

# **COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE**

## **MINUTES OF THE JULY 18, 2007 MEETING**

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

### **MEMBERS PRESENT**

Chair: Zev Yaroslavsky, County Supervisor for the Third District and  
Chairman of the County Board of Supervisors

Cynthia Banks, Department of Community & Senior Services  
Sally Flowers, California Contract Cities Association  
Janice Fukai, Los Angeles County Alternate Public Defender  
Jon Fullinwider, Los Angeles County Chief Information Officer  
Ronald Ikejiri, Economy and Efficiency Commission  
Michael Judge, Los Angeles County Public Defender  
Jeanne Kennedy, County Quality & Productivity Commission  
Richard Kirschner, Judge, Superior Court  
Tim Landrum, U.S. Drug Enforcement Administration  
Don Pedersen, County Police Chiefs' Association  
Richard Propster, Peace Officers' Association of Los Angeles County  
Lakshmanan Sathyavagiswaran, Los Angeles County Coroner  
Greg Savelli, South Bay Police Chiefs' Association  
Michael Tynan, Judge, Superior Court  
Larry Waldie, Undersheriff  
Margaret York, County Office of Public Safety

### **ALTERNATES**

Tony Beliz for Marvin Southard, Los Angeles County Department of Mental Health  
Ed Brekke for John Clarke, Superior Court Executive Officer  
Marcus Castro for Dennis Tafoya, County Office of Affirmative Action Compliance  
Dave Davies for Robert Taylor, Los Angeles County Chief Probation Officer  
Xiomara Flores-Holguin for Trish Ploehn, Department of Children and Family Services  
Pamela Hamanaka for Edmund Brown, California Attorney General  
Patty Huber\* for Karen Sisson, Los Angeles City Chief Administrative Officer  
Richard Kirschner for J. Stephen Czulger, Presiding Judge, Superior Court  
James McDonnell for William Bratton, Chief, Los Angeles Police Department  
Sally Meloch for George Cardona, U.S. Attorney's Office  
William Montgomery for Dave Lambertson, County Internal Services Department  
Steven Olivas for Antonio Villaraigosa, Mayor, City of Los Angeles  
Devallis Rutledge for Steve Cooley, Los Angeles County District Attorney  
Maxine Schmidl\* for David Janssen, County Chief Executive Officer  
Buren Simmons for David Brewer, Los Angeles Unified School District  
Gordon Trask for Ray Fortner, County Counsel  
Michael Tynan for Steven Van Sicklen, Supervising Judge of Criminal, Superior Court  
Jeff Vind\* for John Torres, U.S. Bureau of Alcohol, Tobacco, and Firearms  
Marty Vranicar for Rockard Delgadillo, Los Angeles City Attorney  
Larry Waldie for Lee Baca, Los Angeles County Sheriff

**\*Not a designated alternate**

**MEMBERS NOT PRESENT OR REPRESENTED**

Mark Arnold, Judge, Superior Court  
Gary Dominguez, California Highway Patrol  
Jonathan Fielding, County Department of Public Health  
Karl Henry, Indigent Criminal Defense Appointments Program  
Anthony Hernandez, County Department of Coroner  
Gabriella Holt, County Probation Commission  
Roger Johnson, San Gabriel Valley Police Chiefs' Association  
Sean Kennedy, Federal Public Defender  
Loretta Martin, U.S. Probation Department  
Michael Nash, Supervising Judge, Juvenile Court  
Darline Robles, County Office of Education  
Bill Rosendahl, Los Angeles City Council, 11<sup>th</sup> District  
Stephanie Sautner, Judge, Superior Court  
Patricia Schnegg, Judge, Superior Court  
J. Stephen Tidwell, Federal Bureau of Investigation  
Robert Todd, Southeast Police Chiefs' Association  
Robin Toma, County Human Relations Commission  
Adam Torres, U.S. Marshall  
Frank Venti, Independent Cities' Association  
Mike Webb, County Prosecutors' Association

