

# **COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE**

## **MINUTES OF THE FEBRUARY 20, 2008 MEETING**

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

### **MEMBERS PRESENT**

Chair: Yvonne B. Burke, County Supervisor for the Second District and  
Chair of the County Board of Supervisors

Lee Baca, Los Angeles County Sheriff and Vice Chair of CCJCC

Cynthia Banks, Department of Community & Senior Services

Ray Fortner, County Counsel

Janice Fukai, Los Angeles County Alternate Public Defender

Gabriella Holt, County Probation Commission

Al Leiga, County Quality & Productivity Commission

Richard Propster, Peace Officers' Association of Los Angeles County

Kim Raney, President, County Police Chiefs' Association

Greg Savelli, South Bay Police Chiefs' Association

### **ALTERNATES**

Tony Beliz for Marvin Southard, County Department of Mental Health

Ed Brekke for John Clarke, Superior Court Executive Officer

George Cardona for Thomas O'Brien, U.S. Attorney's Office

\*Dardy Chen for William Fujioka, County Chief Executive Officer

Dave Davies for Robert Taylor, Los Angeles County Chief Probation Officer

\*Peter Espinoza for J. Stephen Czuleger, Presiding Judge, Superior Court

Peter Espinoza for Steven Van Sicklen, Supervising Judge of Criminal, Superior Court

Craig Harvey for Anthony Hernandez, County Department of Coroner

Robert Kalunian for Michael Judge, Los Angeles County Public Defender

\*David McGill for William Bratton, Chief, Los Angeles Police Department

William Montgomery for Dave Lambertson, County Internal Services Department

Cecile Ochoa for Dennis Tafoya, County Affirmative Action Compliance Officer

Steven Olivas for Antonio Villaraigosa, Mayor, City of Los Angeles

Michael O'Shea for Margaret York, County Office of Public Safety

Robert Philibosian for Ronald Ikejiri, Economy and Efficiency Commission

Wilson Poon for Karen Sisson, Los Angeles City Chief Administrative Officer

\*Wendell Roberts for John Torres, U.S. Bureau of Alcohol, Tobacco, and Firearms

Christopher Rogers for Lakshmanan Sathyavagiswaran, Los Angeles County Coroner

Buren Simmons for David Brewer, Los Angeles Unified School District

Wayne Sugita for Jonathan Fielding, County Department of Public Health

**\*Not a designated alternate**

## **MEMBERS NOT PRESENT OR REPRESENTED**

Mark Arnold, Judge, Superior Court  
Edmund Brown, California Attorney General  
Steve Cooley, Los Angeles County District Attorney  
Rockard Delgadillo, Los Angeles City Attorney  
Marilyn Diaz, San Gabriel Valley Police Chiefs' Association  
Gary Dominguez, California Highway Patrol  
Sally Flowers, California Contract Cities Association  
Jon Fullinwider, Los Angeles County Chief Information Officer  
Karl Henry, Indigent Criminal Defense Appointments Program  
Salvador Hernandez, Federal Bureau of Investigation  
Sean Kennedy, Federal Public Defender  
Richard Kirschner, Judge, Superior Court  
Tim Landrum, U.S. Drug Enforcement Administration  
Loretta Martin, U.S. Probation Department  
Michael Nash, Supervising Judge, Juvenile Court  
Trish Ploehn, Department of Children and Family Services  
Darline Robles, Superintendent, Los Angeles County Office of Education  
Stephanie Sautner, Judge, Superior Court  
Patricia Schnegg, Judge, Superior Court  
Robert Todd, Southeast Police Chiefs' Association  
Robin Toma, County Human Relations Commission  
Adam Torres, U.S. Marshall  
Michael Tynan, Judge, Superior Court  
Frank Venti, Independent Cities' Association  
Larry Waldie, Undersheriff  
Mike Webb, County Prosecutors' Association  
Jack Weiss, Los Angeles City Council, District 5

