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CITY ATTORNEY

REPORT NO. R 1 4 - 0 4 0 4

NOV 0 5 2014

TO: Honorable Eric Garcetti, Mayor
Honorable Members of the City Council

FROM: Leela Kapur, Chief of Staff *LK*

SUBJECT: **Request for Additional Prosecutors and Filing Staff
Impact of Proposition 47: The Safe Neighborhoods and Schools Act**

RECOMMENDATION

- Approve the following employment authority for the City Attorney's Office from December 1, 2014 through June 30, 2015, in order to prosecute the dramatic increase in cases resulting from the passage of Proposition 47, The Safe Neighborhoods and Schools Act:
 - (8) Deputy City Attorney I
 - (7) Legal Clerk II
- Exempt these positions from the Managed Hiring Committee process
- Provide 7 months funding to the City Attorney's Office (Fund 100, Department 12, Appropriation Account 1010, Salaries, General) for these positions, totaling \$510,482
- Request the Mayor to continue these positions with funding in the FY 2015-16 budget to meet the ongoing workload resulting from the passage of Proposition 47

BACKGROUND

Yesterday, the voters of California passed Proposition 47 (Safe Neighborhoods and Schools Act), which became effective today, resulting in a wide variety of drug and theft offenses immediately becoming misdemeanor crimes instead of felonies in the State of California. As detailed in the City Legislative Analyst's (CLA) report dated October 2, 2014,

the passage of Proposition 47 will result in an immediate shift of misdemeanor cases to the City Attorney that would have previously been handled as felonies by the District Attorney.

Specifically, this Office anticipates a dramatic increase in cases being presented -- approximately 13,500 new drug and theft-related cases for review annually. From these cases, our Office expects to file approximately **8,800 additional cases on an annual basis -- a 17% increase over our current workload.**

All of our branch offices, detailed below, will be impacted by the increased caseload and staff will be assigned to support increases in caseload in each location:

- **Central Branch:** handles cases resulting from crimes committed in South Los Angeles, East Los Angeles, Downtown Los Angeles Mid-City and Hollywood
- **San Pedro Branch:** handles cases resulting from crimes committed in San Pedro and Wilmington
- **Valley Operations Branch:** handles cases resulting from crimes committed throughout the San Fernando Valley
- **Pacific Branch:** handles cases resulting from crimes committed throughout the west-side of Los Angeles including West Los Angeles, Pacific Palisades, Venice and Westchester
- **Metropolitan Branch:** handles cases resulting from vehicle code misdemeanors that involve "driving under the influence of drugs" and "possession of drugs"

To handle this dramatic increase in workload, the City Attorney will require 8 new attorneys and 7 new support staff beginning this fiscal year. The approximate cost of this staff for the remainder of this fiscal year (beginning December 1) will be \$510,482 and \$875,164 ongoing annual (direct costs).

This staffing estimate is based on existing caseloads handled by our Branch operations. By way of example, our North Valley Branch currently reviews approximately 10,000 cases annually (compared to the 13,500 anticipated under Prop. 47) and files 6,000 cases annually (compared to the 8,800 anticipated under Prop. 47), with a staff of 8 attorneys and 7 non-attorneys.

In order to handle this increased caseload, our staffing request is designed to create as much efficiency as possible. As the new cases will be generated throughout the City and cannot be processed centrally, staff is required to handle the increased caseload at each of our branches listed above.

CASELOAD ANALYSIS

Proposition 47 makes substantial changes to Penal Code sections related to the following crimes:

- burglary (section 459)
- forgery (section 473)
- insufficient fund checks (section 476)
- grand theft (section 487)
- receiving stolen property (section 496)

Proposition 47 also substantially changes Health and Safety Code sections relating to the following crimes:

- possession of controlled substances (section 11350)
- possession of concentrated cannabis (section 11357)
- possession of controlled substances (section 11377)

In Los Angeles County, most of the affected drug offenses were handled solely by the District Attorney. In the aftermath of Proposition 47, all these offenses are misdemeanors, handled by the City Attorney. Based on arrest patterns, a review of cases and filing data from LAPD and the DA, we anticipate being presented annually with at least 12,000 new drug-related cases for review. From these, we would expect to file an additional 8,000 misdemeanors.

Traditionally many drug offenses are referred to post-filing diversion programs, an especially time-intensive process for the Criminal Branch. Proposition 47 requires the monitoring of these diversion programs, termination of diversion proceedings, multiple court appearances and reinstatement of prosecutions upon diversion failures.

It is more difficult to make accurate estimates with regard to thefts--including shoplifting, forgery and fraud--because existing DA filing guidelines allowed some of these matters to be handled as misdemeanors now. However, based on our understanding of these guidelines, we anticipate reviewing an additional 1,500 cases annually, resulting in approximately 800 new cases filed each year. Again, at least some of these matters will be handled through work-intensive post filing diversion programs.

While the passage of Proposition 47 may result in state general fund savings, a percentage of those savings, beginning in August 2016, will be dispersed to diversion programs. However, no funds are earmarked for increased prosecution costs.

cc: Miguel Santana, City Administrative Officer
Sharon Tso, Chief Legislative Analyst