

# COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

## MINUTES OF THE **November 16, 2005** MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

### **MEMBERS PRESENT**

Gloria Molina, Chair  
Mark Arnold  
Steve Cooley  
Peter Espinoza  
Janice Fukai  
Karl Henry  
Anthony Hernandez  
Jaclyn Tilley Hill  
Loretta Martin  
Richard Propster  
Lakshmanan Sathyavagiswaran

### **ALTERNATES**

Tony Beliz for Marvin Southard  
Kenneth Brazile for Larry Waldie  
Ed Brekke for John Clarke  
Herb Brown for Richard Garcia\*  
R. Doyle Campbell for Leroy Baca  
George Cardona for Debra Yang  
James Crowell for John Torres  
Dave Davies for Paul Higa  
Rudy Diaz for Michael Nash  
Ali Farahani for Jon Fullinwider  
Xiomara Flores-Holguin for David Sanders  
Jay Glassman for Cynthia Banks  
Rosemary Gutierrez for David Janssen\*  
Pamela Hamanaka for Bill Lockyer  
Saiya Jones for Bill Rosendahl\*  
Robert Kalunian for Michael Judge  
Jeremy Kitabjian for Margaret York\*  
Craig Klein for Gary Dominguez\*  
William Montgomery for Dave Lambertson  
Patrick Ogawa for Thomas Garthwaite  
Sharon Papa for William Bratton\*  
Buren Simmons for Roy Romer  
Debbie Smith for Frank Venti  
Martin Vranicar for Rockard Delgadillo\*  
\*Not a designated alternate

### **MEMBERS NOT PRESENT OR REPRESENTED**

Stephen Delgado, Drug Enforcement Administration  
Margaret Finlay, California Contract Cities  
Ray Fortner, County Counsel  
William Fujioka, Administrative and Research Services, City of Los Angeles  
David Hinig, San Gabriel Police Chiefs' Association  
Michael Hoff, Judge, Superior Court  
William MacLaughlin, Presiding Judge, Superior Court  
Manny Ortega, Southeast Police Chiefs' Association  
Stephen Port, South Bay Chiefs' Association  
Darline Robles, County Office of Education  
Patricia Schnegg, Judge, Superior Court  
Thomas Shiltgen, Immigration and Customs Enforcement  
David Singer, Police Chiefs' Association

Maria Stratton, Federal Public Defender  
Dennis Tafoya, Office of Affirmative Action  
Robin Toma, County Human Relations Commission  
Michael Tynan, Judge, Superior Court  
Antonio Villaraigosa, Mayor, City of Los Angeles  
David Wesley, Supervising Judge of Criminal, Superior Court

**STAFF**

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

**GUESTS/OTHERS**

Richard Barrantes, Sheriff's Department  
Scott Edson, Information Systems Advisory Body  
Roné Ellis, Private Citizen  
Alison Hewitt, Copley News Service  
Lisa Kahn, District Attorney's Office  
Pat Mallon (Ret.), Sheriff's Department  
Larry Mason, District Attorney's Office  
Vicky Santana, Justice Deputy, Board of Supervisors, First District  
Gabriella Yap, County CAO

**I. CONVENE / INTRODUCTIONS – Steve Cooley**

The meeting was called to order at 12:10 p.m. by Steve Cooley, Los Angeles County District Attorney and Acting Chair of this Committee.

Self-introductions of members and guests followed.

**II. REVIEW / APPROVAL OF MINUTES – Steve Cooley**

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

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

**III. DNA TASK FORCE – Lisa Kahn**

Lisa Kahn, Forensic Science Advisor of the District Attorney's Office, provided an update on the implementation of Proposition 69 (DNA Fingerprint, Unsolved Crime and Innocence Protection Act) in Los Angeles County. On November 17, 2004, this committee voted to create the Proposition 69 Implementation Task Force as a standing

subcommittee of CCJCC, and Lisa Kahn is the Chair of that Task Force.

Implementation of Proposition 69 is more difficult in Los Angeles County than elsewhere in the state due to the size of the criminal caseload. For instance, about 30% of the state's convicted offenders are arrested in Los Angeles County; therefore, it is likely that a similar percentage of the records in the state's DNA database will also come from this County.

An innovative solution that has been essential to countywide implementation is the DNA Order Tracking System (DOTS). This was developed by the Information Systems Advisory Body (ISAB), and it serves as a means for tracking the collection of DNA samples from individuals, avoiding duplicate sampling, determining compliance with Court orders, and reimbursing law enforcement agencies through the DNA Reimbursement Fund.

The Task Force has set a monthly collection target of 5,000 samples taken countywide, which would amount to 60,000 samples each year. A total of 4,200 samples were taken in October 2005, so this goal is close to being reached.

