

DRAFT ONE YEAR AGREEMENT WITH THE CITY OF REDONDO BEACH FOR PROSECUTION AND HOMELESS COURT SERVICES

JANUARY 18, 2022



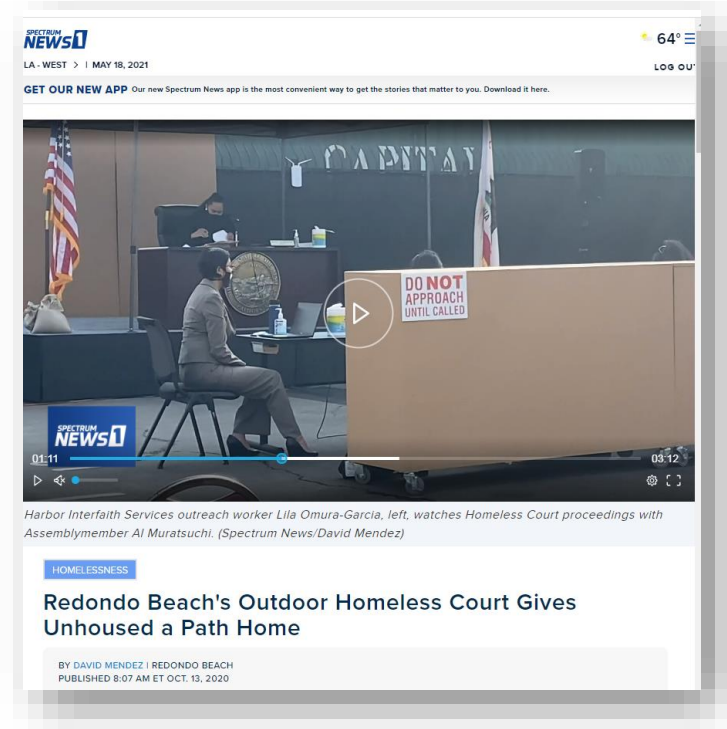
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WHAT IS HOMELESS COURT?

- Homeless Court is an informal diversion program that provides services such as mental health counseling, substance abuse treatment and housing placement.
- Attorneys/Prosecutors will ask a judge to make appropriate orders to get participants to work towards becoming housing ready in exchange for dismissing charges against individuals.



HISTORY OF ACTIONS & DISCUSSION

- March 16, 2021
 - Council request to agendize discussion
- May 18, 2021
 - City staff sent the City of Redondo Beach a non-binding letter of intent for homeless court service and/or prosecution services
- June 1, 2021
 - Directed staff to continue exploring homeless court, identify necessary funding and perform a cost-benefit analysis.



HISTORY OF ACTIONS & DISCUSSION

- July 20, 2021
 - Continue staff's analysis of contracting with the City of Redondo Beach, report back with cost estimate for prosecution and homeless court services, and continue to pursue the opportunity to discuss homeless court services with Los Angeles County.
- September 21, 2021
 - Authorized staff to negotiate a contract with Redondo Beach for prosecution and homeless court services, seek the Los Angeles County D.A.'s consent to prosecute state misdemeanors.
- October – December 2021
 - Engage with Los Angeles County District Attorney and City of Redondo Beach



HOMELESS COURT AND DISTRICT ATTORNEY

- The District Attorney providing homeless court remains a possibility. Following the District Attorney's visit to homeless court in Redondo Beach in October and positive reception to adopting the homeless court model in other areas in the County, District Attorney staff continue to research the possibility.
- Staff has impressed upon the District Attorney's Office the need to resolve this matter quickly and get a firm commitment. This request was indicated in a letter sent by Mayor Hildy Stern on December 13, 2021.
- On January 12, 2021, the District Attorney's Office provided a response requesting a meeting to discuss the letter.



PROSECUTION

- The Los Angeles County District Attorney is responsible for the prosecution of criminal violations of state law and county ordinances occurring within the county in which they are elected. This includes investigation and apprehension, as well as prosecution in court.
- The Los Angeles District Attorney's Office prosecutes felony crimes and misdemeanor crimes in unincorporated areas and in 78 of the county's 88 cities, including the City of Manhattan Beach.
- The Los Angeles County District Attorney's Office prosecutes felony crimes and misdemeanor crimes for the City of Manhattan Beach.
- This difference is particularly relevant to the City's consideration of adding homeless court services, as the primary crimes homeless individuals may be charged with are state misdemeanor crimes or municipal code violations.



PROSECUTION



PROSECUTION

- Government Code section 41803.5 provides:
 - “(a) With the consent of the district attorney of the county, the city attorney of any general law city or chartered city within the county may prosecute any misdemeanor committed within the city arising out of violation of state law. This section shall not be deemed to affect any of the provisions of Section 72193.”
- Should the City of Manhattan Beach seek to prosecute state law misdemeanors committed within city limits, the City must request the authority to prosecute state law misdemeanors from the LA County District Attorney.