## **CCJCC STAFF**

Mark Delgado, Executive Director  
Kenna Ackley  
Cynthia Machen  
Craig Marin

## **GUESTS/OTHERS**

Richard Barrantes, Sheriff's Department  
Jeff Carr, Gang Reduction Youth Development, City of Los Angeles  
Karen Dalton, Sheriff's Department  
Sharon Harada, Probation Department  
Jaclyn Tilley Hill, Quality and Productivity Commission  
Ana Maria Luna, Judge, Superior Court  
Randi Tahara, Justice Deputy, County Board of Supervisors, Second District

**I. CONVENE/INTRODUCTIONS**

Yvonne B. Burke, County Supervisor, Second District

The meeting was called to order at 12:00 noon by Los Angeles County Supervisor Yvonne B. Burke, Chair of CCJCC.

Self-introductions followed.

**II. APPROVAL OF THE MINUTES**

Yvonne B. Burke, County Supervisor, Second District

There were no requests for revisions to the minutes of the January 16, 2008 meeting. A motion was made to approve the minutes.

**ACTION: The motion to approve the minutes of the January 16, 2008 meeting was seconded and approved without objection.**

**III. DISPROPORTIONATE MINORITY CONTACT SUBCOMMITTEE**

Sharon Harada, Chief of Juvenile Field Services Bureau, Probation Department

Sharon Harada, Chief of the Juvenile Field Services Bureau of the County Probation Department, appeared before CCJCC to present an update on the Disproportionate Minority Contact (DMC) grant that was received through the Corrections Standards Authority (CSA) for the State of California.

Ms. Harada thanked Supervisor Burke for her support of the Probation Department's efforts to address this issue and assistance with the grant process.

DMC refers to the overrepresentation of minority youth who come into contact with the juvenile justice system relative to their numbers in the general population. Contact refers to all stages of the juvenile justice system, from an initial encounter with law enforcement to all subsequent decision points.

The three-year DMC grant was awarded to the Probation Department in January 2007. A multi-agency CCJCC subcommittee was formed to carry out the provisions of the grant. This subcommittee consists of representatives from the Probation Department, Sheriff's Department, District Attorney's Office, Public Defender's Office, Juvenile Court, LAPD, County Police Chiefs' Association, and a grant consultant.

The grant is divided into three phases as follows:

- Phase 1 – DMC Infrastructure and Education (1/1 – 12/31/08). This focuses on determining if DMC exists at key Departmental Decision/Contact Points.
- Phase 2 – Stakeholder Collaboration and Plan Development (1/1 – 12/31/08). This focuses on stakeholder collaboration in DMC reduction efforts.
- Phase 3 – Implementation of DMC Reduction (1/1/ - 12/31/09). This focuses on the implementation of DMC reduction strategies.

The Federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) recommends that states take the following five steps in their efforts to reduce DMC: (1) Identification; (2) Assessment; (3) Intervention; (4) Evaluation; and (5) Monitoring.

Ms. Harada presented statistics that demonstrate that African-American youth and youth of color are disproportionately represented through every stage in the juvenile justice process.

In Los Angeles County, statistics reveal that there is a disproportionate percentage of African American youth in terms of arrests, referrals to court, and detention admissions.

The DMC subcommittee has developed a workplan consisting of goals, tasks for each represented agency, and an implementation timeline. In addition to implementation of the workplan, the subcommittee will engage stakeholders in the development of a long-term, system-side DMC reduction plan and support the education of stakeholders regarding system-wide DMC reduction efforts.

**ACTION: For information only.**

#### **IV. PROPOSITION 36 TASK FORCE**

Judge Ana Maria Luna, Chair, Proposition 36 Task Force

Judge Ana Maria Luna, Chair of the Proposition 36 Steering Committee, appeared before CCJCC to present a report on the first five years of Proposition 36 in Los Angeles County (Fiscal Year 2001 through 2006).

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 by requiring that criminal defendants who are convicted of a non-violent drug offense be placed in drug treatment, as opposed to incarceration, as a condition of probation.

When Proposition 36 was first approved, the program was allotted \$120 million annually to be used statewide for the first five years, with an initial first year appropriation of \$60 million for planning and implementation.

Los Angeles County received approximately \$30 million annually from the program inception through Fiscal Year 2005-2006. The county was also able to utilize funding from the rollout money for initial planning and implementation.