For the first five months of this year, the Sheriff's Department was the only local law enforcement agency taking DNA collections. The Los Angeles Police Department (LAPD) began taking DNA collections in June, and this resulted in a sharp increase in the overall total of monthly collections. This was followed by another spike in September and October that was due to collections taken by the Probation Department.

Prior to the passage of Proposition 69 in November of 2004, the Inmate Reception Center (IRC) was the only facility in Los Angeles County where DNA samples were collected. Sheriff's Department personnel at IRC have since greatly increased their monthly collections, which now include samples from both in-custody convicted felons and out-of-custody individuals (i.e., convicted felons with DNA Court orders, probationers, parolees, and Penal Code Section 290 registrants).

Los Angeles County is unique in California in that many in-custody defendants plea, are sentenced, and are released during the same Court hearing. In order to obtain samples from those defendants that qualify under Proposition 69, the Sheriff's Department Court Services Division began a pilot program to take samples at the courthouse prior to release. This began in December 2004 at the Clara Shortridge Foltz Criminal Justice Center (CSF) in downtown Los Angeles.

This program has since been expanded and is now in place at CSF, the Compton Courthouse, the Airport (LAX) Courthouse, and the Long Beach Courthouse. These four sites account for approximately 80% of the DNA-eligible offenders that are released directly from courthouses. Anyone DNA-eligible not collected at the courthouse is returned to IRC for collection.

The DNA Collection Court Order Program was implemented in three stages. First, Deputy District Attorney's (D.A.'s) began requesting Court orders for samples of adult felony offenders in May of this year. In July, they began requesting samples on adult misdemeanor offenders with prior felony convictions. Finally, samples were requested for all qualifying juvenile offenders beginning in September.

The Deputy D.A.'s modified their pleadings by adding notice provisions, and they pre-populated Court Order Forms to assist with DNA collections for adults and juveniles. Currently, 70% to 75% of the defendants convicted of a felony have Court orders issued for DNA collection.

As noted, the LAPD began DNA collections in June. The samples are taken at the time of arrest and booking, and they fall into two categories: (1) Qualifying offenses in which the sample is to be taken from arrestees, such as sex crimes, murder, and attempted murder; and (2) Parolees and probationers with a prior felony conviction. The second category accounts for about 70% of the LAPD's collections.

The LAPD has collected over 5,300 samples in the past five months, which is approximately 25% of the total DNA samples collected this year in the County. The collection sites are located at the LAPD's jail facilities.

The Probation Department now has six DNA collection sites throughout the County. The Department began taking samples from adults in August and juveniles in September.

Within the Superior Court, comprehensive Proposition 69 implementation directives have been issued to judicial officers and clerks.

The Los Angeles City Attorney's Office has developed a DNA Collection Court Order Program that is a role model for other city prosecutors.

Thirty (30) law enforcement agencies in the County have purchased DOTS licenses, but only a few of them are regularly collecting and entering the samples into the system.

The Task Force has several subcommittees that have met during the past year. Included are the Law Enforcement Working Group, the Refusal Procedures Subcommittee, the Juvenile Implementation Working Group, and the DNA Reimbursement Fund Subcommittee.

Law enforcement agencies are entitled to thirty dollars for every sample taken, and thus far the County DNA Reimbursement Fund has been sufficient to fully compensate all requests for reimbursement. As of October, the Fund is receiving about \$400,000 a month from Court collections, and it is expected that this will ultimately reach \$500,000 a month.

During the first two years of implementation, the State of California receives 70% of the fees collected under Proposition 69, and the remaining 30% can be used locally. During the third year, 50% of the funding remains local, and in the fourth year and thereafter, 75% remains local.

One of the goals for the Task Force in 2006 will be to reduce the backlog of individuals on probation and parole that owe DNA samples. There are over 40,000 persons on felony probation each year, and over 20,000 felony probationers are terminated from probation each year. Additionally, Proposition 69 also applies to persons on misdemeanor probation that have a prior felony conviction.

It was emphasized that this backlog is an issue for every criminal justice agency, and inter-agency cooperation will be needed in order to address this in the coming year.

In furtherance of this, it is important to increase participation among municipal police departments that are not currently collecting DNA samples.

Additional goals for the coming year include increasing collections from offenders with DNA Court orders and developing a comprehensive program for collecting samples from Penal Code 290 registrants (sex offenders).

With respect to cold cases, a tracking system has been proposed that would allow for the monitoring of unsolved cases. As the State DNA database grows, there will be an increase in the number of matches (hits) resulting from a comparison of forensic evidence with samples collected under Proposition 69. The tracking system would alert the District Attorney's Office to file formal charges against an identified defendant when DNA matches are found.

