

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE SEPTEMBER 7, 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

Richard Barrantes for Paul Tanaka, Undersheriff

Donald Blevins, County Chief Probation Officer

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

Marv Cavanaugh for Lee Baca, Sheriff and Vice Chair of CCJCC

*Dardy Chen for William Fujioka, County Chief Executive Officer

Susan Cichy for John Clarke, Superior Court Executive Officer

Steve Cooley, District Attorney

Paul Cooper, President, San Gabriel Valley Police Chiefs Association

Xiomara Flores-Holguin for Philip Browning, 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

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

Anthony Hernandez, Director, County Department of Coroner

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

Tim Jackman, President, Los Angeles County Police Chiefs Association

Joe Leonardi, President, South Bay Police Chiefs Association

George Lomeli, Assistant Supervising Judge, Criminal, Superior Court

George Lomeli for Patricia Schnegg, Supervising Judge, Criminal, Superior Court

*David Marin for Timothy Robbins, Field Office Director, U.S. Immigration and Customs Enforcement

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

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

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

Andrea Ordin, County Counsel

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

Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner

Stanley Shimotsu for Ronald Brown, County Public Defender

Cheri Thomas for John Deasy, Superintendent, Los Angeles Unified School District

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
*Ruth Wong for William Sullivan, Chair, County Quality & Productivity Commission

*Not a designated alternate

MEMBERS NOT PRESENT OR REPRESENTED

Andre Birotte, U.S. Attorney
Michelle Carey, Chief U.S. Probation Officer
Matthew Cate, Secretary, California Department of Corrections and Rehabilitation
Betty Chu, Director, Independent Cities Association
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
Kamala Harris, California Attorney General
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
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
David Singer, United States Marshal
Marvin Southard, Director, County Department of Mental Health
Mike Webb, County Prosecutors Association
David Wesley, Assistant Presiding Judge, Superior Court

CCJCC STAFF

Mark Delgado, Executive Director
Cynthia Machen
Craig Marin

GUESTS/OTHERS

Kenna Ackley, County Chief Executive Office
Reaver Bingham, Probation Department
Michael Colton, U.S. Drug Enforcement Administration
Richard Fajardo, Second District, County Board of Supervisors
John Hall, District Attorney's Office
David Lindsey, LAPD

Cookie Lommel, Local 685
Shaun Mathers, Sheriff's Department
Ralph Miller, Local 685
John Neu, Chief, Torrance Police Department
Anna Pembedjian, Fifth District, County Board of Supervisors
Marguerite Rizzo, District Attorney's Office
John Ruegg, Information Systems Advisory Body
Devallis Rutledge, District Attorney's Office
Gary Schram, Los Angeles City Attorney's Office
Scott Stickney, Probation Department
Quincy Thacker, California Department of Corrections and Rehabilitation
Gordon Trask, County Counsel's Office
Kevin Unland, Sheriff's Department
Anselmo Valencia, Sheriff's Department
Anthony Ward, Sheriff's Department

I. CONVENE/INTRODUCTIONS

Mayor Michael Antonovich, County Supervisor, Fifth District

The meeting was called to order at 12:00 p.m. by Mayor Michael Antonovich, Chair of CCJCC.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Mayor Michael Antonovich, County Supervisor, Fifth District

There was one request for a change in the minutes of the July 6, 2011 meeting:

Betty Chu should be listed as Director, Independent Cities Association, not President.

ACTION: The motion to approve the minutes of the July 6, 2011 meeting, as amended, was seconded and approved without objection.

III. DNA TASK FORCE

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 a recent State Appellate Court case that impacts the collection of DNA samples.

The DNA Task Force was created as a standing subcommittee of CCJCC in April 2008. The task force aims to coordinate responses to DNA-related issues among prosecution, law enforcement, and crime lab staff. The task force also assumed the responsibilities

of CCJCC's Proposition 69 Implementation Task Force, which occurred in 2009 once that law's implementation was fully underway.

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.

The DNA Fingerprint, Unsolved Crime and Innocence Protection Act (Proposition 69), which passed in November 2004, expanded the collection of DNA samples to all convicted felons and from adults and juveniles arrested for or charged with specified crimes. In January 2009, the law broadened DNA sample collection to include all felony arrestees. Since then, all law enforcement agencies in the county have been collecting at arrest according to the law.

On August 4, 2011, the California Court of Appeal, First Appellate District, issued a decision in the case of *People v. Buza*. This held that the collection of arrestee DNA samples for database purposes, "without independent suspicion, a warrant or...a judicial or grand jury determination of probable cause," violates Fourth Amendment protections against unreasonable search and seizure.

Ms. Rizzo reported that the ruling indicates that collection of a felony arrestee's DNA sample may be permissible if it follows the initial judicial determination of probable cause that must take place within 48 hours of a warrantless arrest, i.e., at or near the time of arraignment.

The *Buza* decision does not impact collections from convicted felony offenders (and misdemeanor offenders with felony priors) serving jail sentences, qualified probationers, parolees, or registered sex and arson offenders, all of whom remain subject to state law mandates.

