

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE June 15, 2005 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS PRESENT

Gloria Molina, Chair
Mark Arnold
Cynthia Banks
Steve Cooley
Peter Espinoza
Ray Fortner
Janice Fukai
Karl Henry
Anthony Hernandez
Jaclyn Tilley Hill
Michael Hoff
Jay Imperial
David Janssen
Michael Judge
Dave Lambertson
Richard Propster
Lakshmanan Sathyavagiswaran
David Singer
Joyce Streater
Robin Toma
Michael Tynan

ALTERNATES

Art Acevedo for Manuel Padilla
Kenneth Brazile for Larry Waldie
R. Doyle Campbell for Leroy Baca
Lou Caprino for Richard Garcia*
Marcus Castro for Dennis Tafoya
Dave Davies for Paul Higa
Chris Dayian for Darline Robles
Rudy Diaz for Michael Nash
Adam Kamenstein for Debra Yang*
Kevin McCarthy for William Bratton*
William Nash for Margaret York*
Patrick Ogawa for Thomas Garthwaite
Bettina Rodriguez for Jack Clarke*
Steven Van Sicklen for David Wesley
Buren Simmons for Roy Romer
Marty Vranicar for Rockard Delgadillo*
Rick Wammack for Stephen Delgado*

*Not a designated alternate

MEMBERS NOT PRESENT OR REPRESENTED

Margaret Finlay, California Contract Cities
William Fujioka, City of L.A. Administrative and Research Services
Jon Fullinwider, Chief Information Officer
David Hinig, San Gabriel Police Chiefs' Association
Bill Lockyer, California Attorney General
William MacLaughlin, Presiding Judge, Superior Court
Manny Ortega, Southeast Police Chiefs' Association
Stephen Port, South Bay Chiefs' Association
David Sanders, Department of Children and Family Services
Patricia Schnegg, Judge, Superior Court
Marvin Southard, Department of Mental Health
Maria Stratton, Federal Public Defender
John Torres, Bureau of Alcohol, Tobacco and Firearms

STAFF

Peggy Shuttleworth, Executive Director
Vincent Holmes
Cynthia Machen
Craig Marin

GUESTS/OTHERS

John Aerts, LASD/ISAB
Scott Chew, Sheriff's Department
Linda Lin, Singtao Daily
Caitlin Liu, Los Angeles Times
Larry Mason, District Attorney's Office
Kay Okamoto, County CAO
John Ruegg, ISAB
Devallis Rutledge, District Attorney's Office
Vicky Santana, Justice Deputy, Board of Supervisors First District
Maxine Schmidl, County CAO
Alison Shackelford, Copley News Service
Donald Wagner, City of Rosemead

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. 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 April 20, 2005. A Motion was made to approve the Minutes.

ACTION: The Motion to approve the Minutes of the April 20, 2005 meeting was seconded and approved without objection.

III. LEGISLATIVE REPORT: CHIEF ADMINISTRATIVE OFFICE – Maxine Schmidl

Maxine Schmidl of the Intergovernmental Relations Branch of the County Chief Administrative Office (CAO) presented a report on budget proposals and pending state legislation that may impact criminal justice agencies in the County of Los Angeles.

The Budget Conference Committee (BCC) in Sacramento completed its work on Friday, June 10, 2005. One issue that was addressed was the proposal in the Governor's Budget to link Community Oriented Policing Services (COPS) and the Juvenile Justice Crime Prevention Act (JJCPA), and then move \$25 million from JJCPA to the Board of Corrections. Counties generally opposed this proposal. The BCC instead chose to return \$200 million to both COPS and JJCPA.

Another issue is that of undesignated trial court fees. The January budget had proposed a continuation of \$31 million in payments from the counties to the state. The BCC on Friday adopted a compromise that reduced that amount to zero over four years (\$20 million for FY 05-06, then a reduction of \$5 million each year thereafter.) Additionally, the BCC voted not to transfer \$5.5 million in costs for forensic evaluations to the counties.

The BCC approved the use of \$201.4 million from the general fund for County Probation in lieu of the use of Temporary Assistance for Needy Families (TANF) funds, which are used to fund probation camps.

Among the criminal justice bills of interest to this County is AB 22, which would include existing crimes of slavery and involuntary servitude within new provisions pertaining to human trafficking. This is currently with the Senate Public Safety Committee.

