

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE February 16, 2005 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS PRESENT

Michael Judge, Acting Chair
Cynthia Banks
Janice Fukai
Jaclyn Tilley Hill
Dave Lambertson
Richard Propster
Lakshmanan Sathyavagiswaran
David Singer
Joyce Streater
Dennis Tafoya
Michael Tynan
David Wesley

ALTERNATES

Tony Beliz for Marvin Southard*
Earl Bradley for John Fullinwider
Ed Brekke for Jack Clarke
Ed Brekke Alice Hill*
Brian Center for Gloria Molina
John D'Angelo for John Torres*
David Davies for Paul Higa
Pamela Hamanaka for Bill Lockyer
Tom Kelly for Stephen Delgado*
John Lounsberry for David Janssen*
Larry Mason for Steve Cooley
Jim McDonnell for William Bratton
William Nash for Margaret York*
Patrick Ogawa for Thomas Garthwaite
Buren Simmons for Roy Romer
Marty Vranicar for Rockard Delgadillo*
Larry Waldie for Leroy Baca*
David Wesley for William MacLaughlin*
*Not a designated alternate

MEMBERS NOT PRESENT OR REPRESENTED

Michael Brown, California Highway Patrol
Ray Fortner, County Counsel
William Fujioka, Administrative and Research Services
Richard Garcia, Federal Bureau of Investigations
James Hahn, Mayor, City of Los Angeles
Anthony Hernandez, Department of Coroner
David Hinig, San Gabriel Police Chiefs' Association
Mary Thornton House, Judge, Superior Court
Jack Hunt, Judge, Superior Court
Ronald Iden, Federal Bureau of Investigations
Jay Imperial, League of California Cities
Thomas Jackson, California Contract Cities
Andrew Kauffman, Judge, Superior Court
Cindy Miscikowski, Los Angeles City Council
Michael Nash, Judge, Superior Court
Manny Ortega, Southeast Police Chiefs' Association
Stephen Port, South Bay Chiefs' Association
Diane Robles, County Office of Education

David Sanders, Department of Children and Family Services
Thomas Schiltgen, Bureau of Immigration and Customs Enforcement
Maria Stratton, Federal Public Defender
Robin Toma, County Human Relations Commission
Debra Yang, U.S. Attorney

STAFF

Peggy Shuttleworth, Executive Director
Vincent Holmes
Cynthia Machen
Craig Marin
Pat Zabaró

GUESTS/OTHERS

Clayton Anderson, Quality and Productivity Commission
Kenneth Brazile, Sheriff's Department
Carol Clem, Public Defender's Office
Rudy Diaz, Judge, Superior Court
Peter Espinoza, Judge, Superior Court
Karl Henry, Indigent Criminal Defense Appointment Program
Noble Kennamer, ISAB
Devallis Rutledge, District Attorney's Office
Kimberly Wong, Public Defender's Office

I. CONVENE / INTRODUCTIONS – Michael Judge

The meeting was called to order at 12:00 p.m. by Los Angeles County Public Defender Michael Judge, Acting Chair of this meeting.

Mr. Judge announced that Steven Delgado is the new Special Agent-In-Charge in this region for the Drug Enforcement Administration (DEA). Therefore, he is the new DEA representative to CCJCC. He is represented at the meeting today by Tom Kelly.

Additionally, Chief David Singer of the Whittier Police Department was introduced as the Chair of the County Police Chiefs' Association (PCA), and he will be representing the PCA this year at the CCJCC meetings.

Self-introductions of members and guests followed.

II. REVIEW / APPROVAL OF MINUTES – Michael Judge

There were no requests for revisions to the Minutes of the meeting on January 19, 2005. A Motion was made to approve the Minutes.

ACTION: The Motion to approve the Minutes of the January 19, 2005 meeting was seconded and approved without objection.

III. DRUG COURT REPORT – Rudy Diaz

FY 2003/2004

Judge Rudy Diaz of the Superior Court is the Chair of the Drug Court Oversight Committee, which is a standing subcommittee of CCJCC. Judge Diaz made a presentation at this meeting on the Drug Court Report for Fiscal Year 2003/2004.

The first drug court program in Los Angeles County began in 1994. Currently, there are twelve Community Drug Court programs operating in the County, along with one Sentenced Offender Drug Court (SODC) and two Juvenile Drug Court programs.

In the years from 1994 to the present, over 7,200 individuals have participated in treatment offered through the drug courts. In addition, 2,814 individuals have graduated from Community Drug Court programs, 191 have graduated from the SODC program, and 105 have completed the Juvenile Drug Court programs.

