following eight responsibilities for the Commission:

1. Review, analyze, where appropriate solicit public input, and make recommendations to the Board of Supervisors and the Sheriff on Sheriff's Department (LASD) operational policies and procedures affecting the community, or make recommendations to create additional operational policies and procedures affecting the community and request a response. Normally the Commission shall seek the input of the Sheriff before completing its recommendations.
2. Investigate, analyze, solicit input, and make recommendations to the Board of Supervisors and the Sheriff on systemic LASD-related issues or complaints affecting the community. Normally the Commission shall seek the input of the Sheriff before completing its recommendations.
3. Review, at its discretion, or upon request from the Board of Supervisors or the Sheriff, policy recommendations to the Sheriff made by official entities sanctioned by the Board of Supervisors or the Sheriff or recommendations made in other reports that in the judgment of the Commission merit its analysis, and report to the Sheriff and the Board of Supervisors whether or not the recommendation should be implemented by the Board of Supervisors or Sheriff or if the recommendation is being implemented, the status of the implementation. The Oversight Commission reports shall contain an analysis supporting its recommendations and normally shall seek the input of the Sheriff before completing or publishing its reports.
4. Upon request of the Board of Supervisors and the Sheriff, the Commission or any of its members may serve as the monitor and assess the implementation of settlement provisions in litigation.
5. Function as a liaison, or at the request of the groups or organizations involved, serve as a mediator to help resolve on-going disputes between the LASD and members of the community, or organizations within Los Angeles County.
6. Without interfering with the Sheriff's investigative functions, obtain community input and feedback on specific incidents involving use of force, detention conditions, or other civil rights concerns regarding the LASD and convey to the Sheriff and the Board of Supervisors community complaints, concerns, or positive feedback and, where appropriate, make recommendations.

7. Work with and assist the Office of the Inspector General (OIG) in soliciting community input and feedback on issues under investigation by the OIG.
8. Function as a bridge between the Sheriff's Department and the community by providing the community an additional means of giving input to the LASD, obtaining answers from the LASD to community concerns about LASD operations, practices, and activities, bring an additional perspective to LASD decision-making to ensure an on-going balance between the sometimes competing factors of ensuring public safety and constitutional, civil, and human rights, and communicate community concerns to the LASD that otherwise might not be as clear or might go unnoticed.

Mr. Hansell noted that much of the proposal addresses the mechanics of the Commission, such as terms of office, how vacancies are filled, staffing issues, questions about self-governance, compensation, etc.

Additionally, with significant input from the Inspector General, the Working Group is proposing that the existing Inspector General ordinance be modified to address certain ambiguities. For example, vendors that the Sheriff's Department hires for work in the jails are not addressed by the ordinance.

The Working Group is calling for a Memorandum Of Understanding (MOU) between the Sheriff's Department and the Civilian Oversight Commission. This may involve broadening an MOU between the Inspector General and the Sheriff's Department to include the Commission. An issue that will need to be resolved is whether the Commission should have subpoena power.

Efforts have been made to identify areas of duplication between the work of the Commission and other entities in the county. The report to the Board will address this and include recommendations.

One issue that was discussed but not included in any recommendations by the Working Group is that of the inmate welfare fund, which was created by state statute and is administered by the Sheriff's Department. The fund is limited to expenditures for inmate welfare, but this can raise questions as to what falls within that definition.

Robin Toma, Executive Director of the County Human Relations Commission, inquired as to the timeline for this report being presented to the Board. Mr. Hansell stated that the Working Group is very close to being ready and is hoping to have the final report on the Board's Agenda sometime in July. There is consensus on the actual ordinance and on the report, and there are just a few supplemental documents that will likely be completed in the next couple of days.

The Working Group has created a public website that contains a chronicle of its work. This can be accessed at the following link: www.lacounty.gov/sheriff-oversight.

A public comment was made by Mr. Joseph Maizlish.

ACTION: For information only.

VI. OTHER MATTERS / PUBLIC COMMENT

There were no public comments.

VII. ADJOURNMENT

The meeting was adjourned at 12:45 p.m.