PROSECUTION IN MANHATTAN BEACH

The Manhattan Beach Police Department's Administration and Investigations Bureau is responsible for filing cases with the District Attorney.

Year	Misdemeanors	Felonies	Juveniles or Delinquents	Other	Total
2015	1463	446			1909
2016	1792	437	3	1	2233
2017	1389	374			1790
2018	1038	404	1	1	1513
2019	996	382	14		1447
2020	586	267	8		941
2021 (Thru April)	154	59	0	0	213

Cases Currently Prosecuted by the DA that would be Referred to City Prosecutor

AGENDA ITEM NO. 7
**HOMELESSNESS COURT AND PROSECUTION
ANALYSIS**

JULY 20, 2021



CURRENT MODEL OF PROSECUTION

FELONIES

- County District Attorney
- Crime Examples: burglaries, robberies, vandalism, criminal threats, rape, and murder

STATE MISDEMEANORS

- County District Attorney
- Crime Examples: assault on an officer, trespassing, assault and batteries (varies), drug and paraphernalia possession, public intoxication, under the influence

JUVENILE MISDEMEANORS

- Joan Jenkins (via Beach Cities Health District)
- Crime Examples: Minor in possession of alcohol

MUNICIPAL CODE VIOLATIONS

- City of Manhattan Beach
- Examples: Park violations, smoking in public, selling without a business license, bike safety, construction hours, or land use issues.



DRAFT AGREEMENT HIGHLIGHTS

- The Redondo Beach City Attorney will serve as City Prosecutor.
- The term of this Agreement shall commence upon approval by the District Attorney for Manhattan Beach's prosecutor to prosecute State misdemeanor violations in Manhattan Beach and final language is prepared and presented to MB and RB City Councils.
- Manhattan Beach will agree to pay Redondo Beach for services rendered pursuant a flat monthly fee of \$25,000.00 (\$300,000 annually).
- Redondo Beach or Manhattan Beach may terminate this Agreement at any time upon submitting one hundred and eighty (180) days written notice of termination to Manhattan Beach.



DRAFT AGREEMENT HIGHLIGHTS

- Specified municipal code violations for prosecutorial discretion.
- The City of Redondo Beach shall bring appropriate Manhattan Beach cases into the Homeless Court Program and require Manhattan Beach to host the Homeless Court twice per year in a suitable location.



CONDITIONS TO NEGOTIATE

- The agreement presented is a draft document and there are several conditions that need to continue to be negotiated. These conditions include:
 - Consumer Price Index Adjustments for Potential Future Years;
 - Mutual Indemnification Language;
 - Clarification of Scope of Services Language and
 - Prosecution of Specific Municipal Code Violations.



PROPOSED MODEL OF PROSECUTION

FELONIES

- County District Attorney
- Crime Examples: burglaries, robberies, vandalism, criminal threats, rape, and murder

STATE MISDEMEANORS

- City of Redondo Beach
- Crime Examples: assault on an officer, trespassing, assault and batteries (varies), drug and paraphernalia possession, public intoxication, under the influence

JUVENILE MISDEMEANORS

- Joan Jenkins (via Beach Cities Health District)
- Crime Examples: Minor in possession of alcohol

MUNICIPAL CODE VIOLATIONS

- City of Manhattan Beach/City of Redondo Beach
- Examples: Park violations, smoking in public, selling without a business license, bike safety, construction hours, or land use issues.



FUTURE OF COUNTY PROSECUTION SERVICES

- If City Council transferred prosecution services from the District Attorney to Redondo Beach, it is unclear whether the City could return to County services in the future. Additionally, if the City was granted the ability to return to County services, it is also uncertain whether these services would have zero impact to the City's General Fund Budget as they do now.



NEXT STEPS

1.

RB City Council directs City Attorney to explore possibility further.



2

MB City Council directs staff to continue exploring homeless court, identifies necessary funding and performs cost-benefit analysis.



3.

City requests and receives authority to prosecute state law misdemeanors from LA County District Attorney Gascon.

4.

City Council approves and executes agreement with City of Redondo Beach for prosecution and homeless court services.



CONCLUSION

- Staff recommends:
 - The City Council discuss and provide direction on a draft one year agreement with the City of Redondo Beach for prosecution and homeless court services in the amount of \$300,000.
 - The final agreement is pending further City Council action authorizing staff to execute agreement and Los Angeles County District Attorney consent for the City of Manhattan Beach to prosecute state misdemeanor crimes.