During the first five years of the program, a total of nearly 46,000 new defendants were either sentenced by the court or ordered by parole to participate in Proposition 36. Nearly 38,000 of these defendants were provided assessment and treatment referral services by Community Assessment Services Centers (CASC's). Of this total, 30,452 reported to community-based providers for treatment as ordered. The overall show rate for treatment during the first five years was 81%.

The report also states that a total of 11,413 participants successfully completed treatment. Of these, 6,860 successfully petitioned the Court and had their cases dismissed.

The guaranteed funding of the first five years no longer exists, and the program is now being funded on a year-to-year basis.

The Governor proposed \$120 million for Proposition 36 for Fiscal Year 2006-2007 and \$25 million in additional funding under the Substance Abuse Offender Treatment Program (OTP). The OTP funding is competitive and requires a 10% county match in funds. Los Angeles County was allocated \$8 million under OTP in Fiscal Year 2006-2007.

The current funding level for Proposition 36 does not adequately address the rising costs and increased number of defendants that are entering the program. As a result, treatment services have had to be reduced. Furthermore, the uncertainty of continued funding is having a significant role in the ongoing provision of services under Proposition 36.

Both the State Senate and State Assembly Budget Committees are holding hearings regarding proposed cuts for the next fiscal year. The Proposition 36 Steering Committee has requested that CCJCC send a letter to both Budget Committees and the Los Angeles County legislative delegation opposing funding cuts to either Proposition 36 or Drug Court programs in FY 2008-09.

Robert Philibosian of the Economy and Efficiency Commission inquired as to whether there has been a study regarding recidivism of Proposition 36 participants. Judge Luna stated that this has not yet been done for this population.

Sheriff Baca suggested that a sampling be taken of 500 or more individuals that have completed Proposition 36 treatment and have had their cases dismissed. Recidivism rates could then be determined for this group.

Judge Luna stated that the Proposition 36 Steering Committee will discuss the process by which a recidivism study could be performed.

A motion was made to approve the Proposition 36 Report for Fiscal Years 2001-2006 for submission to the County Board of Supervisors.

**ACTION: The motion to approve the Proposition 36 Report for Fiscal Years 2001-2006 for submission to the County Board of Supervisors was seconded and approved without objection.**

A motion was made for CCJCC to take a position opposing funding cuts to both Proposition 36 and Drug Court programs for Fiscal Year 2008-2009, and that a letter stating that position be sent to the Budget Committee Chairs of the State Senate and State Assembly, as well as each member of the Los Angeles County delegation to the State Legislature.

**ACTION:** The motion for CCJCC to take a position opposing funding cuts to both Proposition 36 and Drug Court programs for Fiscal Year 2008-2009, and that a letter stating that position be sent to the Budget Committee Chairs of the State Senate and State Assembly, as well as each member of the Los Angeles County delegation to the State Legislature, was seconded and approved without objection.

Judge Luna provided an overview of a proposed state ballot initiative that is likely to be placed on the ballot in November 2008. The proposed initiative is titled, "Nonviolent Offender Rehabilitation Act of 2008" (NORA), and it has been filed with the State Attorney General's Office. This initiative was produced by the Drug Policy Alliance, which also created Proposition 36.

Two major areas of reform that NORA addresses are drug treatment diversion programs and prison and parole policies.

NORA would create three tracks for drug treatment diversion. This three-track system would expand and largely replace the existing PC 1000, Proposition 36, and drug court programs.

Track I largely replaces the PC 1000 program in which certain drug possession offenders who have no prior drug offenses can be diverted to a drug education or treatment program under a deferred entry of judgment arrangement. Under Track I, offenders who have no prior violent or serious offenses could enter into a deferred entry of judgment arrangement with the court that does not require probation supervision. The Track I option expands the availability of such diversion programs and shortens the time period of participation. While participants in PC 1000 programs must pay the out-of-pocket cost of their drug education or treatment program, this measure generally provides for state funding of these programs for Track I participants.