For Fiscal Year 2003/2004, Drug Court admissions and graduations appear to be stabilizing for the first time since the implementation of Proposition 36 (enacted in 2001). New admissions during that fiscal year totaled 1,221 for the Community Drug Courts, 113 for SODC, and 39 for the Sylmar Juvenile Drug Court (the number of new admissions for the Eastlake Juvenile Drug Court is not yet available).

The number of graduates during Fiscal Year 2003/2004 totaled 449 for the Community Drug Courts, 58 for SODC, 26 for the Sylmar Juvenile Drug Court, and 4 for the Eastlake Juvenile Drug Court.

Currently, there are approximately 1,000 participants in the Community Drug Courts, 100 in SODC, and 55 in the Sylmar Juvenile Drug Court (the number of juveniles enrolled in the Eastlake Juvenile Drug Court is not yet available).

There has been a slight increase in the recidivism rate among Community Drug Court graduates. Overall, of the 2,814 graduates between June 1995 and June 2004, the recidivism rate is about 29%, which is an increase of 4% from the previous Drug Court Report.

One possible explanation for this increase in recidivism is the change in Drug Court participants that has resulted from the implementation of Proposition 36. Due to the fact that treatment programs under Proposition 36 use a less stringent mode of treatment than the Drug Court programs, many individuals with less serious addiction problems have been diverted to Proposition 36. This has left the Drug Court programs with the most severely addicted clientele. Additionally, Drug Court programs will sometimes take defendants that have already failed treatment under Proposition 36.

It was noted that, collectively, the highest percentage of recidivism occurs within the first year following graduation. Based on efforts implemented last year, the first year recidivism rate has been reduced by 50% over the previous year.

Training for the County's Drug Court teams was provided with funding provided by the California Administrative Office of the Courts (AOC). In collaboration with the UCLA Integrated Substance Abuse Program, one full-day training conference was held for Adult Drug Court teams and a second was held for Juvenile Drug Court teams.

The AOC funding was also used to co-sponsor the Third Annual Statewide Conference on Co-Occurring Disorders. This was held on June 21st and 22nd, 2004, at the Long Beach Convention Center.

Judge Diaz thanked the County Board of Supervisors for its continuing support of the Drug Court programs.

The National Association of Drug Court Professionals has recognized May as Drug Court Month. Therefore, in conjunction with this, a Motion was made to request that the County Board of Supervisors proclaim May as Drug Court Month.

ACTION: The Motion to request that the County Board of Supervisors proclaim May as Drug Court Month was seconded and approved without opposition.

A Motion was next made to approve the Drug Court Report for submission to the County Board of Supervisors.

ACTION: The Motion to approve the Drug Court Report for submission to the County Board of Supervisors was seconded and approved without opposition.

IV. ASSEMBLY BILL 35 REGARDING MEGAN'S LAW – John Lounsberry

California Assembly Bill 35 (AB 35) would amend Megan's Law by increasing the amount of information on registered sex offenders that is available on the Internet. Specifically, in addition to the offender's home address (already listed under current law), the bill would list the address of his or her employer, as well as the make, model and license plate number of the person's vehicle.

AB 35 would also eliminate the classification of sex offenders based upon the severity of the offense. This would result in adding individuals who were convicted of certain misdemeanor sex offenses.

John Lounsberry of the County Chief Administrative Office (CAO) brought this bill to the attention of CCJCC to receive input from members on the arguments for and against this bill.

The County Board of Supervisors' current position is to support any bill that increases the amount of information available on the Internet under Megan's Law. However, as there are some County Departments that disagree with this position, the CAO will ask the Board of Supervisors to take a specific position on AB 35.

The County Sheriff's Department is on record as supporting AB 35, and the County Public Defender's Office is on record as opposing it.

Supporters of this bill argue that it would increase the general public's knowledge of the whereabouts of sex offenders, and provide more information to the communities where sex offenders are living and working.

Opponents of this bill argue that it would punish the employers by stigmatizing them, and this will in turn make it more difficult for convicted sex offenders to make a living and remain law-abiding.

Janice Fukai, County Alternate Public Defender, stated that the Office of the Alternate Public Defender will also take a formal position against AB 35. She concurred with the position that this bill would punish employers by making them vulnerable to boycotts, and this would cause them to be less willing to hire sex offenders. If sex offenders are unable to make an honest living, then they will be condemned to either a lifetime on public assistance or a life of criminal activity.

Kimberly Wong of the Public Defender's Office elaborated on the concerns of the Public Defender's Office. One drawback of the bill is the possibility of vigilantism. This has happened before in the country with respect to sex offender registrants, and this bill could lead to this activity occurring at a person's workplace.

