

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE February 18, 2004 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS PRESENT

Michael Judge, Acting Chair
Jon Fullinwider
Anthony Hernandez
James Herren
Jaclyn Tilley Hill
Mary Thornton House
Bill Pellman
Richard Propster
Lakshmanan Sathyavagiswaran
Richard Shumsky
Joyce Streater
Dennis Tafoya
Robin Toma
Michael Tynan

ALTERNATES

Tony Beliz for Marvin Southard*
Ed Brekke for Jack Clarke
David Carleton for Janice Fukai
Stephen Diederich for Michelle Leonhart*
Pamela Hamanaka for Bill Lockyer
Mary Thornton House for Robert Dukes*
Joe Jackson for James Hahn
Sandy Kievman for Cindy Miscikowski
Larry Mason for Steve Cooley*
Jim McDonnell for William Bratton
Sally Meloch for Debra Yang
William Montgomery for Dave Lambertson
Patrick Ogawa for Thomas Garthwaite
Melvin Sandvig for Alice Hill
Buren Simmons for Roy Romer
Michael Tynan for David Wesley*
Marty Vranicar for Rockard Delgadillo*
Bill Ybarra for Darline Robles
Bernard Zapor for Donald Kincaid

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Don Knabe, Fourth District County Supervisor, Chair of CCJCC
Leroy Baca, County Sheriff, Vice-Chair of CCJCC
Michael Brown, California Highway Patrol
William Fujioka, Administrative and Research Services
David Hinig, San Gabriel Police Chiefs' Association
Thomas Hoefel, Police Chiefs' Association
Jack Hunt, Los Angeles Superior Court
Ronald Iden, Federal Bureau of Investigation
Jay Imperial, League of California Cities
Thomas Jackson, California Contract Cities
David Janssen, Chief Administrative Officer
Andrew Kauffman, Los Angeles Superior Court
Steve Napolitano, Independent Cities Association
Michael Nash, Los Angeles Superior Court
Manny Ortega, Southeast Police Chiefs' Association
Stephen Port, South Bay Police Chiefs Association
Robert Ryans, Community & Senior Services
David Sanders, Children & Family Services

Ronald Smith, Bureau of Immigration and Customs Enforcement
Margaret York, Office of Public Safety, County Parks and Recreation

STAFF

Peggy Shuttleworth, Executive Director
Vincent Holmes
Cynthia Machen
Craig Marin

GUESTS/OTHERS

Earl Bradley, Chief Information Office
Carl Gallucci, Justice Deputy, Fourth District
Rosemary Gutierrez, CAO
Tut Hayes, Citizen
Ana Maria Luna, Judge of the Los Angeles Superior Court
Patrick Mallon, Sheriff's Department
Kevin McCarthy, Los Angeles Police Department
Carol Morris Lowe, ADPA
Ray Regalado, County Human Relations Commission
Robert Sedita, Sheriff's Department
Mark Tajima, CAO

I. CONVENE / INTRODUCTIONS – Michael Judge

The meeting was called to order at 12:00 p.m. by Michael Judge, County Public Defender, and Acting Chair of this meeting. Self-introductions of members and guests followed.

II. REVIEW / APPROVAL OF MINUTES – Michael Judge

Public comment was made by Tut Hayes concerning a reference in the minutes to teleconferencing arraignments. Mr. Hayes noted that a defendant may request that the arrest report be read in open court on a motion to dismiss the charge(s) at the arraignment hearing. He questioned whether this right could be met with teleconferencing arraignments given that the defendant is in lock-up and not in the courtroom.

There were no requests for revisions of the minutes of the January 21, 2004 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the January 21, 2004 meeting was seconded and unanimously approved.

III. REGIONAL CRIME LAB PROJECT – Patrick Mallon

Commander Patrick Mallon (Ret.) of the County Sheriff's Department presented an update on the Regional Crime Lab Project.

A 1997 Grand Jury report stated that there is a substantial need for modern crime lab facilities in this County and in the City of Los Angeles. This was followed-up with a 1998 Needs Assessment on the Los Angeles County Sheriff's Department (LASD) and Los Angeles Police Department (LAPD) crime labs, which in turn resulted in a decision to create a new facility that would be shared.

The new crime lab will be located on the campus of the California State University at Los Angeles. A Joint Powers Authority among all of the participating organizations was agreed to, and a planning committee meets regularly.

