

13-1092

AUG 20 2013

MOTION

PUBLIC SAFETY

On May 22, 2013 the Los Angeles City Attorney issued an interoffice memorandum regarding revised filing guidelines for direct citations. The memorandum lists crimes that may be filed as misdemeanor or infraction offenses (wobblers or wobblettes) and states that "all violations on the list below that are cited on a written notice to appear *without an accompanying narrative* shall be deemed infractions [emphasis in the original]." Further, it states that the law enforcement agency "should also include a brief statement of the reason that the charge should be prosecuted as a misdemeanor," when the law enforcement agency seeks that one of the listed crimes be prosecuted as such.

On July 25, 2013 in response to this memorandum, the Los Angeles Police Department (LAPD) distributed Notice 8.2, a similar memorandum, to its commanding officers. It stated that "effective immediately, all violations of the attached list, and cited on written notices to appear, will be deemed to be infractions." It goes on to state in the second paragraph, that "if Department personnel seek to have one of the sections prosecuted as a misdemeanor . . . a narrative containing sufficient information to support the charge [must be included]."

The unfortunate consequence in the sequence of the wording of the LAPD memorandum, and especially the omission of the emphasized *without an accompanying narrative* that appears foremost in the City Attorney's memo, is that it makes it easy for the reader to assume that discretion is taken away both from the officer and the prosecuting attorney in pursuing misdemeanor criminal charges when they are warranted. This was evidenced both in media coverage of these memorandum that reported that the Los Angeles Police Department had reclassified misdemeanors as infractions, and from the reaction to said coverage by concerned stakeholders.

Due to the confusion caused by this difference in wording between the two memorandum in the community, and the very likely outcome that upon reading the LAPD notice officers will deem all listed wobblettes as infractions, as well as the serious impacts the crimes listed have on our communities, it is important to consider these memorandum further.

I THEREFORE MOVE, that the Los Angeles Police Department and the City Attorney report back to the Public Safety Committee with an in depth analysis of the their respective memorandum, including the rationale for the change being recommended for each crime listed, the number of citations and the resulting court outcomes for each crime listed, anticipated impacts if any from the changed guidelines, and a history of how crimes that may be filed as misdemeanor or infraction offenses are cited and prosecuted.

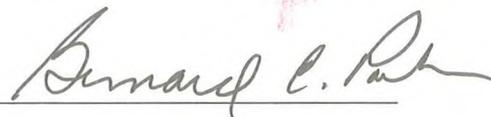
I FURTHER MOVE, that the Los Angeles Police Department be requested to delay implementation of its July 25th memorandum until such time as the policy change recommended therein can be reviewed by the Police Commission and the Public Safety Committee, and further that a plan has been developed with a training memorandum that details proper handling of the wobblettes delineated.

PRESENTED BY


MITCHELL ENGLANDER
Councilmember, 12th District

AUG 20 2013

SECONDED BY



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ORIGINAL

