

# **COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE**

## **MINUTES OF THE JUNE 2, 2010 MEETING**

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

### **MEMBERS PRESENT**

Chair: Gloria Molina, County Supervisor for the First District and  
Chair of the County Board of Supervisors

Lee Baca, Sheriff and Vice Chair of CCJCC  
Donald Blevins, County Chief Probation Officer  
Peter Espinoza, Supervising Judge, Superior Court  
Janice Fukai, County Alternate Public Defender  
Anthony Hernandez, Director, County Department of Coroner  
Gabriella Holt, County Probation Commission  
Michael Judge, County Public Defender  
Tim Landrum, Special Agent in Charge, U.S. Drug Enforcement Administration  
Al Leiga, Chair, County Quality & Productivity Commission  
Andrea Ordin, County Counsel  
Richard Propster, Peace Officers Association of Los Angeles County  
Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner  
Greg Savelli, President, South Bay Police Chiefs Association

### **ALTERNATES**

\*Richard Barrantes for Larry Waldie, Undersheriff  
Elvira Castillo for Cynthia Banks, Director, County Department of Community & Senior  
Services  
\*Dardy Chen for William Fujioka, County Chief Executive Officer  
Susan Cichy for John Clarke, Superior Court Executive Officer  
Kathleen Daly for Marvin Southard, Director, County Department of Mental Health  
Pamela Hamanaka for Edmund Brown, California Attorney General  
Michel Moore for Charles Beck, Chief, Los Angeles Police Department  
\*Cecile Ochoa for Dennis Tafoya, County Affirmative Action Compliance Officer  
\*Michael Osborn for Steven Martinez, Assistant Director in Charge, Los Angeles  
Division, Federal Bureau of Investigation  
Earl Perkins for Ramon Cortines, Superintendent, Los Angeles Unified School District  
Robert Philibosian for Isaac Barcelona, Chair, County Economy and Efficiency  
Commission  
Bruce Riordan for Carmen Trutanich, Los Angeles City Attorney  
Devallis Rutledge for Steve Cooley, District Attorney  
Greg Savelli for Scott Pickwith, President, Los Angeles County Police Chiefs  
Association  
\*Wayne Sugita for Jonathan Fielding, Director, County Public Health Department  
Brenda Wells for Mike Webb, County Prosecutors Association

**\*Not a designated alternate**

**MEMBERS NOT PRESENT OR REPRESENTED**

Mark Arnold, Judge, Superior Court

Andre Birotte, U.S. Attorney

Michelle Carey, Chief U.S. Probation Officer

Lois Gaston, California Contract Cities Association

Gigi Gordon, Directing Attorney, Post Conviction Assistance Center

Lili Hadsell, President, San Gabriel Valley Police Chiefs Association

Sean Kennedy, Federal Public Defender

Richard Kirschner, Judge, Superior Court

Charles McCoy, Presiding Judge, Superior Court

Michael Nash, Supervising Judge, Juvenile Court

Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program

Trish Ploehn, Director, County Department of Children and Family Services

Darline Robles, Superintendent, County Office of Education

Richard Sanchez, County Chief Information Officer

Miguel Santana, Los Angeles City Chief Administrative Officer

Stephanie Sautner, Judge, Superior Court

Patricia Schnegg, Assistant Supervising Judge, Superior Court

Greig Smith, Los Angeles City Council, 12<sup>th</sup> District

Thomas Sonoff, President, Southeast Police Chiefs Association

Warren Stanley, Southern Division Commander, California Highway Patrol

Tom Tindall, Director, County Internal Services Department

Robin Toma, Executive Director, County Human Relations Commission

Adam Torres, United States Marshal

John Torres, Special Agent-in-Charge, U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives

