

COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE

MINUTES OF THE MARCH 18, 2009 MEETING

Kenneth Hahn Hall of Administration

500 West Temple Street, Room 739

Los Angeles, California 90012

MEMBERS PRESENT

Chair: Don Knabe, County Supervisor for the Fourth District and
Chair of the County Board of Supervisors

Lee Baca, Sheriff and Vice Chair of CCJCC
Gigi Gordon, Directing Attorney, Post Conviction Assistance Center
Anthony Hernandez, Director, County Department of Coroner
Gabriella Holt, County Probation Commission
James Hudson, President, Los Angeles County Police Chiefs Association
Michael Judge, County Public Defender
John Neu, President, South Bay Police Chiefs Association
Ezekiel Perlo, Directing Attorney, Indigent Criminal Defense Appointments Program
Tom Reeves, County Prosecutors Association
Lakshmanan Sathyavagiswaran, County Coroner – Medical Examiner
Patricia Schnegg, Judge, Superior Court
Robert Taylor, County Chief Probation Officer
Michael Tynan, Judge, Superior Court

ALTERNATES

Dan Bower for Warren Stanley, Southern Division Commander, California Highway
Patrol
Ed Brekke for John Clarke, Superior Court Executive Officer
Elvira Castillo for Cynthia Banks, Director, County Department of Community & Senior
Services
Kathleen Daly for Marvin Southard, Director, County Department of Mental Health
Xiomara Flores-Holguin for Trish Ploehn, Director, County Department of Children and
Family Services
*Greg Keosian for Richard Kirschner, Judge, Superior Court
Peter Loo for Richard Sanchez, County Chief Information Officer
William Montgomery for Tom Tindall, Director, County Internal Services Department
*Kellee O'Rourke for Jack Weiss, Los Angeles City Councilman, District 5
Earl Perkins for Ramon Cortines, Superintendent, Los Angeles Unified School District
Robert Philibosian for Isaac Barcelona, Chair, County Economy and Efficiency
Commission
Ray Regalado for Robin Toma, Executive Director, County Human Relations
Commission
Bruce Riordan for Rockard Delgadillo, Los Angeles City Attorney
*Patricia Schnegg for Peter Espinoza, Supervising Judge of Criminal, Superior Court
*Patricia Schnegg for Charles McCoy, Presiding Judge, Superior Court

Gordon Trask for Ray Fortner, County Counsel
John Viernes for Jonathan Fielding, Director, County Public Health Department
Roy Wallen for Janice Fukai, County Alternate Public Defender
*Jacqueline White for William Fujioka, County Chief Executive Officer

***Not a designated alternate**

MEMBERS NOT PRESENT OR REPRESENTED

Mark Arnold, Judge, Superior Court
William Bratton, Chief, Los Angeles Police Department
Edmund Brown, California Attorney General
Raymond Ciranna, Los Angeles City Chief Administrative Officer
Steve Cooley, District Attorney
Salvador Hernandez, Assistant Director in Charge, Los Angeles Division, Federal Bureau of Investigation
Sean Kennedy, Federal Public Defender
Tim Landrum, Special Agent in Charge, U.S. Drug Enforcement Administration
Al Leiga, Chair, County Quality & Productivity Commission
Steve Lieberman, Chief, County Office of Public Safety
Loretta Martin, Chief U.S. Probation Officer
Michael Nash, Supervising Judge, Juvenile Court
John Noguez, President, California Contract Cities Association
Thomas O'Brien, U.S. Attorney
Richard Propster, Peace Officers Association of Los Angeles County
Darline Robles, Superintendent, County Office of Education
Stephanie Sautner, Judge, Superior Court
Dennis Tafoya, County Affirmative Action Compliance Officer
Robert Todd, President, Southeast Police Chiefs Association
Adam Torres, United States Marshal
John Torres, Special Agent-in-Charge, U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives
Frank Venti, President, Independent Cities Association
Antonio Villaraigosa, Mayor, City of Los Angeles
Larry Waldie, Undersheriff
Dan Watson, President, San Gabriel Valley Police Chiefs Association

CCJCC STAFF

Mark Delgado, Executive Director
Kenna Ackley
Cynthia Machen
Craig Marin

GUESTS/OTHERS

Melinda Bird, ACLU
Marv Cavanaugh, Sheriff's Department
Tina Chiu, Vera Institute of Justice
Carl Gallucci, Fourth District, County Board of Supervisors

