

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE **March 16, 2005** MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS PRESENT

Gloria Molina, Chair
Leroy Baca, Vice-Chair
Mark Arnold
Cynthia Banks
Peter Espinoza
Janice Fukai
John Fullinwider
Anthony Hernandez
Jaclyn Tilley Hill
Michael Hoff
David Janssen
Michael Judge
Lakshmanan Sathyavagiswaran
Patricia Schnegg
David Singer
David Wesley

ALTERNATES

Tony Beliz for Marvin Southard*
Ed Brekke for Jack Clarke
David Davies for Paul Higa
Pamela Hamanaka for Bill Lockyer
Larry Mason for Steve Cooley
Kevin McCarthy for William Bratton*
William Montgomery for Dave Lambertson
Patrick Ogawa for Thomas Garthwaite
Jim Pankas for Stephen Delgado*
Buren Simmons for Roy Romer
Debbie Smith for Joyce Streater
Marty Vranicar for Rockard Delgadillo*
David Wesley for William MacLaughlin*
Cyndi Wong for James Hahn*

*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
David Hinig, San Gabriel Police Chiefs' Association
Jay Imperial, League of California Cities
Cindy Miscikowski, Los Angeles City Council
Michael Nash, Judge, Superior Court
Manny Ortega, Southeast Police Chiefs' Association
Stephen Port, South Bay Chiefs' Association
Richard Propster, Peace Officers' Association of Los Angeles County
Darline Robles, County Office of Education
David Sanders, Department of Children and Family Services
Maria Stratton, Federal Public Defender
Dennis Tafoya, Office of Affirmative Action Compliance
Robin Toma, County Human Relations Commission
John Torres, Bureau of Alcohol, Tobacco and Firearms
Michael Tynan, Los Angeles Superior Court
Debra Yang, U.S. Attorney
Margaret York, County Office of Public Safety

STAFF

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

GUESTS/OTHERS

Felix Basadre, ISAB
Earl Bradley, Chief Information Office
Kenneth Brazile, Sheriff's Department
Brian Center, First District, Board of Supervisors
Rosemary Gutierrez, County CAO
Karl Henry, Indigent Criminal Defense Appointment Program
Lisa Kahn, District Attorney's Office
Noble Kennamer, ISAB
Carol Morris Lowe, ADPA
Anna Maria Luna, Judge, Los Angeles Superior Court
Patrick Mallon, Sheriff's Department/Crime Lab Project
John Ruegg, ISAB
Devallis Rutledge, District Attorney's Office
Bruce Staniforth, Economy & Efficiency Commission

I. CONVENE / INTRODUCTIONS – Gloria Molina

The meeting was called to order at 12:00 p.m. by Supervisor Gloria Molina, Chair of the County Board of Supervisors and Chair of this committee.

Supervisor Molina welcomed the following new members of the Countywide Criminal Justice Coordination Committee (CCJCC):

Honorable Mark Arnold
Honorable Peter Espinoza
Honorable Michael Hoff
Honorable Patricia Schnegg

These four judges are replacing former representatives to this Committee from the Los Angeles Superior Court.

Self-introductions of members and guests followed.

II. REVIEW / APPROVAL OF MINUTES – Gloria Molina

There were no requests for revisions to the Minutes of the meeting on February 16, 2005. A Motion was made to approve the Minutes.

ACTION: The Motion to approve the Minutes of the February 16, 2005 meeting was seconded and approved without objection.

III. MEMBERSHIP ISSUE – Michael Judge

Michael Judge, Los Angeles County Public Defender and Chair of the Information Systems Advisory Body (ISAB), noted that the Los Angeles County Bar Association sponsors a panel of over 400 criminal defense attorneys that are regularly appointed to cases in the County of Los Angeles. This panel, the Indigent Criminal Defense Appointment Program (ICDA), handles over 7,000 criminal cases each year.

In light of the ICDA's role in the criminal justice system, Mr. Judge made a Motion for Mr. Karl Henry, Director of the ICDA, to be appointed as a member of CCJCC.

ACTION: The Motion to appoint Karl Henry, Director of ICDA, as a member of CCJCC was seconded and approved without opposition.