Michael Tynan, Judge, Superior Court

Frank Venti, President, Independent Cities Association

Antonio Villaraigosa, Mayor, City of Los Angeles

Mitch Ward, League of California Cities, Los Angeles County Division

**CCJCC STAFF**

Mark Delgado, Executive Director

Cynthia Machen

Craig Marin

**GUESTS/OTHERS**

Dennis Burns, Sheriff's Department

Joseph Charney, Third District, County Board of Supervisors

Victoria Evers, County CEO's Office

Briane Grey, U.S. Drug Enforcement Administration

Julio Lima, Los Angeles School Police Department

Carlos Lopez, Sheriff's Department

Ana Maria Luna, Judge, Superior Court

Kevin McCarthy, LAPD

Gina Osborn, Federal Bureau of Investigation  
Myrian Rangel, County Office of Ombudsman  
John Ruegg, Information Systems Advisory Body  
Vicky Santana, First District, County Board of Supervisors  
Gary Schramm, Los Angeles City Attorney's Office  
Stanley Shimotsu, Public Defender's Office  
Peter Shutan, Los Angeles City Attorney's Office  
Connie Smith, LAPD  
Karen Tamis, Vera Institute of Justice  
Cheri Thomas, LAUSD  
Earl Thomas, Los Angeles City Attorney's Office  
Jaclyn Tilley Hill, County Quality and Productivity Commission  
Ruth Wong, County Quality and Productivity Commission

**I. CONVENE/INTRODUCTIONS**

Gloria Molina, County Supervisor, First District

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

Self-introductions followed.

**II. APPROVAL OF THE MINUTES**

Gloria Molina, County Supervisor, First District

There were no requests for revisions to the minutes of the April 7, 2010 meeting. A motion was made to approve the minutes.

**ACTION: The motion to approve the minutes of the April 7, 2010 meeting was seconded and approved without objection.**

**III. SEXUAL ASSAULT FELONY ENFORCEMENT (SAFE) TASK FORCE**

Supervising Special Agent Michael Osborn, FBI

Michael Osborn, Supervising Special Agent with the Federal Bureau of Investigation (FBI) Los Angeles Division, appeared before CCJCC to provide an update on the Sexual Assault Felony Enforcement (SAFE) Task Force.

SAFE is a federal task force begun in 1993 by the FBI. The task force consists of representatives from federal, state, and local law enforcement agencies.

SAFE is responsible for investigating crimes against children, such as the sexual exploitation of children on the Internet, child abductions, interstate travel for the purpose of committing crimes against children, travel to foreign countries for the purpose of engaging in sexual activity with minors, distribution of child pornography, and juvenile prostitution.

Mr. Osborn provided an overview of the following three recent trends that have been observed by the SAFE Task Force: Grooming, Social Networking, and Sexting.

Grooming refers to situations in which adults form and build relationships with minors over the Internet with the intention of enticing the minors into engaging in sexual activity.

An example was provided in which an adult began communicating with a minor via the Internet. After a period of 22 days, the adult met and sexually assaulted the minor. In other situations, the period of communication prior to meeting in person can last much longer. The adult will attempt to gain the trust of the minor and may offer to provide the minor with alcohol or other items.

Social networking involves Internet sites that are customized for specific topics among social groups. Adults that prey upon minors may communicate with one another in this manner and exchange child pornography.

Law enforcement received nearly 14,500 cyber tip reports in the case of one social networking site. Upon investigation, illegal activity was confirmed in over half of these complaints.

Mr. Osborn observed that sexual predators are finding new means through which to victimize minors as technology evolves. This has created a challenge for law enforcement in keeping current on the methods that are being utilized.

In addition, the ease of international communication and travel has resulted in sexual predators being able to seek out victims throughout the world. International crime can become local crime, and minors may be victimized by individuals that live far away from them.

The third trend that has been observed is Sexting, which has received a great deal of media coverage in the past year. This typically involves underage teenagers sending or posting pornographic pictures of themselves and others.

The SAFE Task Force is primarily concerned with the use of extortion. Minors may be tricked into sending the photos and/or blackmailed into performing sexual acts on threat of distribution of the photos.

Mr. Osborn stated that, with respect to the minors that send the photos, the focus is on discouraging them from engaging in this activity and educating them about the dangers.

**ACTION: For information only.**

#### **IV. STATE PROPOSAL TO SHIFT RESPONSIBILITY FOR CUSTODY OF CERTAIN FELONS TO THE COUNTY**

Chief Dennis Burns, Custody Operations Division, Sheriff's Department

Chief Dennis Burns of the Sheriff's Department Custody Operations Division appeared before CCJCC to provide an update on a state proposal to shift responsibility of certain felons to the county.

On May 14, 2010, Governor Schwarzenegger proposed to allow some inmates to remain in county custody. These would be those inmates sentenced to three years or less for certain unspecified non-violent, non-sex related crimes.