Gary Hearnberger, District Attorney's Office
Steve Kawamura, County CEO
Ana Maria Luna, Judge, Superior Court
Arturo Martinez, Los Angeles City Attorney's Office
Peggy McGarry, Vera Institute of Justice
Anna Pembedjian, Fifth District, County Board of Supervisors
Myrian Rangel, Office of Ombudsman
Hector Rodriguez, Los Angeles Unified School District Police
John Ruegg, ISAB
Peter Shutan, Los Angeles City Attorney's Office and County Probation Commission
Buren Simmons, Los Angeles Unified School District
Barbara Tombs, Vera Institute of Justice
Anne Tremblay, Los Angeles City Attorney's Office
Mario Trujillo, District Attorney's Office
Daniel Wilhelm, Vera Institute of Justice
Sung-suk Violet Yu, Vera Institute of Justice

I. CONVENE/INTRODUCTIONS

Don Knabe, County Supervisor, Fourth District

The meeting was called to order at 12:04 p.m. by Los Angeles County Supervisor Don Knabe, Chair of CCJCC.

Self-introductions followed.

II. APPROVAL OF THE MINUTES

Don Knabe, County Supervisor, Fourth District

There were no requests for revisions to the minutes of the February 18, 2009 meeting. A motion was made to approve the minutes.

ACTION: The motion to approve the minutes of the February 18, 2009 meeting was seconded and approved without objection.

III. JAIL OVERCROWDING SUBCOMMITTEE

Mark Delgado, Executive Director, CCJCC

Mark Delgado, Executive Director of CCJCC, provided an update on the Jail Overcrowding Subcommittee. He noted that Deputy CEO Doyle Campbell, who chairs the subcommittee, had an unexpected conflict and was unable to attend.

CCJCC established the Jail Overcrowding Subcommittee in May 2008. The members include executive-level representatives from the Alternate Public Defender's Office, County Prosecutors Association, District Attorney's Office, Los Angeles City Attorney's Office, LAPD, County Police Chiefs Association, Probation Department, Public Defender's Office, Sheriff's Department, and Superior Court.

The goals of the subcommittee are to identify the systemic causes of jail overcrowding and to pursue jail overcrowding reduction strategies that increase the efficiency of the criminal justice system, allow agencies to utilize resources more effectively, and do not compromise public safety.

The subcommittee is meeting these goals through a two-pronged approach: (1) By utilizing the expertise and experience of the subcommittee members to address current processes and policies that may contribute to jail overcrowding; and (2) By hiring the Vera Institute of Justice (Vera) to conduct an in-depth analysis of all criminal justice processes that affect the size of the jail population.

Since its inception, the subcommittee has made notable progress with the following issue areas:

Electronic Monitoring

A work group was convened to discuss the expansion of electronic monitoring, including on an involuntary basis as provided for in SB 959. Prior to SB 959, electronic monitoring was only on an involuntary basis.

The involuntary electronic monitoring program began in early 2009. Offenders sentenced on non-violent misdemeanors and those on felony probation are eligible for the involuntary program. The new electronic monitoring program will employ GPS technology for greater accountability and oversight of offenders.

As the involuntary electronic monitoring program continues, the subcommittee will monitor its effectiveness, cost savings, and impact on the voluntary program.

Video Arraignment

Two pilot projects testing video arraignment are currently underway. Work groups are overseeing the implementation of both projects. As outcomes and cost/benefit analyses become available, the subcommittee will discuss expanding the use of video arraignments.

The first pilot project, based at the Glendale Police Department jail facility, began at the end of August 2008. In the first phase of the project, the Glendale Police Department arraigns both felony and misdemeanors via video directly from their facility. In the second phase, which will likely begin in mid-2009, the Sheriff's station in Crescenta Valley will transport arrestees to the Glendale Police Department jail facility to be arraigned via video. Future expansion may also include neighboring police departments.

In January 2009, there were 69 video arraignments and, of these, 32 were released directly after the arraignment.

The second pilot project will be located in the arraignment court in Department 30 at the Clara Shortridge Foltz Criminal Justice Center. Defendants will be arraigned via video directly from the Sheriff's Department Inmate Reception Center (IRC). The Sheriff's Department plans to release an RFP to identify a vendor that will provide the technology necessary for this project, and the pilot is expected to begin in mid-2009.

At inception, inmates classified as medical no-gos, fugitives, and those charged with jail crimes will be video arraigned.

Once implemented, outcome measures will be analyzed and discussions will continue regarding expansion of eligibility criteria.

Psychologist/Psychiatrist Panel Issue

Issues surrounding the use of expert psychologists/psychiatrists in criminal cases were brought to the subcommittee by Public Defender Michael Judge and the Superior Court.

In more than 5,000 felony cases per year, a psychologist or psychiatrist is appointed by the Court to conduct psychological evaluations and/or provide expert testimony. When evaluations are not conducted in a timely manner, cases are continued, which in turn leads to longer pre-trial lengths of stays. The Superior Court estimates that such cases are continued an average of 20 days.