AB 262 would prohibit the Judicial Council from requiring that a court facility proposed to be transferred from a county to the state be held to a stricter standard than that adopted by the county for county buildings. Specifically, in transferring courthouse facilities to the state, the Judicial Council could not apply higher seismic safety standards than those that are applied to county buildings in general within the county. This is currently in the Assembly Appropriations Committee.

AB 1605 and SB 1018 would add officers and employees of financial institutions, including banks, credit unions, and savings and loans, to those designated as mandated reporters of financial abuse perpetrated against elder and dependent adults. AB 1605 is in the inactive file, but SB 1018 is awaiting committee assignment.

A competing bill, AB 1664, would permit voluntary disclosure of elder or dependent adult financial abuse by financial institutions, require certain financial institutions to provide training to their employees regarding such abuse, and would grant broad civil and criminal immunity to financial institutions and their officers, employees, and agents related to any financial abuse that is disclosed. This is with the Senate Judiciary Committee.

The County of Los Angeles supports the passage of either AB 1605 or SB 1018, and opposes AB 1664.

The County is sponsoring AJR 22, which would urge the U.S. Congress and President to take immediate action to eliminate restrictions on child death review teams to access school records of deceased children. This requires a change in federal law before action can be taken on the state level. The bill is currently with the Assembly Consent Calendar.

SB 395 would establish a bond to fund the acquisition, construction, and renovation of trial court facilities. The County supports this bill if it is amended to define “court purposes” to include all county-court-related functions that are necessary for the efficient operation of the Superior Court.

Specifically, certain county operations within the courthouse (i.e., Sheriff, District Attorney, Public Defender, etc.) should be recognized as being co-located for the efficient operation of the Court. The Administrative Office of the Courts (AOC) has been asked to review draft language that would exempt these county facilities from lease payments. SB 395 is currently in the Assembly Judiciary Committee.

Finally, SB 116, another County-sponsored bill, would repeal the sunset clause on the Safely Surrendered Babies Act. This law provides that no parent or other person with lawful custody of a child 72 hours of age or younger will be prosecuted for child abandonment if they voluntarily surrender physical custody of the child at a hospital or other designated location (in the County of Los Angeles, fire stations have been designated). This bill has passed the Assembly Public Safety Committee by a 6 to 0 vote.

ACTION: For information only.

IV. HIGH-INTENSITY CRIMINAL ALIEN APPREHENSION AND PROSECUTION (HICAAP) PROGRAM REPORT – Scott Chew

Lieutenant Scott Chew of the Sheriff’s Department Inmate Reception Center (IRC) presented the semi-annual report on the High-Intensity Criminal Alien Apprehension and Prosecution (HICAAP) Program.

The HICAAP program is a multi-agency collaborative initiated in May 1990 that is intended to address the issue of previously removed habitual criminal aliens re-entering this country, committing additional crimes, and overcrowding our jails.

The four goals of HICAAP are: (1) Implement policies and procedures for positively identifying previously removed criminal aliens; (2) Obtain immigration detainers in a timely manner; (3) Conduct immigration interviews prior to release in all cases involving a conviction; and (4) Obtain federal prosecution in appropriate cases.

With the exception of goal number three, all of these stated goals have now been attained.

A COPS grant was secured in 2000. This grant funding enabled Los Angeles County to enhance its automated system and establish connectivity to federal and state systems in order to identify and maintain records on previously removed criminal aliens.

This grant also provided funding for a Jail and a Process Evaluation Study. The purpose of the Jail Study is to determine the number of criminal aliens housed in the County Jail and their outcomes after the interview. The Process Evaluation Study will evaluate Los Angeles County's current process for dealing with criminal aliens and make recommendations for improvement. These studies are expected to be completed by the RAND Corporation in October 2005.

The U.S. Immigration and Customs Enforcement (ICE) uses a database known as the Immigration Violators File (IVF) to identify previously removed criminal aliens. Los Angeles County established an automatic review of this file as part of the booking process. Since that time, law enforcement has been able to identify previously removed criminal aliens at the time of booking. This accomplishment has greatly reduced the need to interview self-declared foreign inmates at the County Jail, which is critical due to a lack of personnel available to conduct those interviews.

The following statistics were reported:

- ICE is averaging 71 interviews per week and placing an average of 54 holds, or 76% of those interviewed.
- The number of inmates transferred to ICE averages 108 per week.
- U.S. Attorney prosecutions have declined in comparison to 2004, but they are still well above the 2003 rate:

Average prosecutions per month:

2003 -	29
2004 -	75
2005 -	43

The primary reason for this drop in prosecutions is a change in mandatory sentencing guidelines that have reduced the number of voluntary pleas (under Section 1325) and increased the number of trials (under Section 1326).