The Sheriff's Department and District Attorney's Office estimate that this proposal would result in an increase of 13,000 inmates a year in the local jail population. The Sheriff's Department could only provide an additional 4,000 beds at the most.

In Los Angeles County, the enactment of this proposal would reduce the time served for misdemeanors from 50% of the sentenced time to 10% or no time.

The proposal would also provide each county with \$11,500 a year per added inmate, but the current cost to keep an inmate in the county jail is about \$31,000 a year per inmate. This would leave the county short by about \$200 million each year. Furthermore, Chief Burns observed that the state spends about \$133 a day to house inmates, but reimbursement at \$11,500 a year per inmate would amount to approximately \$31.50 per day.

Chief Burns advised that the plan as proposed would have a negative impact on the county, both in terms of public safety and from a fiscal standpoint.

Robert Philibosian of the County Economy and Efficiency Commission asked about what actions the Los Angeles County legislative delegation has taken with respect to this proposal. Chief Burns stated that this is a very recent proposal so formal positions may not yet have been taken.

Sheriff Lee Baca agreed that the plan as proposed is not in the interest of the County of Los Angeles. He noted that often proposals such as this one are made but never progress beyond initial discussions due to practical difficulties with implementation. Sheriff Baca also stated that state policymakers should consult with this county and co-join with its resources before developing statewide plans. This county represents about a third of the state, so any statewide policy would need to be feasible here.

**ACTION: For information only.**

**V. STATUS REPORT ON PROPOSITION 36 AND DRUG COURT PROGRAMS**

Judge Ana Maria Luna, Chair, Proposition 36 Executive Steering Committee

Judge Ana Maria Luna, Chair of the Proposition 36 Executive Steering Committee, appeared before CCJCC to provide an update on Proposition 36 and Drug Court programs.

Proposition 36 has received a number of budgetary cuts over the last three years, culminating in the zeroing out of state funding last fiscal year. Limited state funding was made available via the Offender Treatment Program (OTP) for Fiscal Year 2009-2010, but it only amounted to about \$5.5 million countywide.

Additional funding became available for Proposition 36 through the Federal Stimulus Package for Fiscal Year 2009-2010. The County's Substance Abuse Prevention and Control (SAPC) applied for and recently was awarded a portion of that funding amounting to about \$10.5 million. This will help support treatment services for Proposition 36 eligible offenders through March of 2011.

There is little indication that the state will provide any further funding for treatment services under Proposition 36, and the county does not expect to receive any funding.

Funding for Drug Court programs has remained relatively constant over the last several years, and the county does not anticipate any serious reduction in the amount of federal or state funding.

In the midst of the funding cuts to Proposition 36 and the resulting loss of dedicated Proposition 36 courtrooms last July, a trend in referrals appears to have begun for both the Proposition 36 program and the Drug Court programs. Specifically, over the last year, referrals have dropped significantly.

From July 2009 through April 2010, Proposition 36 referrals have decreased 14% compared to the same period in 2008-2009. Similarly, Drug Court referrals have dropped nearly 15% from 2008 to 2009 and this trend is continuing in 2010. Of the 12 adult Drug Court programs and several of the specialized Drug Courts in the county, a number of them are now consistently operating under capacity as a result of the drop-off in referrals.

Proposition 36 Executive Steering Committee and Drug Court Oversight Subcommittee members have determined that one of the chief causes of the decrease is the awareness that funding has been reduced. This has created a perception throughout the justice system that the reduced funding, particularly for Proposition 36, has led to the unavailability of drug treatment programs for criminal drug offenders. As a result, eligible offenders are not being referred to these available programs and many cases are being processed elsewhere in the system.

Judge Luna noted that the underutilization of Proposition 36 and Drug Court programs can have a number of potential negative effects on the criminal justice system, including increased recidivism, reduced future funding to support the drug treatment infrastructure, and a potential increase in the number of probationers sent to prison.

There have been a number of recent efforts made to ensure that these programs are utilized. In May of this year, Judge Michael Tynan and Judge Luna briefed the downtown criminal court judges on this issue. Additionally, Supervising Judge Peter Espinoza has subsequently sent a memo on this issue to all bench officers hearing criminal cases.