Track II establishes a modified form of the existing Proposition 36 programs, which would generally divert to treatment and probation for up to a year (24 months with extensions) offenders who have been convicted of a nonviolent drug possession offense. Track II differs from Proposition 36 by allowing diversion of offenders who were also convicted at the same time of a non-drug related crime, which may result in more participants than are currently in Proposition 36.

Track III is similar to existing drug court programs and generally provides treatment and probation supervision for up to 18 months (24 months with an extension) in lieu of incarceration. Judges would have discretion as to which nonviolent drug possession offenders would be admitted, except that a drug offender excluded from Track II for having five or more prior felonies or misdemeanors in the prior 30 months must be placed in Track III.

NORA establishes a trust fund that includes \$150 million for the second half of Fiscal Year 2008-2009. Beginning Fiscal Year 2009-2010, \$460 million per year would be allocated statewide with cost of living and population adjustments. Unlike Proposition 36, this funding is guaranteed every year with no sunset provision.

After monies are set aside for certain administrative and program costs, the measure designates 15% of the remainder for Track I programs, 60% for Track II programs, and 10% for Track III programs. The remaining 15% would be utilized for new treatment programs for nonviolent youth under age 18 that are deemed at-risk for committing future drug offenses.

NORA would expand the number of offenders that are eligible for diversion and limit the circumstances under which jail sanctions could be utilized. Incarceration could only be used for offenders in Track III who have violated probation.

Judge Luna noted that the initiative establishes new Court procedures that include an increased number of evidentiary and follow-up hearings. It also imposes new data collection and reporting requirements on the counties and courts.

Additionally, NORA creates a 23-member state oversight committee that would be charged with setting rules for distributing funding and collection data, as well as be given the authority to approve treatment plans and programs that the counties are required to submit.

NORA also modifies parole supervision procedures and expands prison and parole rehabilitation programs, allows for additional credits for participation and performance in rehabilitation programs that could reduce the time certain offenders stay in state prison, changes the penalties for marijuana possession, and makes various other miscellaneous changes to state law related mainly to the organization of rehabilitation programs at the California Department of Corrections and Rehabilitation (CDCR).

With regard to mental health treatment, NORA stipulates that an offender in an adult drug treatment offender program in Tracks I, II, or III would be eligible for Proposition 63 (Mental Health Services Act) funding for mental health services.

Some members of CCJCC expressed concern about this initiative. In particular, questions were raised concerning the impact on the Court, the existing drug court programs, the fiscal impact on the County of Los Angeles, and accountability.

At this time, the State Legislature has not offered a competing initiative.

**ACTION: For information only.**

**V. CCJCC MEMBERSHIP ISSUES**  
Ray Fortner, County Counsel

On January 16, 2008, Judge Michael Tynan, on behalf of Judge Peter Espinoza, Assistant Supervising Judge of Criminal Division, nominated Gigi Gordon of the Post Conviction Assistance Center (PCAC) for membership on CCJCC. CCJCC referred this matter to its Membership Subcommittee, which is chaired by County Counsel Ray Fortner.

On February 8, 2008, the Membership Subcommittee considered this request. The subcommittee unanimously agreed to recommend Gigi Gordon for membership in CCJCC.

Mr. Fortner made a motion to appoint Gigi Gordon as a member of CCJCC.

**ACTION: The motion to appoint Gigi Gordon, Directing Attorney of PCAC, as a member of CCJCC was seconded and approved without objection.**

The Membership Subcommittee also unanimously voted to recommend that the CCJCC membership rules be modified so as to specify that members are representatives from "criminal justice agencies **or entities** and local units of government."

Mr. Fortner made a motion to modify the CCJCC membership rules to state that members are representatives from criminal justice agencies or entities and local units of government.

**ACTION: The motion to modify the CCJCC membership rules was seconded and approved without objection.**

**VI. OTHER MATTERS / PUBLIC COMMENT**

There were no additional matters or public comments.

**VII. ADJOURN**

There being no further business, Supervisor Burke adjourned the meeting at 12:40 p.m.

The next CCJCC meeting will be held on **Wednesday, March 19, 2008, at 11:30 a.m. in Room 739 of the Kenneth Hahn Hall of Administration.**