

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE MAY 17, 2006 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS PRESENT

Lee Baca, Vice Chair
Mark Arnold
Steve Cooley
Peter Espinoza
Ray Fortner
Janice Fukai
Karl Henry
Anthony Hernandez
Jackie Hill
Dave Lambertson
Loretta Martin
Richard Propster
Lakshmanan Sathyavagiswaran
Dennis Tafoya
Michael Tynan

ALTERNATES

Dave Aguilera for John Torres*
Clayton Anderson for Jeanne Kennedy
Tony Beliz for Marvin Southard
Ed Brekke for John Clarke
Ron Brown for Michael Judge*
Ellen Conley for Gary Dominguez
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
Alan Honeycutt for Mike Webb
Steve Lieberman for Margaret York
James McDonnell for William Bratton
Patrick Ogawa for Bruce Chernoff
Anna Pembedjian for Michael Antonovich**
Kim Raney for Randy Adams*
Buren Simmons for Roy Romer
Steven Van Sicklen for David Wesley
Marty Vranicar for Rockard Delgadillo*
*Not a designated alternate
**Mayor of the County of Los Angeles and Chair of
this Committee

MEMBERS NOT PRESENT OR REPRESENTED

William Fujioka, Administrative and Research Services, City of Los Angeles
Dean Gits, Federal Public Defender
Michael Hoff, Judge, Superior Court
Jay Imperial, League of California Cities
James Lewis, San Gabriel Police Chiefs' Association
William MacLaughlin, Presiding Judge, Superior Court
Ralph Partridge, Drug Enforcement Administration
Stephen Port, South Bay Chiefs' Association
Darline Robles, County Office of Education
Bill Rosendahl, Los Angeles City Council, 11th District
Patricia Schnegg, Judge, Superior Court
David Spence, California Contract Cities Association
Robert Taylor, Chief, Probation Department
J. Stephen Tidwell, Federal Bureau of Investigation

Robert Todd, Southeast Cities Police Chiefs' Association
Robin Toma, County Human Relations Commission
Frank Venti, Independent Cities Association
Antonio Villaraigosa, Mayor of the City of Los Angeles
Larry Waldie, Undersheriff
Debra Yang, U.S. Attorney

STAFF

Peggy Shuttleworth, Executive Director
Vincent Holmes
Cynthia Machen
Craig Marin

GUESTS/OTHERS

Peter Amico, Sheriff's Department
Joseph Charney, Justice Deputy, Board of Supervisors, Third District
Carol Clem, Public Defender's Office
Gerald Cooper, Sheriff's Department
Mark Delgado, Community Outreach, District Attorney's Office
Rone Ellis, Private Citizen
David Estrada, Los Angeles Unified School District
Karla Kerlin, District Attorney's Office
Wayne Mack, Community Outreach, District Attorney's Office
Cheryl Newman, Sheriff's Department
Mark Ogada, District Attorney's Office
Devallis Rutledge, District Attorney's Office
Joe Scott, District Attorney's Office
Bruce Shutan, Los Angeles City Attorney's Office
Bruce Staniforth, Economy and Efficiency Committee
Randy Tahara, Justice Deputy, Board of Supervisors, Second District
Jean Thompson, League of Women Voters
Alice Walton, CNS
Gabriella Yap, County CAO

I. CONVENE / INTRODUCTIONS – Lee Baca

The meeting was called to order at 12:00 noon by Los Angeles County Sheriff Lee Baca, Vice Chair of this Committee and Acting Chair for this meeting.

Self-introductions of members and guests followed.

II. REVIEW / APPROVAL OF MINUTES – Lee Baca

There were no requests for revisions to the Minutes of the meeting on April 19, 2006. A Motion was made to approve the Minutes.

ACTION: The Motion to approve the Minutes of the April 19, 2006 meeting was seconded and approved without objection.

III. DRUG COURT ANNUAL REPORT – Rudy Diaz

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 2004/2005.

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.

From 1994 to the present, over 9,400 individuals have participated in treatment offered through the Drug Courts. While there has been a decrease in admissions compared with previous years, there are also fewer terminations.

In addition, 3,256 individuals have graduated from Community Drug Court programs, 221 have graduated from the SODC program, and 140 have graduated from the Juvenile Drug Court programs; this results in a total of 3,617 total graduations.

The following statistics were noted for Fiscal Year 2004/2005:

- There were 1,011 new admissions to the Community Drug Court programs and 424 graduates;
- There were 122 new admissions to the SODC program and 29 graduates; and
- There were 116 new admissions to the Juvenile Drug Court programs and 27 graduates.

Among active participants, there has been a noticeable increase in the percentage of women that are receiving treatment. Specifically, the percentage has increased by 4% to 30% since the programs began.

The recidivism rate among Drug Court graduates has increased 5% over the previous fiscal year, which has resulted in an overall recidivism rate of 34%. It is believed that this increase is likely due to the continued 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.

Efforts are being made to reduce the recidivism rate by increasing services that are offered to graduates. It was also noted that, while the SODC program had a slight increase in its recidivism rate, it still has one of the lowest single court recidivism rates in the County at 22.8%. The one year recidivism rate for graduates of this program is 5%.

As a result of funding provided by the California Administrative Office of the Courts (AOC), the Drug Court Oversight Committee formed a partnership with the UCLA Integrated Substance Abuse Program and jointly sponsored three full-day training conferences. One of the conferences was held for the Adult Drug Court teams, a second was held for the Juvenile Drug Court teams, and the third was held for Drug Court treatment providers.

The AOC funding was also used to sponsor the Fourth Annual Statewide Conference on Co-Occurring Disorders, which was held in Long Beach. The sponsorship allowed all Drug Court members to attend at no cost.