Similarly, the Public Defender's Office has made it a priority to train legal staff on identifying eligible offenders for these programs and referring them for screening and enrollment.

Judge Luna stated that the following points need to be emphasized among those responsible for processing drug offender cases:

1. Treatment services are still available for Proposition 36 eligible defendants;
2. Proposition 36 treatment providers continue to provide drug treatment services to offenders using alternate funding sources and will be able to utilize the new stimulus funding through the next year;
3. As in the past, defendants must be sentenced under Proposition 36 and referred to the Community Assessment and Service Centers (CASC's) for treatment placement; and
4. Many of the Drug Court programs in Los Angeles County have current capacity available. Proposition 36 fall-offs, those struggling on probation, and other eligible offenders can be referred to the nearest Drug Court program.

Proposition 36 and the Drug Court programs can benefit the criminal justice system by reducing recidivism, saving scarce custody resources, and decreasing costs. These programs also enable the county to maximize funding efforts by demonstrating treatment needs.

Supervisor Molina asked about the percentage of underutilization of the funds. Judge Luna stated that this is unknown given that the trend has only recently been identified. She also noted that the funding comes through SAPC.

Supervisor Molina inquired as to whether there is a database available for the judges that would let them know if there is an opening for drug treatment. Judge Luna stated that the judges don't have direct access to that information, but it is available through the CASC's or the Drug Court that services their region.

Mark Delgado, Executive Director of CCJCC, noted that per state law, certain defendants automatically qualify for Proposition 36, so the judge would not need to determine if there is an available opening. With respect to the Drug Court programs,

there are about 100 to 150 available slots countywide at any given time.

Michael Judge, Los Angeles County Public Defender, expressed his appreciation that the Superior Court is taking a proactive role in addressing this problem. He stated that the Public Defender's Office will be taking internal steps to ensure that all eligible defendants are identified.

Judge Luna noted that an effort will also be made to seek more referrals from Early Disposition Court.

**ACTION: For information only.**

**VI. COMMISSION ON ALCOHOL AND OTHER DRUGS**

Judge Ana Maria Luna, Chair, Proposition 36 Executive Steering Committee

Judge Luna next addressed an issue concerning representation on the County Commission On Alcohol and Other Drugs.

Earlier this year, the County Board of Supervisors adopted an ordinance that merged the County Commission on Alcoholism and the County Narcotics and Dangerous Drugs Commission. The reconstituted body is the County Commission on Alcohol and Other Drugs. CCJCC has been asked to nominate one of its members to this commission.

The commission's purpose is to advise and make recommendations to the Board of Supervisors on alcohol and other drug issues, with the goal of reducing problems and the negative impact of alcohol and other drug use on the quality of life in this county.

A few examples of the duties of the commission are: (1) Review federal, state and local legislation and make recommendations for appropriate measures to the Board of Supervisors; (2) Recommend to the Board of Supervisors stronger programs or new legislation; (3) Recommend to the Board of Supervisors programs in law enforcement, medication, prevention, and rehabilitation; and (4) Advise SAPC on goals and policies.

The commission meets on a monthly basis and is comprised of 23 representatives from various fields. CCJCC has been asked to nominate a representative from a public safety agency.

The commission includes appointees from the Board of Supervisors, a nominee from SAPC in the field of education, and a representative from the League of California Cities. All nominations are subject to the approval of the Board of Supervisors.

Nominees are requested to have a professional interest in, or personal commitment to, alleviating problems relating to alcohol and other drug abuse in their community.

Given the nexus with public safety issues, the law enforcement/criminal justice perspective would be helpful to the commission's discussions. Judge Luna observed



that one issue that the commission will likely address is the initiative to legalize marijuana use in the state.

Supervisor Molina made a motion that CCJCC members interested in submitting a public safety nomination for the commission submit the nomination to Executive Director Mark Delgado by Friday, June 11<sup>th</sup>. Members of the Proposition 36 Executive Steering Committee will review the nominations, and Judge Luna will report back to CCJCC at its next meeting.

**ACTION: The motion that CCJCC members submit nominations for representation on the County Commission on Alcohol and Drugs was seconded and approved without objection.**

**VII. OTHER MATTERS/PUBLIC COMMENT**

There were no additional matters or public comments.

**VIII. ADJOURN**

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