There are two main issues involved:

1. Access: The number of interview rooms available at the jail was very limited for experts to conduct court-ordered evaluations.
2. Fees: The fees paid to expert psychologists to conduct evaluations had not been adjusted since 2002 and the hourly rate has been unchanged since 1993. That fee structure made recruitment of qualified experts difficult and limited the number of panel psychologists available for appointment.

The Sheriff's Department immediately began working on increasing the number of interview rooms available and reviewing the process by which experts are given priority to gain access to inmates for evaluations. An additional 15 rooms were identified that can be used for psychological evaluations and an appointment process was added through which experts can schedule interviews. Departmental policy on professional priority visits was also reviewed and updated.

The Superior Court worked with the County CEO to address a fee increase. The CEO supported the fee increase as a strategy for recruiting more psychologists and decreasing continuances; CCJCC also voted to support such a fee increase. The CEO has moved forward with an increase to the flat fee payment and the hourly rate.

The Superior Court also began outreach to a number of area universities and professional schools that train psychologists/psychiatrists and hopes to establish partnerships with them to increase the pool of qualified and bi-lingual experts to serve on the panel.

The subcommittee is currently trying to obtain data to demonstrate the impact of these changes, but early feedback from the Court, Public Defender's Office, Psychologists Panel, and others has been very positive.

Electronic Subpoenas

Efforts are currently underway to expand electronic subpoena systems used by the District Attorney's Office, Public Defender's Office, and Alternative Public Defender's Office. In October, the District Attorney's Office implemented a citywide electronic subpoena system with the LAPD. The Public Defender's Office and the Alternate Public Defender's Office are now working with the LAPD to implement a similar system.

In addition, the District Attorney's Office and the Sheriff's Department are working toward implementation of an electronic subpoena system. The Public Defender's Office already has an electronic system in place with the Sheriff's Department.

The implementation of electronic subpoenas has been very successful. It results in greater efficiency for law enforcement and fewer missed subpoenas, which in turn can result in fewer continuances.

Mr. Delgado next introduced Daniel Wilhelm, Vice President and Chief Program Officer of Vera. Vera was selected through an RFP process to conduct a two-year study of the criminal justice system to identify inefficiencies and ineffective policies that contribute to crowding conditions. Working with the subcommittee, Vera will help develop strategy recommendations to address such inefficiencies and provide any technical assistance needed to implement them.

Vera has extensive experience in providing technical assistance and consulting with government agencies on criminal justice issues. They have been involved with the New York City jail system for decades and helped that system to reduce its population significantly.

Mr. Wilhelm introduced the following members of Vera who will also be working on this project: Barb Tombs, Senior Fellow, who will serve as the Project Manager; Peggy

McGarry, Director of the Vera Center on Sentencing & Corrections; Sung-suk Violet Yu, who will serve as Chief Researcher; and Tina Chiu, Director of Technical Assistance.

Vera is a 48 year old non-profit organization that is based in New York City. It is non-partisan and has partnered with numerous governmental entities throughout the country.

A number of successful projects that Vera has been involved in have been spun off to become non-profit organizations or a permanent part of local government.

Within the past ten years, Vera has been involved in more technical assistance consulting to local governments and has assisted 35 states in sentencing and corrections policy.

Vera's expertise is in the fields of sentencing and corrections, immigration and justice, youth justice and child welfare, substance use and mental health, crime and victimization, and prosecution and racial justice.

The methodology employed by Vera includes the following elements: (1) Collaboration with government partners; (2) A system-wide approach; (3) Peer-to-peer assistance; (4) Data driven; and (5) Research based.

Barb Tombs provided an overview of the project to alleviate chronic overcrowding in the Los Angeles County Jail.

The two-year project is divided into two phases, each lasting one year. The first phase will involve data collection and analysis and the second phase will consist of strategic planning and recommendations. Ms. Tombs emphasized that the intent of this effort is to take a holistic, system-wide approach in which input will be sought from all criminal justice agencies.

The goals of Phase I will be to create an accurate profile of the Los Angeles County jail population, identify system "choke points", and determine legal and operational constraints. These objectives will be achieved through a review of current policies and procedures, a quantitative data diagnostic, and a qualitative analysis.

The goals of Phase II will be to design a strategic plan to alleviate system "choke points", develop policy and operational recommendations to address system inefficiencies, and reduce the jail population. Ms. Tombs listed the following methods for pursuing the Phase II goals:

1. Synthesize quantitative and qualitative data.
2. Collaborate with the Jail Overcrowding Subcommittee to design a strategic plan.
 - a. Identify appropriate modifications to policies and procedures.