The State of California had initially agreed to provide 96 million dollars to the project, but much of this was rescinded as a result of the state budget crisis. The funding has subsequently been restored from bond revenue. There is no cost to the county or city other than providing the staff for the facility.

The shift in funding has resulted in the project being under the Department of General Services, as well as a change in the lease agreement. Originally, the University was going to lease their property for 75 years to the Joint Powers Authority, which would sublease the building to the tenants. Instead, the Department of General Services will sublease the facility to the Public Works Board, which will sublease it to the OCJP or its successor agency, which then subleases it to the Joint Powers Authority, which then subleases to the tenants.

The building will be approximately 200,000 square feet in size and have five floors. In addition to the LASD and LAPD crime labs, the building will also include space for the University and the California Forensics Science Institute. Approximately 25% of the building space will be shared jointly by both LASD and LAPD.

The current goal is to have the Memorandums of Understanding (MOU's) completed by June of this year. Construction will likely begin in October, and occupancy of the building is now slated for April 2006.

In response to a public comment, it was noted that the Coroner's Office will not have space in the new crime lab in part because post-mortem samples are handled differently than anti-mortem samples. However, there will still be a close affiliation between the Coroner's Office and the new crime lab.

ACTION: For information only.

IV. PROPOSITION 36 ANNUAL REPORT – Ana Maria Luna

The Substance Abuse and Crime Prevention Act of 2000, also known as Proposition 36, allows criminal defendants who are convicted of a non-violent drug offense to be placed in drug treatment as a condition of probation, instead of incarceration.

Judge Ana Maria Luna presented the Proposition 36 Annual Report, 2002-2003, which was approved by the Proposition 36 Implementation Task Force at its meeting on February 20, 2004.

Judge Luna, who serves as Chair of the Task Force, thanked the following individuals for their participation and assistance:

Judge Michael Tynan; District Attorney Steve Cooley and his staff, particularly John Spillane, Dave Campbell, and Luarie Fornie; Public Defender Michael Judge and Michael Demby of his staff; Probation Department Director Richard Shumsky and Dave Davies of his staff; Patrick Ogawa of the Alcohol and Drug Programs Administration and Carol Morris Lowe of his staff; and Albert Senella and Larry Gentile from the treatment community.

With respect to determining initial Proposition 36 eligibility, a total of 13,709 cases were evaluated, which is an increase of 14% over that of the first fiscal year. Of those cases assessed, 9,836 individuals were sentenced into Proposition 36, which is a 6% increase from the previous fiscal year.

There were 8,048 individuals who went to the Community Assessment Services Centers (CASC's), which is a 32% increase over the previous fiscal year, and represents a compliance rate of 82%. Of these, 6,379 reported to treatment, which is compliance rate of 79%.

In total, the CASC's had close to 27,000 contacts with Proposition 36 participants, and there are now just under a total of 11,000 people in treatment. This is a 115% increase over first fiscal year.

In terms of completions, there have been slightly less than 1,200 individuals who have completed the level of treatment they were assessed at, which is a 140% increase from the previous year.

Regional roundtable meetings continue to be held on a quarterly basis. For the purposes of these meetings, the County was divided into four regions based on Service Planning Areas (SPA's). Each of these regions has regional roundtable meetings that include the treatment providers and representatives from the Court and criminal justice agencies. This has allowed for discussion and resolution of any problems and difficulties that have arisen.

In the future, the Proposition 36 Implementation Task Force will be studying the recidivism rates of those who have completed treatment. The Task Force will use the same criteria as that used for Drug Court graduates.

A Motion was made to approve the Proposition 36 Annual Report for submission to the Board of Supervisors.

ACTION: The motion to approve the Proposition 36 Annual Report for submission to the Board of Supervisors was seconded and approved without opposition.

V. GANG PREVENTION AND EFFECTIVE DETERRENCE ACT – Marty Vranicar

United States Senator Diane Feinstein and United States Senator Orin Hatch have introduced proposed legislation entitled, “Gang Prevention And Effective Deterrence Act Of 2003.” This would authorize \$650 million over the next five years to address the problem of gang crime in the country. \$450 million would support Federal, State, and local law enforcement efforts, and \$200 million would be allotted for intervention and prevention programs for at-risk youth. The bill is currently in committee, and Senator Feinstein’s Office is seeking letters of support from local departments and agencies.

On February 12, 2004, the Interagency Gang Task Force (IGTF) Executive Committee voted to recommend that the Countywide Criminal Justice Coordination Committee support the proposed legislation.