IV. REGIONAL CRIME LAB STATUS REPORT – Patrick Mallon

Commander Patrick Mallon (Ret.) of the County Sheriff's Department is the Project Coordinator for the Regional Crime Lab Project. The new crime lab for the Sheriff's Department and Los Angeles Police Department (LAPD) will be located on the campus of the California State University at Los Angeles (Cal State L.A.).

The last presentation to this Committee on the Regional Crime Lab Project was made in September 2004. At that meeting, it was reported that two independent estimates for a construction cost were conducted in July 2004; one by the project's construction management firm, and another by a consultant to the architect. Those estimates were within \$100,000 of each other, and they were both under the project's construction budget of \$70 million.

Three areas were identified in which the scope of the project could be reduced in order to be within budget. These reductions, referred to as deductive alternates, amount to a savings of one million dollars.

The bid opening was on November 17, 2004. The two construction firms that bid both exceeded the allotted budget, with the minimum and prevailing bid being nine million dollars over (\$79,230,000). The recent volatility of the cost of services and materials in the construction industry is the reason for the unexpectedly high bids.

After factoring in the deductive alternates, the project was still eight million dollars short. Next, after examining the details of the budget and diverting the purchase of some furnishings, there was a total of six million dollars to be obtained.

The state raised a concern that if the building was not completed, they would not be able to sell the bonds. As a result, they required that an additional augmentation potential of six million dollars be provided, which had the effect of putting the project twelve million dollars short of a balanced budget.

On December 7, 2004, the Los Angeles City Council voted to provide six million dollars to the project, and, on December 14, 2004, the County Board of Supervisors approved a similar amount of funding. Due to these efforts, the project is now within budget. Commander Mallon thanked Supervisor Molina for her assistance in this process.

On January 13, 2005, a Memorandum of Understanding (MOU) was agreed to with the state that allows oversight by the Joint Powers Authority and stipulates that any money that is contributed by the county and city is used after all of the state funding has been expended. Any amount remaining would come back to the county and city.

The groundbreaking ceremony was held on January 14, 2005, and a construction notice to proceed was issued to the contractor on February 14, 2005. The current expectation is that the Crime Lab will be operational in November 2006. Copies of the quarterly Crime Lab Newsletter were made available for members and guests.

ACTION: For information only.

**V. PROPOSITION 69 IMPLEMENTATION TASK FORCE STATUS REPORT –
Lisa Kahn**

Lisa Kahn, Forensic Science Advisor for the District Attorney's Office, provided a status report on the activities of the Proposition 69 Implementation Task Force. On November 17, 2004, this committee voted to create the Proposition 69 Implementation Task Force as a standing subcommittee of CCJCC.

Proposition 69, the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, was approved by the voters of California on November 2, 2004. This law expands and modifies state law related to the collection and use of criminal offender DNA samples and palm print impressions.

One of the steps taken has been to estimate the number of DNA samples that will be collected under this law. Persons who qualify for collections include the following:

- (1) All adults convicted of any felony;
- (2) Juveniles adjudicated under Welfare and Institutions Code Section 602 for any felony;
- (3) All persons with a past felony conviction who are in custody, on probation, on parole, or have just been convicted of a felony or misdemeanor;
- and (4) All Penal Code Section 290 sex registrants and Penal

Code Section 457.1 arson registrants (includes misdemeanors).

Additionally, adults *arrested* for felony Penal Code Section 290 sex crimes, murder, voluntary manslaughter, or attempts to commit these crimes, must provide a sample; and, effective January 1, 2009, all adults *arrested* for any felony must provide a sample. In these situations, the sample may be expunged if there is no conviction in the case.

Based on the number of potential cases in which samples will be required, it is estimated that there will be approximately 5,000 DNA samples taken per month in Los Angeles County. After several years, the amount may begin to decrease once DNA samples have been retroactively collected on most of the convicted felons residing in the county.

The DNA Offender Tracking System (DOTS) is a countywide information system database that is expected to be online by October 2005. This will provide an enormous assistance to all criminal justice agencies, not just in terms of the tracking of cases, but also in obtaining accurate information for distributing reimbursements for collections.

Policies and procedures are being drafted by the individual agencies that have been tasked with implementation, and interagency subcommittees have been formed. These subcommittees are addressing procedural issues regarding refusals, expungements, use of the DNA Reimbursement Fund, and DNA collections by substations.