3. Develop and prioritize recommendations according to:
 - a. Ease of implementation (i.e., must a statute be changed or a new program developed?);
 - b. Implementation timeframe (i.e., how long will it take to implement?); and
 - c. Estimated impact (i.e., how much will this impact the system and reduce the jail population?).

Ms. Tombs stated that one of the immediate next steps is to meet with representatives of the individual criminal justice agencies. In addition, Vera will identify relevant data sources, collect and review appropriate polices and procedures, and discuss expectations and timelines.

Robert Philibosian of the County Economy and Efficiency Commission asked about the cost of this study and its funding source. Mr. Delgado stated that this is a \$500,000 contract and Jacqueline White of the County CEO stated that her office is providing all of the funding.

Sheriff Lee Baca and Public Defender Michael Judge both spoke highly of Vera and stated that they have had positive experiences working with that organization in the past.

Sheriff Baca also observed that 85% of the inmates in the county jail are pre-sentenced, which is a notable increase from when he joined the Sheriff's Department 43 years ago. He noted that jail overcrowding is a very complex problem involving many factors.

ACTION: For information only.

IV. OVERVIEW OF LOS ANGELES CITY ATTORNEY'S GANG INJUNCTION PROGRAM

Bruce Riordan, Director, Anti-Gang Operations, Los Angeles City Attorney's Office

Bruce Riordan, Director of Anti-Gang Operations for the Los Angeles City Attorney's Office, appeared before CCJCC to make a presentation on the Los Angeles City Attorney's Gang Injunction Program and California Senate Bill 282 (SB 282).

As a background, the Los Angeles City Attorney's Gang Division consists of about 30 attorneys. Currently in the City of Los Angeles, there are 41 gang injunctions in place that cover a total of 66 gangs.

A permanent injunction was granted today, March 18th, on the Toonerville gang (L.A. River/Glendale Injunction). This is a joint jurisdiction injunction involving collaboration between the City of Los Angeles and the City of Glendale.

The Los Angeles City Attorney's Office has also partnered with the City of San Fernando on a joint injunction, and they work closely with the District Attorney's Office on gang injunctions as well.

Mr. Riordan stated that there are two issues that his office wishes to bring to the attention of CCJCC:

First, State Senator Roderick Wright (25th Senate District) has proposed a bill, SB 282, that would impose new restrictions on gang injunctions. Specifically, it would limit permanent injunctions to no more than five years.

Mr. Riordan does not believe that there is a factual basis for this type of restriction on injunctions. He stated that the City of Los Angeles already has guidelines and procedures in place for removing individuals from a gang injunction; these policies make any artificial sunset provision on gang injunctions unnecessary.

Second, related to the first issue, Mr. Riordan discussed the city's new gang injunction petition removal process. Copies of the city's policies and procedures for petitioning for removal from a gang injunction were made available, along with petition forms. This process only applies to injunctions from the Los Angeles City Attorney's Office.

The Los Angeles City Attorney's Office is engaged in community outreach efforts to inform individuals about the removal process and is working with other government agencies to distribute this information.

Thus far, there have been 20 applications submitted, and one has been granted.

Information on the gang injunction petition removal process can be obtained at the Los Angeles City Attorney's website located at:

http://www.lacity.org/atty/pdf/Injunction_Petition_English.pdf
http://www.lacity.org/atty/pdf/Injunction_Petition_Spanish.pdf

In addition, Mr. Riordan encouraged members of CCJCC to contact him directly if they have any questions about gang injunctions or the petition process.

A copy of SB 282 from the Legislative Counsel's Digest was distributed for review. The bill would amend Section 186.22a of Penal Code by imposing a five year limit on gang injunctions.

Mr. Riordan advised that the preamble in the Legislative Counsel's Digest is incorrect in stating that existing law restricts injunctions to three years. This creates the misleading implication that SB 282 would *increase* gang injunctions from three to five years when, in fact, the bill would actually *decrease* the term of the injunctions from permanent to five years.

Supervisor Knabe indicated that he would bring this matter before the County Board of Supervisors to take a position of opposition to this bill.

Robert Philibosian inquired as to the steps that are being taken to remedy the inaccuracy in the preamble to SB 282. Mr. Riordan stated that a letter will be sent to the California Legislative Analyst alerting them of this error. In response to Mr. Philibosian's suggestion, this letter will also be forwarded to the Legislative Counsel.

ACTION: For Information Only.

V. OTHER MATTERS/PUBLIC COMMENT

There were no additional matters or public comments.

VI. ADJOURN

There being no further business, Supervisor Knabe adjourned the meeting at 1:00 p.m.

The next CCJCC meeting will be held on **Wednesday, April 15, 2009, at 11:30 a.m. in Room 739 of the Kenneth Hahn Hall of Administration.**