**ACTION: For information only.**

**NOTE: Shortly before the end of this presentation, Supervisor Gloria Molina, Chair of the County Board of Supervisors and Chair of this Committee, arrived. She Chaired the remainder of the meeting.**

#### **IV. REGIONAL CRIME LAB – Patrick Mallon**

Commander Patrick Mallon (Ret.) of the County Sheriff's Department is the Project Coordinator for the Regional Crime Lab Project. When completed, this will be the new crime lab for the Sheriff's Department and LAPD, and it 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 on March 16, 2005. At that meeting, it was reported that a notice to proceed was given to the contractor, and construction commenced on February 15, 2005.

A concerted effort was initially made to stay on schedule to complete the construction in 575 days. However, due to increased demands on the construction industry in Southern California, and the resulting need for laborers and materials on other projects, this was extended by 147 days. Consulting costs at the end of the project will increase as a result, so a credit of \$250,000 has been granted toward the overall cost.

After factoring in 45 days of rain allowance, the new contract completion date is February 5, 2007. The amended contract amount is \$78,392,316.

The last major piece of structural steel was lifted on September 29, 2005, and concrete has been placed at all decks on floors 1 through 5. Stud wall layouts were chalked out on floors 1 through 3, and a floating slab in the gun range area on the third floor was placed on October 26, 2005. Additionally, fireproofing was initiated on the steel structure on October 25, 2005.

A goal of the project is to have the roof completed by December of this year, and the work on the exterior walls is expected to begin in either December or January.

Unlike most building construction where the exterior walls are built up one step at a time, the method used for this project will involve fabricating the panel off-site and bringing them into place.

The Internal Planning Unit, which consists of representatives from all of the occupants of the building, developed three Memorandums of Agreement for operations and procedures. These have been submitted to the County, City, and University for approval.

It is anticipated that the furnishing of the building will amount to about two million dollars, of which the County and City will share the cost. Bids will be solicited and a vendor will be selected, possibly by April 2006.

Copies of the quarterly Crime Lab Newsletter were made available for members and guests.

**ACTION: For information only.**

## **V. OTHER MATTERS/PUBLIC COMMENTS**

### Closing Remarks

Supervisor Gloria Molina has served as Chair of this Committee for the past year, and next month Supervisor Michael Antonovich will assume the role of Chair. Supervisor Molina extended her thanks and appreciation to the members of this Committee for their work and dedication during her tenure as Chair.

Supervisor Molina noted the following accomplishments during this past year:

- The establishment of a standing multi-agency subcommittee to implement the recommendations identified in the final report of the Jailhouse Witness Protection Task Force;
- The creation of a CCJCC website that includes pages for each subcommittee and an interactive intervention and prevention resource guide;
- The Information Systems Advisory Body (ISAB) effectively reduced County expenses through new and/or improved computer systems and videoconferencing technology;
- The Interagency Gang Task Force (IGTF) obtained a Safe Schools/Healthy Students grant to implement a Public Education Campaign in the ABC Unified School District, encouraged the establishment of Multi-Disciplinary Teams (MDT's), held four Ex-Offender Job, Health, and Resource Fairs, held two Business Symposiums, worked with the Los Angeles Unified School District to support their Safe School Collaboratives, and has planned the Fourth Annual Anti-Gang Violence Conference for this Friday, November 18, 2005;
- The Proposition 36 program has been successful, with over 15,000 people receiving treatment this year;
- Similarly, the Drug Court programs in the County have also been successful, with over 3,000 people graduating this year;
- The Taskforce for Regional Autotheft Prevention (TRAP) have reduced car thefts in the County by 3%;
- A subcommittee on Courtroom Security was formed, and a report was subsequently produced and submitted to the Board of Supervisors;
- The LA Task Force on Terrorism is creating an infrastructure to handle concerns at transportation-related sites; and
- As reported at this meeting, the Proposition 69 Implementation Task Force has made significant progress this year, and we are looking forward to the opening of the L.A. Regional Crime Lab.

Supervisor Molina concluded by stating that she looks forward to continuing to work with the members of this committee in the future.

## **VI. ADJOURN**

There will be no CCJCC meeting in December. Instead, all members are invited to attend a CCJCC Holiday Open House on Wednesday, December 21, 2005, from 11:30 a.m. to 2:00 p.m. in Room 739 of the Hall of Administration.

There being no further business, Supervisor Molina adjourned the meeting at 1:00 p.m. The next CCJCC meeting will be held on **Wednesday, January 18, 2006 at 11:30 a.m. in Room 739 of the Kenneth Hahn Hall of Administration.**