**CCJCC STAFF**

Mark Delgado, Executive Director  
Kenna Ackley  
Cynthia Machen  
Craig Marin

**GUESTS/OTHERS**

Richard Barrantes, Sheriff's Department  
Felix Basadre, Information Systems Advisory Body  
Joseph Charney, Justice Deputy, County Board of Supervisors, Third District  
Ali Farahani, Information Systems Advisory Body  
John Franklin, Sheriff's Department  
Briane Grey, U.S. Drug Enforcement Administration  
Lisa Kahn, District Attorney's Office  
Steve Kawamura, County Chief Executive Office  
Steve Lieberman, County Office of Public Safety  
Cheryl Newman, Sheriff's Department  
Robert Philibosian, Economy and Efficiency Commission  
David Roberts, League of Women Voters  
Jean Thomson, League of Women Voters  
Steve Wilson, Sheriff's Department  
Jessica Worthington, League of Women Voters

**I. CONVENE / INTRODUCTIONS – Zev Yaroslavsky**

The meeting was called to order at 12:00 noon by Los Angeles County Supervisor Zev Yaroslavsky, Chair of the Los Angeles County Board of Supervisors and Chair of CCJCC.

Self-introductions followed.

**II. REVIEW / APPROVAL OF MINUTES – Zev Yaroslavsky**

There were no requests for revisions to the minutes of the meeting on June 20, 2007. A motion was made to approve the minutes.

**ACTION: The motion to approve the minutes of the June 20, 2007 meeting was seconded and approved without objection.**

**III. PROPOSITION 69 IMPLEMENTATION TASK FORCE – Lisa Kahn**

Lisa Kahn, Forensic Science Advisor of the District Attorney's Office and Chair of the Proposition 69 Implementation Task Force, appeared before CCJCC to provide an update on the implementation of Proposition 69 (DNA Fingerprint, Unsolved Crime and Innocence Protection Act) in Los Angeles County.

As of April of this year, there were nearly 4.5 million convicted offender DNA samples and nearly 175,000 forensic profiles (evidence from unsolved cases) recorded nationwide. The Combined DNA Index System (CODIS) has used this information to produce over 48,500 hits that have assisted in more than 49,400 investigations.

Within California, the implementation of Proposition 69 during the past two and a half years has resulted in more than 600,000 samples being collected from convicted felons. The samples are entered into the state's CAL DNA databank, which now has over 900,000 samples total and has become the largest statewide convicted offender DNA database in the country.

Ms. Kahn noted that last year's backlog of 300,000 DNA samples that had not yet been entered into the CAL DNA databank has since been reduced and nearly eliminated.

Of the DNA samples collected in the state under Proposition 69, 150,000 have been collected from the California Department of Corrections and Rehabilitation, and over 120,000 samples have been collected by law enforcement agencies in Los Angeles County. In 2006, collections in the county averaged over 5,000 samples per month.

Most of the law enforcement agencies of Los Angeles County have performed well in collecting DNA samples, with the majority being taken by the Probation Department and the Sheriff's Department (Inmate Reception Center, Field Operations Support, and Court Services).

The LAPD was the first police department to begin collecting DNA samples at the arrest and booking stage of a case, which has served as a model for the other police departments.

While many of the municipal police departments are also now taking the samples at the arrest and booking stage, some appear to be taking less than would be expected given their number of bookings.

Thus far in 2007, DNA collections have dropped countywide by about 25%. This may be due to increasing numbers of repeat offenders who have already had their samples taken.

The DNA Order Tracking System (DOTS) will serve 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. Until now, agencies have been using a system referred to as Pre-DOTS.

Phase I of DOTS will be implemented countywide on August 1, 2007. This will automatically retrieve the Consolidated Criminal History Reporting System (CCHRS) RAP sheet, pre-populate the collection screen with data from CCHRS, validate data entered by users on the collection screen, and update CHRS with DNA collected status in real time.

Phase II of DOTS will provide automatic daily screening of the jail population to determine which inmates need to have DNA samples taken.

Phase III of DOTS will integrate with the LiveScan fingerprint system so that law enforcement agencies will be automatically informed as to whether a person's DNA sample should be taken at the time of arrest and booking.

Under Proposition 69, a County DNA Reimbursement Fund was established that receives one of every 10 dollars collected on every fine, penalty, or forfeiture imposed for criminal offenses (including Vehicle Code violations but excluding parking tickets).