The DNA Reimbursement Fund Subcommittee has created guidelines to govern the reimbursements sent to law enforcement agencies for their DNA collections. These were approved by the Proposition 69 Implementation Task Force on March 2, 2005, and a copy was distributed at this meeting.

Proposition 69 is funded by one dollar for every ten dollars on every fine, penalty, and forfeiture imposed and collected for criminal offenses, including Vehicle Code violations (except parking tickets). For the first two years, 70% of this funding goes to the state and 30% remains local. However, the funding is split evenly between the state and local law enforcement in the third year, while in the fourth year and thereafter, 25% of the funding will go to the state and 75% will be spent at the local level.

The funding can be used locally for either collecting offender samples, or for processing, analyzing, tracking, and storage of DNA crime scene samples.

It is estimated that Los Angeles County will collect about six million dollars annually, which means that locally there will be 1.8 million dollars for each of the first two years, 3 million dollars for the third year, and 4.5 million dollars for the fourth year and thereafter.

The proposed guidelines allocate reimbursement to local law enforcement agencies at a rate of 30 dollars per sample. Given that the funds will likely be insufficient to cover all claims during the first few years, the payments will be prorated based on each agency's relative proportion of collections. As the fund grows, prior claims will be reimbursed in

the order that they were received.

A Motion was made to submit the proposed DNA Reimbursement Fund guidelines to the County Board of Supervisors for approval.

ACTION: The Motion to submit the proposed DNA Reimbursement Fund guidelines to the County Board of Supervisors for approval was seconded and approved without opposition.

Lisa Kahn concluded by noting that implementation of Proposition 69 in the County of Los Angeles poses unique challenges, but the Task Force has made good progress.

VI. PROPOSITION 36 ANNUAL REPORT – Anna Maria Luna

Judge Ana Maria Luna, Chair of the Proposition 36 Implementation Task Force, presented the Proposition 36 Annual Report for Fiscal Year 2003-2004 (FY 03-04).

Proposition 36, the Substance Abuse and Crime Prevention Act, was approved by California voters in November 2000 and implemented in Los Angeles County in July 2001. It amended existing drug sentencing laws to require criminal defendants who are convicted of a non-violent drug offense to be placed in drug treatment, as opposed to incarceration, as a condition of probation.

The Proposition 36 Implementation Task Force is a standing subcommittee of CCJCC that serves as the advisory group responsible for the development of policies and procedures for implementation of this program. At the March 3, 2005 meeting of the Task Force, the members approved the Annual Report for FY 03-04.

A defendant enters the Proposition 36 treatment process by making a plea and then being channeled into one of 19 monitoring courts. If accepted, the individual is referred to a Community Assessment Service Center (CASC), which in turn refers the person to a community-based treatment provider.

A total of 8,638 new defendants were either convicted and sentenced by the Court or ordered by Parole to participate in Proposition 36 during FY 03-04. Of the 8,638 defendants, the CASC's provided assessment and treatment referral services to 7,388 of them, and, of that number, 6,030 reported to a community-based treatment provider as instructed. Including those participants already in treatment at the start of the fiscal year, 15,013 participants received treatment during this time, which is a 37% increase from the previous fiscal year.

It was noted that the total number of contacts that CASC's had with Proposition 36 participants during FY 03-04 is actually over 25,000. This is because many participants returned to the CASC's two or three times during their treatment.

A CNN report on the implementation of Proposition 36 was shown to those in attendance. One of the observations made in the story is that residential treatment is the most successful method for treating serious drug addiction, but Proposition 36 has only allotted 120 million dollars statewide for five years. This is not enough to provide residential treatment to all who need it. The news report provided a specific example of an individual who was not able to receive residential treatment, but was eventually rehabilitated when she was placed in a Drug Court program that did provide residential services.

Judge Luna stated that about 12% of the participants receive residential services, but the option of entering Drug Court for those who fail in Proposition 36 has been very useful in providing options for those with serious addictions.

While the number of referrals to Proposition 36 is declining, the compliance rate for people reporting for treatment is increasing (79% for FY 02-03 and 82% for FY 03-04). Additionally, there was an increase of 160% from FY 02-03 to FY 03-04 in the number of participants successfully completing a treatment program. For FY 03-04, the total is 3,118, and the number of participants with case dismissals following completion of a treatment program during that period is 1,759.