Buza is a published decision and represents citable legal authority, binding upon all California trial courts.

The California Attorney General has filed a petition for review in the California Supreme Court. If the Supreme Court grants review, the current opinion in *Buza* will be depublished and lose precedential value as of the day review is granted. The California Supreme Court will typically decide whether to grant review within 60 to 90 days of the filing of a petition for review.

Chief Neu noted that, while the final legal outcome is pending, collections have already been impacted. The county had been collecting approximately 5,000 samples per month this year. However, in August, this total dropped to 3,100 samples, which is nearly a 40% reduction.

Chief Richard Barrantes of the Sheriff's Department stated that felony arrestees' DNA samples are being taken following the receipt of an approved Probable Cause Determination (PCD).

The DNA Task Force will work with the Sheriff's Department in monitoring collections, as well as facilitating information sharing on collection practices, in response to the Appellate Court's decision. The task force will also continue to keep CCJCC updated on this matter in the months to come.

ACTION: For information only.

IV. TASKFORCE FOR REGIONAL AUTOTHEFT PREVENTION (TRAP)

Captain Anthony Ward, Sheriff's Department

Captain Anthony Ward of the Los Angeles County Sheriff's Department appeared before CCJCC to present the Taskforce for Regional Autotheft Prevention (TRAP) progress report.

The mission of TRAP is to reduce the number of auto thefts, increase the recovery rate of stolen automobiles, identify trends and patterns of vehicle theft, provide training and expertise to participating law enforcement agencies, and coordinate a deterrence program with the private sector.

TRAP consists of representatives from various law enforcement agencies throughout the county. Partnerships have also been formed with other government and private organizations.

Captain Ward reported that TRAP has begun to undertake geographic based investigations in which there is an enhanced focus on particular regions. With geographic based investigations, TRAP investigators work with local law enforcement to address problems of regional autotheft activity.

TRAP's activities in geographic based investigations include the use of search warrants, parole searches, probation searches, V.C. 2805 business inspections¹, due diligence/warrant sweeps, statistical analysis, identification of crime patterns, and bait car operations.

From November 2010 through April 2011, TRAP focused its efforts in the City of Pomona. The location was chosen following an increase in autothefts in the area.

The result of this effort was that vehicle thefts in Pomona decreased 37% from December 1, 2010 through March 31, 2011. During this time period, there were 28

¹ Vehicle Code (V.C.) Section 2805 allows full-time auto theft investigators to inspect auto dismantling yards, repair and body shops, and other auto dealerships to determine if they are illegally chopping vehicles or are otherwise involved in fraud.

arrests, 12 criminal filings (16 individuals had parole violations), and 24 recoveries. The total value of the recoveries was \$128,500.

A report on the law enforcement actions was provided to the Chief of Police of the City of Pomona, along with recommendations.

TRAP has been participating in a reality television show entitled *Bait Car*. Filming for Season 3 began on June 3, 2011 and was completed on August 15, 2011. The vehicle was dropped 763 times throughout the county, which resulted in a total of 47 arrests.

Los Angeles County District Attorney Steve Cooley suggested that TRAP may wish to consider staggering the use of the bait car given that the success rate declines once information spreads about its use.

Deputy Chief Michael Moore of the LAPD added that his department has had a similar experience with the use of bait cars and that many strategies are available to law enforcement to deter autothefts.

ACTION: For information only.

V. PUBLIC SAFETY REALIGNMENT IMPLEMENTATION

Don Blevins, Chief Probation Officer

Chief Probation Officer Donald Blevins appeared before CCJCC to provide an update on public safety realignment implementation.

As a review, Assembly Bills 109 and 117 (AB 109/117) take effect October 1, 2011, and realign three major areas of the criminal justice system. On a prospective basis, the legislation:

- Modifies parole statutes and creates local Postrelease Community Supervision (PCS) for criminal offenders released from prison after having served a sentence for a non-violent, non-serious, non-sex offense. The County Board of Supervisors has designated the Probation Department as the lead agency for supervision of the PCS population.
- Establishes local jail custody for specified non-violent, non-serious, non-sex offenders (N3's) who were previously subject to prison sentences.
- Shifts the revocation process for parolees to the county court system over a two-phase, two-year process.

The legislation also established that local Community Corrections Partnerships (CCP's) would develop an implementation plan to be submitted to their respective County Board of Supervisors. The Chief Probation Officer serves as the chairperson of the CCP.

The Los Angeles County CCP and associated working groups have worked over the past three months to develop a plan that presents a broad framework by which the local

criminal justice system will implement realignment. Following action taken at the Board of Supervisors meeting on Tuesday, September 6, 2011, that plan is now officially adopted.