During the first two years of implementation, the State of California received 70% of the fees collected under Proposition 69. Currently, 50% of the collections deposited into the DNA Reimbursement Fund remain with the County (about \$3 million), and this will increase to 75% (about \$4.5 million) next year and each year thereafter.

The local funds available through the DNA Reimbursement Fund may be used for both the collection of offender samples and the processing, analysis, tracking, and storage of DNA crime scene samples.

Until now, the funds have been used to reimburse local law enforcement agencies for the cost of collecting DNA samples (at a rate of \$30 per sample). However, as the amount of local revenue available increases, there will be more funds available for use by crime labs doing work on cold cases.

The number of cold hits in California has been increasing rapidly since the implementation of Proposition 69. Through June 2007, there have been a total of 4,763 hits. There were 3,566 total hits by the end of 2006, 1,838 total hits by the end of 2005, and 1,068 total hits by the end of 2004.

Locally, the number of cold hits have been increasing for both the LAPD and Sheriff's Department crime labs. The LAPD crime lab has had more cold hits, partly because the LAPD has worked more unsolved cases.

Last year, the LAPD received a grant from the National Institute of Justice to take DNA samples from burglaries and auto thefts in the San Fernando Valley – one of six such pilot programs in the nation.

Ms. Kahn noted that in order to obtain a large number of DNA matches on unsolved cases, there must be resources available for entering data into both the convicted offender database and the forensic database. While the former has grown large under Proposition 69, more work is needed to increase the number of crime scene samples in forensic databases.

In addition, Ms. Kahn suggested that DNA samples from unsolved violent crimes should be promptly processed, partial matching and familial searching should be used in violent crime cases when all investigative leads have been exhausted, and that DNA testing should be expanded to property crimes.

The Sixth Annual DNA Awareness Educational Forum and Awards Luncheon is scheduled for Monday, September 10, 2007, from 8:30 a.m. to 4:00 p.m. at California State University, Los Angeles. Los Angeles County District Attorney Steve Cooley and the LAPD's Robbery Homicide Division Cold Case Unit will be honored for achievement in promoting forensic DNA analysis as a crime-fighting tool.

Registration information for this event was distributed to CCJCC members.

**ACTION: For information only.**

#### **IV. LEGISLATIVE UPDATE – Maxine Schmidl**

Maxine Schmidl of the County CEO's Intergovernmental Relations Branch appeared before CCJCC to provide an update on current state legislation relevant to the criminal justice community.

The statutory deadline for completion of the California State Budget passed on June 15<sup>th</sup>, and the State Legislature was unable to reach an agreement by that date. The Budget Conference Committee completed action on the State Budget on June 29<sup>th</sup>, voting along party lines. Both houses must cast a vote before the Budget Bill proceeds to the Governor for approval.

### Integrated Services for Homeless Adults with Serious Mental Illness Program (AB 2034)

This program provides outreach and integrated community-based services to homeless individuals with serious mental illness. The Governor's proposed budget would have eliminated all funding for this program, with the recommendation that funds from the Mental Health Services Act (MHSA, or Proposition 63) be used instead. However, the MHSA prohibits using these funds to backfill for existing programs, so there may be legal difficulties with this proposal.

The State Senate proposed to restore full funding (\$54.9 million) for this program, but the State Assembly did not adopt the restoration. The Conference Committee subsequently approved the Senate's proposal.

The County of Los Angeles supports full funding for AB 2034.

### Mentally Ill Offender Crime Reduction (MIOCR) Program

The Budget Act of 2006 appropriated \$44.6 million for the MIOCR program to award competitive grants for the implementation and assessment of multi-agency projects designed to curb recidivism among adult and juvenile mentally ill offenders.

While full funding for the program was included in the Governor's Budget for Fiscal Year 2007-2008, the Senate voted to eliminate the funding and the Assembly did not address it. The Conference Committee subsequently approved the Senate's proposal.

The County of Los Angeles opposed the elimination of funding for the MIOCR program. The estimated impact on the county is a \$3.4 million reduction.