The percentage of male and female participants is 79% and 21%, respectively. Judge Luna stated that the number of females receiving treatment is proportionate to the arrest of females overall in the criminal justice system. The services that women require, particularly those with children, may be more than those for men, and the Proposition 36 Task Force has tried to meet those needs.

A Motion was made to approve the Proposition 36 Annual Report for submission to the Board of Supervisors.

ACTION: The Motion to approve the Proposition 36 Annual Report for submission to the Board of Supervisors was seconded and approved without opposition.

NOTE: Near the beginning of the next presentation, Supervisor Molina had to leave the meeting. Sheriff Baca, Vice Chair, served as Acting Chair for the remainder of this meeting.

VII. ISAB VIDEO CONFERENCING – Noble Kennamer

Noble Kennamer of the Information Systems Advisory Body (ISAB) presented a report on video conferencing in the County of Los Angeles.

Video conferencing in the criminal justice community began in the early 1990's with a grant from the Air Quality Management District (AQMD). In 1999, a grant from the AQMD in the amount of \$747,000 provided for the creation of a video conferencing inmate interview project. This has resulted in cost avoidance to the County of Los

Angeles in reduced mileage claims and saved staff time.

Over the past five years, ISAB has increased the number of justice agencies using video technology and has been able to expand its uses. ISAB Video programs include the Justice Inmate Video Conferencing System (JVICS), Juvenile Justice Inmate Video Conferencing System Pilot (JJVICS), District Attorney Video Lifer Hearings, and the Coroners Presentation Video Conferencing Pilot. Recently, the Alternate Public Defender's Office received a grant from the Productivity Investment Fund to join the existing ISAB video programs, and they will be participating by December 2005.

In order to continue funding for the maintenance and support costs of the video conferencing programs, the Board of Supervisors must approve the continued use of the Television Franchise Cable Fund by ISAB. Therefore, a Motion was made for CCJCC to recommend that the Board of Supervisors approve the continued usage by ISAB of the Television Franchise Cable fund for video conferencing programs serving the justice community.

ACTION: The Motion to recommend that the Board of Supervisors approve the continued usage by ISAB of the Television Franchise Cable fund for video conferencing programs serving the justice community was seconded and approved without opposition.

ISAB has been working to make the video conferencing technology available to private defense attorneys. It was agreed that a preliminary study would be conducted on the feasibility of making this technology available to the general public for visitation of inmates.

VIII. OTHER MATTERS/PUBLIC COMMENTS

Court Security

At the Board of Supervisors meeting held yesterday, March 15, 2005, a Motion was passed that requires CCJCC to discuss the issue of courtroom security policies and report back to the Board on findings and recommendations to minimize the possibility of future violent incidents within courtrooms.

The event that precipitated this was an attack by a defendant on a Deputy Alternate Public Defender at the San Fernando Courthouse on March 14, 2005. The defense attorney was reportedly slashed by a razor blade that the defendant had secreted into the courtroom.

Additionally, a recent incident in Atlanta resulted in a defendant shooting and killing three people, including the judge, and wounding several others.

This Motion by the Board of Supervisors will be discussed formally as an Agenda item at the next CCJCC meeting. A copy of the Motion, which is public record, was

distributed to those in attendance.

Employee Retirement Plans

Sheriff Baca expressed concern that a proposal by the Governor to alter the retirement benefits for incoming government and public safety employees would have a negative effect on public service.

The proposal would change the current retirement plans that allow for guaranteed monthly payments of a given percent, depending on salary and length of employment, upon retirement. Under the proposed initiative, all new employees would have an investment retirement plan instead of guaranteed payments.

One of the primary incentives that government service offers over the private sector is the security of the current retirement plans. If those were to be eliminated, it would be more difficult for government departments and agencies to compete with private businesses in obtaining quality personnel.

IX. ADJOURN

There being no further business, Sheriff Baca adjourned the meeting at 1:15 p.m. The next CCJCC meeting will be held on **Wednesday, April 20, 2005 at 11:30 a.m. in Room 739 of the Kenneth Hahn Hall of Administration.**