Marty Vranicar, Head of the Gang Unit of the Los Angeles City Attorney’s Office and Chair of the IGTF, expressed support for the bill. He noted that it is the only proposed federal legislation that addresses gang violence prevention. Mr. Vranicar further stated that support of this legislation can serve to bring a national focus to the issue of gang crime, and by giving its support, the County of Los Angeles will have a role in determining the final language of the bill.

Robin Toma, Director of the County Human Relations Commission (HRC), recommended that the committee not support this bill in its current form. He noted that the HRC voted to oppose this legislation on several grounds:

First, there is language in the proposed legislation that allows for the prosecution of juveniles as adults. As a policy matter, the HRC does not support this position.

Second, the amount of funding proposed for intervention and prevention programs is less than that allocated for law enforcement. The HRC believes that the allocations should be equivalent. Mr. Toma suggested that, by expressing opposition to this aspect of the bill, a message will be sent that this disparity should be eliminated in future legislation of this nature.

Finally, Mr. Toma noted that the CAO has indicated that this bill is not likely to pass in its current form, so the County should go on record as supporting these amendments.

Mr. Vranicar stated that the IGTF Executive Committee considered these concerns. However, that group concluded that this bill is the only current opportunity to place gang violence on the national agenda. Los Angeles County is one of the primary centers of gang violence in the country, and Los Angeles area gangs have spread into other areas of the country. Supporting the proposed legislation would provide a first step in obtaining federal assistance and resources. A support letter that offers qualifications for our support won't provide the basis for a dialogue.

Furthermore, Mr. Vranicar noted that, in the current fiscal environment, local agencies must accept any assistance available from the federal government in order to continue to make progress with anti-gang violence efforts.

Mr. Hayes made a public comment in which he noted that cultural issues should be taken into account when addressing the root causes of gang violence.

A Motion was made to postpone a vote on whether to support this bill. The postponement of the vote will be until the next CCJCC meeting. During the intervening time, the proposed support letter will be distributed to all members so that they have an opportunity to review it.

ACTION: The Motion to postpone the vote until the next CCJCC meeting carried.

VI. OTHER MATTERS/PUBLIC COMMENTS

Revision to Megan's Law

Mr. Fullinwider, Chief Information Officer, noted that a bill has passed through the State Assembly that revises Megan's Law by requiring additional information to be made available to the public. This bill is currently in the State Senate.

One effect of this legislation would be to centralize the information with the State Department of Justice (DOJ). Currently, the County can show information such as the proximity of offenders to parks and schools. This would not be available through the state system, and the state system also may not list the closest law enforcement agency, as is done locally.

The Chief Information Office is seeking clarification from the state as to whether the DOJ will continue to allow counties to maintain their own system for notifying the local populace.

Proposed Justice Agency Technology Subcommittee

Mr. Fullinwider also noted that, while there are numerous initiatives for improving communication and distribution of information among County agencies, it is not clear if the benefits of these initiatives are well known. Therefore, he proposed that a Justice Agency Technology Subcommittee be formed to provide strategy and direction on a multi-agency basis. This would provide coordination among the projects.

A Motion was made for this recommendation to be developed into a written proposal that can be reviewed before the next CCJCC meeting, and voted on at that time.

ACTION: The Motion for distributing the proposal in writing before the next CCJCC meeting, and voting on it at that time, was seconded and passed without opposition.

Public Comments

Mr. Hayes expressed concern about the procedures that he encountered during a recent arraignment. Specifically, he stated that when he requested that he be arraigned by a judge, a judge was not made readily available. When he was arraigned, his arrest report was read out loud in open court. Mr. Hayes also alleged that the judicial officer rearranged the order of proceedings and shuffled witnesses, which resulted in him being unable to determine the order of his witnesses. He further maintained that a Commissioner arraigned him on one charge, but the record indicates that he was arraigned on two charges.

Additionally, Mr. Hayes stated that the pro per document that he received indicates that a person representing him or herself must investigate their own case. Mr. Hayes noted that this is inaccurate. A judge can assign an investigator to assist a pro per defendant, as well as a runner, a telephone, books, etc.

VII. ADJOURN

There being no further business, Michael Judge adjourned the meeting at 1:14 p.m. The next CCJCC meeting will be on **Wednesday, March 17, 2004, at 11:30 a.m. in Room 739 of the Kenneth Hahn Hall of Administration.**