Chief Blevins reviewed a flowchart depicting the case management process for supervision of the PCS population. This consists of the following steps:

1. State CDCR sends a pre-release packet;
2. The Probation Department's Pre-Release Center (with co-located staff from DMH) receives the packet;
3. Eligibility Screening;
4. Probation sends additional conditions and reporting instructions back to CDCR;
5. CDCR secures signature on the PCS Agreement Form;
6. Postrelease Supervised Person (PSP) is released with \$200;
7. The PSP has two business days to appear to the assigned location;
8. HUB/Probation Office: Orientation, HUB: Behavioral Health Screening;
9. Screening, Intake and Assessment;
10. Risk Level Determination;
11. PSP Supervision & Monitoring; and
12. PSP completes the program.

Staff from both the Probation Department and the Department of Mental Health are reviewing pre-release packets that have been received from CDCR. Where questions arise, CDCR staff are contacted.

One option that the Probation Department has in supervising the PCS population is flash incarceration. This allows the individual to be incarcerated in local custody for up to ten days for violations.

The Sheriff's Department is exploring several options for increasing available bed space. One or more of these options can be exercised at any time to manage the jail population:

- Community Based Alternatives to Custody (CBAC) process
- Open New Beds
- L.A. County Fire Camps
- Community Corrections Facility (CCF)

It is expected that 7,000 to 8,000 individuals will be released to PCS in Los Angeles County the first year. The number of individuals that will be sentenced locally as opposed to being sent to state prison will be about 8,000 per year.

A block grant from the state will provide approximately \$112.5 million to the county to fund realignment up through the end of June 2012. This funding has only been guaranteed for the first year.

Robert Philibosian of the County Economy and Efficiency Commission inquired as to how many extra beds are currently available in the county jail and how much realignment will cost the county above that which is being funded by the state.

Assistant Sheriff Marv Cavanaugh stated that 4,600 beds are currently available in the county jail. Staffing will be provided through the realignment funding for this fiscal year. Chief Blevins advised that the total cost above the state funding is unknown at this time. The cost associated with treatment, particularly mental health treatment, can potentially be substantial.

The number of additional Sheriff's Department deputies that will be hired will range from 250 to 300. The number of additional probation officers that will be hired for supervision will be about 130, although this may ultimately peak at 250.

Mr. Cooley noted that, given the normal rate of sentencing, the county jail will be filled 11 weeks after realignment implementation on October 1, 2011. At that point, early release and alternative incarceration strategies will need to be utilized if additional bed space is not obtained.

Approximately \$18 million will be utilized for treatment services in the first 9 months. Of this amount, \$6 million will go to the Department of Mental Health, \$6 million will go to the Department of Public Health, and the other \$6 million will go to Community-Based Organizations (CBO's).

A shared database is being developed that will keep local law enforcement agencies informed on the PCS population and probationers that are living in each community. It is expected that this information will ultimately be available in patrol cars so that officers in the field will have this information.

Chief Blevins stated that the Probation Department will be working closely with local law enforcement in apprehending absconders and other PCS violators. In addition, probation officers may be stationed at some police stations part time to help coordinate and provide information.

Reaver Bingham of the Probation Department stated that the Probation Department has an information center that law enforcement agencies can contact, but it does not operate 24 hours a day. Individuals who can take emergency calls may be made available for after hours.

Mr. Cooley asked about ongoing oversight of realignment implementation. Chief Blevins stated that the Board of Supervisors passed a motion that would have the CCJCC Public Safety Realignment Team, which was created by the Board of Supervisors in February 2011, be responsible for ongoing coordination and monitoring of realignment implementation. The CCP will be addressing this at its meeting on Thursday, September 8, 2011.

Anna Pembedjian, Justice Deputy for the Fifth District, County Board of Supervisors, reported that the state has not yet released its guidelines for disbursement of funds. Until this happens, the County Auditor-Controller's Office does not have the ability to disburse the funding.

Mayor Antonovich expressed his view that the news media has failed to adequately inform the public about the negative consequences of realignment legislation.

Mayor Antonovich requested that Chief Blevins meet with the County Police Chiefs Association at their next meeting so that he can answer questions that they may have concerning the implementation of realignment legislation. Chief Blevins agreed to do this.

ACTION: For information only.

VI. OTHER MATTERS/PUBLIC COMMENT

Dr. Lakshmanan Sathyavagiswaran, Chief Medical Examiner – Los Angeles County Coroner, reported that the Department of Coroner is hosting a forensics training conference on October 20-21, 2011, at the Beverly Garland Holiday Inn in North Hollywood. A pre-conference SIDS Summit will be held on October 19, 2011.

The title of this conference is "Cradle to Grave: Investigation of Preventable Deaths." Topics included in this year's conference include: Death in Unlicensed Alcohol Rehabilitation Facilities, CSI Scuba – Why Scuba Divers Die, Deaths At Sea, Post Procedure Deaths, Child Abuse Deaths, and Preventing a Breakdown in Government-Fatality Management in a Mass Disaster.

For more information, please visit <http://coroner.lacounty.gov>.

VII. ADJOURNMENT

The meeting was adjourned at 1:00 p.m.