

ARTICLE VII. - CITY PROSECUTOR

Section 700. - DEPARTMENT OF THE CITY PROSECUTOR.

The Department of the City Prosecutor shall consist of the City Prosecutor and such employees as the City Council may provide for in the budget.

Sec. 701. - QUALIFICATION AND TERM OF OFFICE OF THE CITY PROSECUTOR.

The City Prosecutor shall be elected by the qualified electors of the City and shall hold office for four (4) years, and until his successor shall have been elected and qualified. He must be qualified to practice in all the courts of the State of California and must have been so qualified at least five (5) years immediately preceding the first day upon which candidates for the Office of City Prosecutor are permitted to file nominating petitions for such office with the City Clerk.

Sec. 702. - APPOINTMENTS BY THE CITY PROSECUTOR.

The City Prosecutor shall appoint all members of the Department of the City Prosecutor for whose acts he shall be responsible. Such appointees shall serve at the pleasure of the City Prosecutor. All assistants and deputies of the City Prosecutor must, at the time of their appointment, have been, for one (1) year immediately preceding the date of their appointment, qualified to practice in all of the courts of the State of California.

Sec. 703. - POWERS AND DUTIES OF THE CITY PROSECUTOR.

The powers and duties of the City Prosecutor shall be as follows:

- (a) The City Prosecutor shall institute, attend and conduct, on behalf of the people, all criminal cases arising upon violations of Charter provisions or City ordinances, in the court of original jurisdiction and on appeal.
- (b) The City Prosecutor shall draw complaints in such cases, and prosecute all recognizances and bail bonds forfeited in said cases. He shall prosecute all actions for the recovery of fines, penalties and forfeitures and other money accruing to the City under penal statutes or ordinances.
- (c) Whenever it shall be authorized by the laws of this State, the City Prosecutor shall prosecute any or all misdemeanor offenses arising upon violation of the laws of the State and appeals arising therefrom. He shall draw complaints for misdemeanors committed against the laws of

this State, prosecute all recognizances and bail bonds forfeited in such misdemeanor cases and prosecute all actions for the recovery of fines, penalties and forfeitures accruing to the City or the County of Los Angeles.

- (d) If any person held in custody and charged with having committed a criminal offense against the Charter provisions or City ordinances, or with having committed a misdemeanor or other offense in the City against State law applies for a writ of habeas corpus, a copy of the application for such writ must be served upon the City Prosecutor at such times and in such manner as may be provided by such law. It shall be the duty of the City Prosecutor to conduct all proceedings relating to the application for or hearing upon such writ on behalf of the people. In all matters of habeas corpus in which the constitutionality of any law or ordinance has been raised, and in all appeals in which the constitutionality of any law or ordinance has been raised, the City Prosecutor must immediately notify the City Attorney thereof. The City Attorney may in his discretion become associated with the City Prosecutor in any such action or proceeding and have charge of such litigation.
- (e) Subject to approval of the City Council, the City Prosecutor shall be allowed such investigation funds as necessary to perform the duties set forth herein; and may employ special investigators in connection therewith.
- (f) The City Prosecutor shall draft penal ordinances and shall render opinions relative to penal ordinances upon the request of the City Council, City Manager and department heads.

(Amended by Prop. F, 5-1-2007, eff. 5-22-2007)

Sec. 704. - VACANCY IN THE OFFICE OF THE CITY PROSECUTOR.

In the event of a vacancy in the office of the City Prosecutor, for any reason, the City Council shall designate an Assistant City Prosecutor or Deputy City Prosecutor, who shall become the Acting City Prosecutor and shall serve in that position until the City Council appoints a successor for the unexpired balance of the term. Any person serving as Acting City Prosecutor must possess the qualifications prescribed for the City Prosecutor.