### Proposition 36

The Governor's Budget for FY 2007-08 reduced funding for Proposition 36 (Substance Abuse and Crime Prevention Act of 2000) by \$60 million. The Administration's proposal was in response to Proposition 36 reforms which have been suspended by judicial injunction. The Governor's Budget would have used this funding reduction to provide an increase of \$35 million to the Substance Abuse Offender Treatment Program (OTP). OTP requires a ten percent county match and has a competitive process for obtaining funding.

The Senate proposed to augment Proposition 36 funding by \$60 million for a total base funding of \$120 million, with \$40 million for OTP. The Assembly voted to appropriate \$85 for Proposition 36 and \$60 million for OTP.

The Conference Committee approved the Senate proposal to fund Proposition 36 at \$120 million and OTP at \$40 million for a total of \$160 million for the two programs in FY 2007-08.

On May 9, 2007, CCJCC issued a letter in support of funding for Proposition 36 programs in the amount of \$228.6 million. This level of funding is reflective of the needs of counties based upon a study performed by UCLA.

#### California Adult Probation Accountability and Rehabilitation Act Program (CAPARA)

The Governor's Budget proposed \$50 million in local assistance grants to counties to fund the CAPARA program, which is intended to reduce incarceration and recidivism rates among the at-risk population between 18 and 25 years of age.

In the May Revision, the Governor reduced the adult probation grant to \$25 million annually. The Assembly and Senate Budget subcommittees further reduced the grant amount to \$20 million to support four pilot counties on a one-time basis. The Chief Probation Officers of California are still working to increase funding for adult probation from \$20 to \$25 million.

#### Trial Court Security

The Governor's May Revision proposed to increase funding for court security costs by \$36.6 million. The Budget Conference Committee approved the Assembly version of Trial Court Security funding, which rejected the Governor's proposal, as well as the Senate proposal, which would have provided a \$25 million augmentation. However, the Conference Committee discussed possible trailer bill language to increase trial court security funding, which also would reduce the counties' Trial Court Maintenance of Effort obligation (\$3.9 million annually for Los Angeles County) in exchange for counties taking over the responsibility to fund retiree health costs for court security staff.

No trailer bill language is yet available.

#### Juvenile Justice Reform

The Governor's Budget proposed to begin shifting non-violent juvenile offenders from the state to the counties starting on July 1, 2007. While the Budget Conference Committee approved the juvenile justice reform proposal, no legislative language is yet available.

In a letter to the Governor and Legislature, the County Board of Supervisors has indicated support for the concept of retaining youth with lesser offenses at the local level where they will benefit from county programs and community support networks. However, the Board also expressed concern that reimbursement be adequate to serve these youth in a treatment effective environment, urging a timely, stable, and secure funding source that considers the large juvenile population detained in Los Angeles County facilities and the resulting growth in County costs and service requirements.

According to preliminary information from the Budget Conference Committee, Los Angeles County will receive \$5.6 million from a combination of funds for incarcerated and paroled youth in FY 2007-08, increasing to \$18.7 million in FY 2008-09 and to \$23.8 million in FY 2009-10 as the number of non-violent juvenile offenders retained by

the County of Los Angeles is estimated to increase. Further discussions are expected before final numbers are issued.

#### SB 145 – Transfer Of Trial Court Facilities

SB 145 would extend the deadline for transfer of trial court facilities from the counties to the state to December 31, 2008. Currently, the law states that the deadline was June 30, 2007.

On July 3, 2007, the bill was amended to require that any transfer agreement that has not been executed by June 30, 2008, contain a requirement that the county pay an additional amount annually, to be calculated pursuant to a specified method. The bill would provide that the county is not required to make the additional payment if the county has submitted a proposed county facilities payment in connection with court facilities.

The county facility payment is the annual maintenance of effort payment that counties pay to the state to offset the cost of the transferred facilities.

The County of Los Angeles supports this measure due to the importance of the transfer process and the need for the additional time to complete the transfers.

The bill is currently in the Assembly Appropriations Committee.

