



Legislation Text

File #: 21-0140, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

George Gabriel, Senior Management Analyst

SUBJECT:

Consideration of Resolution Expressing a “Vote of No Confidence” in Los Angeles County District Attorney, George Gascón (City Manager Moe).

CONSIDER ADOPTING RESOLUTION NO. 21-0042

RECOMMENDATION:

Staff recommends that the City Council consider adopting a resolution expressing a “Vote of No Confidence” in Los Angeles County District Attorney, George Gascón.

FISCAL IMPLICATIONS:

There are no fiscal implications associated with the recommended action.

BACKGROUND:

At the April 20, 2021, Council Meeting, the City Council directed staff to agendize Council consideration of a resolution of a vote of no confidence in Los Angeles County District Attorney, George Gascón.

The District Attorney (DA) is an elected county official established by Government Code Section §26500-26543. The DA 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.

Every four years, the voters of Los Angeles County elect a DA to serve as the chief prosecutor for the County. In 2020, George Gascón was elected as LA County DA. The DA is in charge of the office that prosecutes felony and misdemeanor crimes that occur within Los Angeles County. 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.

Historically, the City’s Court Liaison Officers have filed approximately two to three misdemeanor cases a day with the DA’s office. In 2019, the City referred a total of 1,010 cases. In 2020, the City referred 594 cases to the DA.

DISCUSSION:

George Gascón was sworn into office on December 7, 2020. Since being sworn in, Mr. Gascón has issued nine Special Directives and two subsequent amendments, which outline new policies and procedures for the Los Angeles County DA's Office. The full text of the nine Special Directives and two amendments are attached and include the following:

- Special Directive 20-06: Pretrial Release Policy (Elimination of Cash Bail)
- Special Directive 20-07: Misdemeanor Case Management
- Special Directive 20-08: Sentencing Enhancements/Allegations
- Special Directive 20-08.1: Amendment to Special Directive 20-08
- Special Directive 20-08.2: Clarification of Special Directive 20-08
- Special Directive 20-09: Youth Justice
- Special Directive 20-10: Habeas Corpus Litigation Unit
- Special Directive 20-11: Death Penalty Policy
- Special Directive 20-12: Victim Services
- Special Directive 20-13: Conviction Integrity Unit
- Special Directive 20-14: Resentencing

The District Attorney's Office has a legal and ethical responsibility to execute laws enacted by voters or the legislature that are intended to protect the public and uphold prosecutorial policies.

Furthermore, some cities in Los Angeles County have indicated concerns with the Special Directives as having a potential impact to public safety and adopted resolutions expressing a "Vote of No Confidence" in DA Gascón. The list of cities includes:

- Santa Clarita
- Beverly Hills
- Pico Rivera
- Whittier
- Lancaster
- La Mirada
- Covina

Resolutions adopted by other cities are attached. Pursuant to City Council direction, staff has prepared a similar resolution for consideration.

CONCLUSION:

Staff recommends that the City Council consider adopting a resolution expressing a "Vote of No Confidence" in Los Angeles County District Attorney, George Gascón.

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENTS:

1. Draft Resolution No. 21-0042
2. Special Directives 20-07 Through 20-14
3. Resolutions from Cities Expressing a Vote of No Confidence

