

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, under current law, district attorneys may employ pre-trial diversion in order to divert some individuals charged with misdemeanors from jail to alternative programs; and

WHEREAS pre-trial diversion programs are a valid option for district attorneys to employ, but are not appropriate for all types of misdemeanor charges, including cases of domestic violence, child abuse, elder abuse, or other serious misdemeanors; and

WHEREAS, any efforts to remove this prosecutorial discretion and mandate that counties offer pre-trial diversion for most misdemeanor charges would pose a threat to public safety; and


WHEREAS, AB 994 (Lowenthal) would require that every county administer pre-trial diversion programs, through their county superior courts, removing all prosecutorial discretion; and

WHEREAS, AB 994 would allow judges to offer pre-trial diversion in lieu of jail time for most misdemeanor cases, including cases involving stalking, child abuse, domestic violence, violation of a restraining order, and other crimes; and

WHEREAS, by requiring cash strapped county superior courts to administer pre-trial diversion programs, AB 994 creates a scenario where pre-trial diversion programs could be employed in nearly all misdemeanor cases in order to conserve judicial resources;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013 - 2014 State Legislative Program OPPOSITION to AB 994 (Lowenthal), which would require that every county in California administer pre-trial diversion programs through their county superior courts, would give the courts the ability to grant diversion in lieu of jail time for nearly every misdemeanor charge, and would remove all prosecutorial discretion in the application of misdemeanor pre-trial diversion programs.

PRESENTED BY


MITCHELL ENGLANDER
Councilmember, 12th District

SECONDED BY



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JUN - 4 2013

ORIGINAL