Ms. Wong also noted that a person convicted of a misdemeanor sex crime many years ago may be terminated from his place of employment once the employer's address is made known, even if the person has remained law abiding during the intervening time.

Finally, in addition to forcing sex registrants into a life of crime in order to provide for themselves, this bill could also reduce the ability of those individuals to make restitution, child support, and other payments ordered by the Court, as well as increase the number of probation violation hearings.

An argument in favor of the bill is that, during the week, people spend half or more of their waking hours at their workplace. If the goal of Megan's Law is to inform the community as to where the sex offenders are located, then the workplace would need to be included along with the home in order to cover the full day.

Another argument in support of the bill is that parents may wish to be aware of sex offenders who work at places that minors congregate at, such as shopping malls. With respect to reporting vehicle information, this could be important information for parents

who have children that play in parks or outside of their house.

Additionally, if there is a school near the person's work site, the work address and vehicle identification is information that the community may want to be aware of. A registered sex offender may travel around the area surrounding his place of employment more so than his own home. Examples of activities that could require this include work-related errands and going out for lunch nearby.

One response to these points is that employers already have a duty to investigate applicants and ensure the safety of the workplace. Furthermore, several categories of employers who deal directly with children and vulnerable populations have an amplified duty to conduct appropriate background checks on applicants. These include, but are not limited to, childcare facilities, daycare providers, government employers, parks and recreation facilities, and both public and private schools.

An example of a misdemeanor offense that would be added to the Megan's Law registry under AB 35 is Penal Code Section 647.6, which is the child annoyance statute. This could include behavior in which an adult rubs against a teenager under the age of 18 in a sexual manner. Another example is Penal Code Section 288(c)(1), which is a statutory rape charge that could be either a misdemeanor or a felony. This could include a 25 year old adult having sexual relations with a 15 year old minor.

Tony Beliz of the Mental Health Department stated that his Department would likely not support AB 35 as it is currently written.

John Lounsberry invited any members of CCJCC to contact him if they wish to provide additional comments or have any questions regarding this bill.

ACTION: For information only.

V. CCJCC WEBSITE – Earl Bradley

Earl Bradley of the Chief Information Office (CIO) appeared before this committee on July 21, 2004 to propose the creation of a CCJCC website. Included would be a page for CCJCC, a page for the Information Systems Advisory Body (ISAB), a page for the Interagency Gang Task Force (IGTF), and an interactive resource guide that will list prevention and intervention programs for at-risk youth.

At that meeting, CCJCC authorized the CIO to develop a funding proposal to be submitted to the Information Technology Fund (ITF) for consideration.

Since that time, the funding proposal was approved by the ITF Executive Committee in October 2004, and was subsequently approved by the Board of Supervisors in November 2004.

The project is currently on schedule both in terms of time to completion and the budget allotted. It is expected that the website will be available by mid-May of this year.

One positive feature of the website is that it can be maintained by CCJCC and ISAB staff. It will not be necessary to hire programmers each time a change or addition is made to the website.

Mr. Bradley presented examples of what the website will look like and how it will be navigated. Included will be information on upcoming events and meetings, as well as Minutes of past meetings. Links will also be provided to all of the local criminal justice agencies. The URL for the website is www.ccjcc.info.

ACTION: For Information Only.

VI. OTHER MATTERS / PUBLIC COMMENTS

Video Conferencing

Dr. Lakshmanan Sathyavagiswaran, County Coroner, noted that ISAB has increased the number of justice agencies using video technology during the past five years, and has expanded on its uses.

In 2000, thanks to a grant from the Air Quality Management District (AQMD), a video conferencing inmate interview project began. Many County Departments use this service frequently, and it has resulted in cost avoidance to the County in reduced mileage claims and saved staff time.

In order to continue funding for this project, the Board of Supervisors must approve the continued use of the Television Franchise Cable Fund by ISAB. Dr. Sathyavagiswaran asked that CCJCC place this issue on its Agenda for March 16, 2005, and consider a Motion to recommend that the Board of Supervisors approve this request.

Alternate Public Defender

During a presentation by ISAB at the July 21, 2004 meeting of CCJCC, it was noted that the Alternate Public Defender's Office (APD) was not funded for ISAB. However, since that time, the APD is now participating in videoconferencing thanks to a grant from the Quality and Productivity Commission (QPC). Janice Fukai thanked the QPC and other members of CCJCC for their support in this effort.

VII. ADJOURN

There being no further business, Michael Judge adjourned the meeting at 12:55 p.m. The next CCJCC meeting will be held on **Wednesday, March 16, 2005 at 11:30 a.m. in Room 739 of the Kenneth Hahn Hall of Administration.**