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

A Motion was 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. THREE STRIKES AMENDMENT – Steve Cooley

Los Angeles County District Attorney Steve Cooley presented an overview of California State Senate Bill 1942 (SB 1942), as well as an Initiative entitled, “The Three Strikes Reform Act of 2006”.

The current “Three-Strikes” law was approved by voters in 1994 with the passage of Proposition 184. This provides that if a person has two or more prior convictions for qualifying violent or serious felonies, then any new felony conviction may result in a sentence of 25 years to life in prison.

In 1996, the State Supreme Court ruled that judges have discretion to disregard a prior strike in the interest of justice, and impose a sentence more commensurate with the circumstances of the present offense. As a result, policies and practices changed in some counties and in some courts, but not in all. This has created a lack of uniformity

in that the likelihood of receiving a 25-to-life sentence for a non-violent third felony will vary depending on the county or the court in which the person is sentenced.

Additionally, the Three-Strikes law has faced numerous legal and political challenges from those who believe that its application can sometimes be too harsh. Most recently, Proposition 66, which would have significantly changed the Three-Strikes law, was defeated 53% to 47%.

While Mr. Cooley strongly opposed Proposition 66, he stated that the closeness of the vote reflects popular misgivings about the improper use of punishments that offend the public's sense of proportionality. He is therefore in support of modifications to the Three-Strikes law that address these concerns, but only if they do so without endangering public safety.

One of the current efforts to reform the Three-Strikes law is SB 1942. This bill has been introduced by State Senator Gloria Romero, and it would modify the law by providing that if the current felony is not a serious or violent felony, the person would be sentenced to the enhancement under the Three-Strikes provision that is applicable to a person with one prior conviction. This provision would not apply if the current felony is a drug offense, a felony sex offense, involved the use of firearms or deadly weapons, involved great bodily injury, or if any of the prior offenses was a sexually violent offense, any of certain sex offenses involving a child, a homicide, or a serious or violent felony punishable by life imprisonment or death.

The bill would also provide a procedure for qualified persons to file a writ of habeas corpus for the purpose of being re-sentenced to a lesser sentence pursuant to the provisions of the bill.

SB 1942 would become effective only when submitted to and approved by the voters.

In addition to SB 1942, The Three Strikes Reform Act of 2006 is a proposed Initiative that is supported by Mr. Cooley and several other District Attorneys in California.

The Three Strikes Reform Act of 2006 would do the following:

- Keep the present two-strikes and three-strikes penalties;
- Keep the definition of "serious" and "violent" felonies that count as prior strikes;
- Provide that current strikes must either be serious or violent felonies, or be from one or more of listed crime categories (certain sex offenses, large-quantity drug offenses, and crimes where the defendant used a firearm, was armed, or intended to cause great bodily injury to another person);

- Where a defendant has a prior strike for murder, gross vehicular manslaughter while intoxicated or any life-sentence crime, or is a sexually violent predator or has been convicted of certain sex crimes against a child under 14, any new felony conviction can result in a three strikes sentence of 25 to life;
- Current third-strike prisoners whose triggering offense would not qualify for a 25-to-life sentence under the Act would be eligible to apply for re-sentencing, in the Court's discretion, as a second-strike offender;
- All other features of the current law are maintained.

Mr. Cooley stated that The Three Strikes Reform Act of 2006 would maintain the beneficial elements of the Three-Strikes law, while at the same time make limited adjustments to address the disproportionate application of the law.

ACTION: For Information Only.

V. QUARTER CENT SALES TAX PROPOSAL – Commander Pete Amico

Commander Pete Amico of the Sheriff's Department introduced Lieutenant Cheryl Newman to make a presentation on The Gang Suppression, Prevention, and Intervention Act. This is an Initiative that has been proposed for the November 2006 election and, if passed, would raise the sales tax ¼ cent to pay for anti-gang crime efforts in the County of Los Angeles.

It is estimated that the ¼ cent sales tax increase would provide \$325 million dollars annually. Of this amount, the proposal will allocate \$55 million to cover technology and increased administrative costs to custody facilities, the District Attorney's Office, Probation Department, and other justice agencies.

Additionally, \$75 million would fund GangNet, which is a multi-agency, mobile, regional gang task force that would consist of 20 teams and 460 officers.

The remaining \$195 million would be divided among cities based on their respective populations, with a minimum of at least \$100,000 going to every city. The cities (i.e., unincorporated areas and contract cities, the City of Los Angeles, and all remaining independent cities) will then have discretion to use their funding for suppression and intervention/prevention efforts, with the qualification that at least 50% of their funding must be used for suppression.

From the \$55 million allocation, funding will be set aside to provide for an outside audit firm that will work independently to ensure that the cities are using the money in the manner intended.

It was noted that the Initiative contains a seven-year renewal clause that would require it to go before the voters every seven years for reauthorization.

This Initiative must be approved by the County Board of Supervisors (requiring at least four of the five votes) no later than 88 days prior to the November election in order for this to be on the November ballot. If it is placed on the ballot, two-thirds of County voters will need to vote in favor of the proposal in order for it to pass.

ACTION: For Information Only.

VI. OTHER MATTERS / PUBLIC COMMENT

Jean Thompson from the League of Women Voters distributed fliers for an upcoming panel discussion entitled, "The Revolving Door II". This is the second of a series of informational panels on the current correctional system.

The event will be held on July 15, 2006, from 10:00 a.m. to 12:00 p.m. at the USC Institute for Genetic Medicine Art Gallery, 2250 Alcazar Street, Second Floor, Los Angeles, 90033.

VII. ADJOURN

There being no further business, Sheriff Baca adjourned the meeting at 12:46 p.m. The next CCJCC meeting will be held on **Wednesday, June 21, 2006 at 11:30 a.m. in Room 739 of the Kenneth Hahn Hall of Administration.**