On January 25, 2005, the County Board of Supervisors voted to have a limited number of Sheriff's personnel trained to conduct immigration interviews at the County Jail. This action will enable HICAAP to pursue its third goal of conducting interviews prior to release in all cases involving convictions.

The training of Sheriff's Department personnel by ICE began in late April. However, the training was suspended over a disagreement concerning the presence of external monitors. A tentative compromise was subsequently reached, and the training is slated to begin again in October 2005.

A survey was issued to all law enforcement agencies regarding the HICAAP process. This was intended to solicit input on how the process is working. Each agency was contacted on an as needed basis to ensure program understanding and success.

Supervisor Molina asked if statistics are available for the number of people that are released by ICE after a hold has been placed on them. Lieutenant Chew stated that, while he does not currently have this information, the Sheriff's Department can request that this data be provided by ICE.

A question was also raised as to whether the U.S. Attorney's Office will be able to handle the increased caseload that will likely result from the additional interviews.

It was suggested that representatives from ICE and the U.S. Attorney's Office be asked to speak at the next CCJCC meeting on these and any other questions that members may have about HICAAP.

ACTION: It was agreed that HICAAP will be placed on the Agenda for the CCJCC meeting on July 20, 2005, and that representatives from ICE and the U.S. Attorney's Office will be invited to speak on this subject.

V. OTHER MATTERS/PUBLIC COMMENTS

Ex-Offender Job, Resource, and Health Fair

Marty Vranicar, Los Angeles Assistant City Attorney and Chair of the Interagency Gang Task Force (IGTF), noted that the IGTF's Third Ex-Offender Job, Resource, and Health Fair is scheduled for Saturday, July 9, 2005, from 10:00 a.m. to 3:00 p.m. at Hansen Dam Recreational Center, 11798 Foothill Boulevard, Lakeview Terrace, 91342. This will be held in conjunction with Community Day events sponsored by the San Fernando Valley Coalition on Gangs.

Flyers were distributed, and Mr. Vranicar requested that CCJCC members provide this information to any employers that would be interested in participating at this event.

Courtroom Security – Authority To Order Testing

At the previous CCJCC meeting, a question was raised as to whether a judge can order that a defendant be tested for communicable viruses or diseases (i.e., HIV, hepatitis, etc.) that a victim may have been exposed to during a courtroom attack.

Judge Steven Van Sicklen, Assistant Supervising Judge for Criminal and Chair of the Subcommittee on Courtroom Security, reported that there is currently no statute that would permit a judicial officer to order such a test of an individual following a violent assault in the courtroom.

Judge Van Sicklen observed that Proposition 96 had allowed for the testing of individuals that attack peace officers, firefighters, and custodial officers, as well as assailants in sexual assaults. However, that legislation has been repealed.

Michael Judge, County Public Defender, requested that the County CAO pursue the introduction of legislation at the state level that will permit judicial officers to order testing of a defendant in the event of courtroom violence.

It was agreed that the CAO will investigate this and report back at the next CCJCC meeting when the Subcommittee on Courtroom Security makes its presentation.

Jailhouse Witness Protection

In August 2004, the District Attorney's Office issued a report on jailhouse witness protection. A standing subcommittee of CCJCC was subsequently formed to study the feasibility of implementing the recommendations in this report, and the subcommittee will report back to CCJCC in September of this year.

Los Angeles County District Attorney Steve Cooley stressed the need for full participation from those appointed to serve on this subcommittee. Given the importance of this topic to the criminal justice system, input is needed from all designated representatives.

Cruising

The California Highway Patrol has experienced recent problems with cruising in various areas of the County. It was suggested that the existing County ordinance against cruising be used to address this.

In the early 1990's, the East Los Angeles area had a serious cruising problem, but this was eliminated through a multi-agency collaborative effort. The Executive Director of CCJCC, Peggy Shuttleworth, was asked to research the procedures and methods that were used at the time. This could potentially provide a model for combating the current problem.

VI. ADJOURN

There being no further business, Supervisor Molina adjourned the meeting at 12:51 p.m. The next CCJCC meeting will be held on **Wednesday, July 20, 2005 at 11:30 a.m. in Room 739 of the Kenneth Hahn Hall of Administration.**