#### SB 959 – Involuntary Home Detention

SB 959 would establish an involuntary home detention program in which participants would be electronically monitored, as specified. The Board of Supervisors would be permitted to authorize an involuntary electronic monitoring home detention program for county inmates when the Sheriff determines that jail overcrowding warrants release of a sentenced misdemeanor.

This bill is currently awaiting consideration by the Assembly before it goes to the Governor for signature.

#### AB 900 – Public Safety and Offender Rehabilitation Services Act

Assembly Bill 900 (AB 900), the Public Safety and Offender Rehabilitation Services Act of 2007, was signed into law on May 3, 2007.

This new law seeks to address the prison and local jail overcrowding problem by providing \$7.7 billion to add 53,000 prison and jail beds in two phases.

The funds will be in the form of a Lease Revenue Bond.

The legislation includes funds for 16,000 beds in secure re-entry facilities, which are small, secure rehabilitation centers that will give every offender job training, mental health and substance abuse counseling, housing placement, and other services.

The California Department of Corrections & Rehabilitation (CDCR) will be hosting regional meetings in the coming months to discuss details of the implementation of this legislation.

**ACTION:** For information only.

**NOTE:** Shortly after the beginning of the following presentation, Supervisor Yaroslavksy had to leave. He appointed Los Angeles County Public Defender Michael Judge to serve as Acting Chair for the remainder of the meeting.

**V. AB 900/COUNTY REENTRY ISSUES – Dave Davies**

Dave Davies of the Los Angeles County Probation Department appeared before CCJCC to provide additional information about AB 900 and reentry issues.

One of the major changes resulting from AB 900 will be CDCR's plan to reduce the number of parolees that are returned to state prison. Given that 70% of parolees recidivate, this could cause substantial difficulties for the County of Los Angeles.

The increase in Court cases and workload for the Probation Department may noticeably increase, and deputy probation officers (DPO's) will need to provide dual supervision on cases in both systems. Additionally, unlike the current dual supervision cases, CDCR will no longer be the lead agency, which will place all of the work on local DPO's.

There is also the probability that the state will be looking to the Probation Department to administer risk and needs assessments on all new state prison cases so that CDCR will know which treatment programs the prisoners should participate in. This will greatly impact the Probation Department's investigative function.

In addition, the CDCR Division of Juvenile Justice (DJJ), formerly the California Youth Authority, is restructuring the juvenile justice system. Beginning September 1, 2007, they will only accept minors sustained on a 707(b) offense (serious crimes).

The state intends to provide the counties with block grant funding to provide for the additional minors. These funds may be used for facility improvements, hiring of additional staff, and increased health and treatment services.

Given the significant impact that these changes will have on the County's criminal justice system, Mr. Davies requested that CCJCC form a multi-agency subcommittee to coordinate local reentry practices and responses to the state's adult and juvenile reentry initiatives.

A motion was made to create this multi-agency subcommittee, which will consist of representatives from the Superior Court, Probation Department, District Attorney's Office, Public Defender's Office, Alternate Public Defender's Office, Sheriff's Department, Mental Health Department, and any other departments deemed appropriate.

**ACTION:** The motion to approve the creation of a multi-agency subcommittee to coordinate local reentry practices and responses to the state's adult and juvenile reentry initiatives was seconded and approved without objection.

**VI. OTHER MATTERS / PUBLIC COMMENT**

Jean Thomson from the League of Women Voters announced that her organization is sponsoring the third in a series of "revolving door" forums on either August 20<sup>th</sup> or August 21<sup>st</sup>, 2007 (exact date and time to be provided later), at L.A. Trade Tech College. This will focus on the preparation for release back into the community.

All members of CCJCC are invited to attend. Ms. Thomson indicated that she may be contacting some members in order to obtain updated information for a study that the League of Women Voters is conducting on this issue.

Ms. Thomson can be reached at (213) 368-1616, or at [thom@socal.rr.com](mailto:thom@socal.rr.com).

**VII. ADJOURN**

There being no further business, Michael Judge adjourned the meeting at 1:05 p.m. There will not be a CCJCC meeting in August. The next CCJCC meeting will be held on **Wednesday, September 19, 2007, at 11:30 a.m. in Room 739 of the Kenneth Hahn Hall of Administration.**