

BLUE FOLDER ITEM

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CITY COUNCIL MEETING September 21, 2021

N.2. FURTHER DISCUSSION AND DIRECTION TO STAFF ON EXPLORING THE POSSIBILITY OF CONTRACTING TO PROVIDE PROSECUTION SERVICES TO THE CITY OF MANHATTAN BEACH.

CONTACT: MICHAEL W. WEBB, CITY ATTORNEY

Attached is the following:

- Administrative Report
- Map of Los Angeles County City Prosecutor Jurisdiction
- Implementation Plan



Administrative Report

Council Action Date: September 21, 2021

To: MAYOR AND CITY COUNCIL

From: MICHAEL W. WEBB, CITY ATTORNEY

TITLE

FURTHER DISCUSSION AND DIRECTION TO STAFF ON EXPLORING THE POSSIBILITY OF CONTRACTING TO PROVIDE PROSECUTION SERVICES FOR THE CITY OF MANHATTAN BEACH.

EXECUTIVE SUMMARY

The City Attorney's Office prosecutes State misdemeanors and Municipal Code violations that occur in Redondo Beach at the Los Angeles Superior Court, Southwest District. In addition, the City Attorney's Office provides misdemeanor prosecution services for the City of Hermosa Beach pursuant to a contract that was approved by the City Council in 2014. The City of Manhattan Beach has recently expressed interest in contracting with the City of Redondo Beach for Prosecution services. At the May 18, 2021 the City Council gave direction to explore this further.

The Redondo Beach City Manager and City Attorney have determined that it is feasible and of benefit to both cities for Redondo Beach to provide prosecution services for Manhattan Beach as we currently do for Hermosa Beach. In order to do so, it would require approval of both city councils and, because Manhattan Beach is not a charter city, the approval of the District Attorney as well. We are recommending charging a flat fee of \$300,000 per year.

BACKGROUND

There are ten (10) cities in Los Angeles County that prosecute all misdemeanor violations that occur within their city limits, including violations of State law. Half of those cities are located in the South Bay (in addition to the areas of the City of Los Angeles located in the South Bay). (See Attachment A). The primary reason for handling all misdemeanor prosecutions at the city level is to maximize local control over how crimes are charged and prosecuted in light of each city's unique areas of concern regarding public safety. Of those ten cities, eight have a prosecution division within a full-time City Attorney's Office, one has a separately elected City Prosecutor (Long Beach), and the tenth (Hermosa

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Beach) contracts with the Redondo Beach City Attorney's Office to handle prosecution in their city.

The City Attorney's Office prosecutes all criminal cases arising from misdemeanor violations of State law, the City Charter and City ordinances. This includes those felony arrests referred back to the City Attorney's Office from the District Attorney.

The City Prosecutor's Division handles every criminal case from its inception, i.e. filing of a criminal case to trial and sometimes the appellate process. The prosecutors handle all the criminal cases (other than Homeless Court) at the Los Angeles Superior Court, Southwest District in Torrance, which is the same courthouse the City of Manhattan Beach cases are handled.

Our City Prosecutors are familiar with the types of criminal cases that are handled in the Beach Cities and are obviously familiar with the courthouse, the other prosecutors, the defense bar and the judges.

There is one additional step necessary for this to work efficiently for both cities. Currently, although misdemeanor arraignments for all three beach cities are heard in the same courtroom (Department 3 on the second floor of the Torrance Superior Court), subsequent proceedings like pretrials and jury trials are not. Redondo and Hermosa cases are heard in Department 2 on the second floor while Manhattan cases are heard in Department P on the fourth floor. As detailed in our implementation plan (Attached), one of the first steps I would take if both cities decide to go forward with this proposal is to make a formal request of Supervising Judge Alan Honeycutt to have the Manhattan Beach cases heard in the same courtrooms that the Redondo and Hermosa cases are currently assigned. Based on initial conversations, the Superior Court is open to such a request.

In 2014 the City Council adopted as one of its strategic goals to provide services to other entities to increase revenue and achieve savings while maintaining a high level of service. The contract with Hermosa Beach has helped meet that goal. A similar contract with Manhattan Beach would do so as well.

After meeting with the City Manager's Office and the Financial Services Department we recommend a simple and flat annual fee of \$300,000 per year payable in 12 equal monthly payments. This will cover all prosecution attorney services. (By comparison the contract for Hermosa Beach is for \$200,000 per year). In order to perform the additional duties, we would need to add an entry level Deputy City Prosecutor. The position would only last as long as the contract with Manhattan Beach. Even once at the top of the pay range (which would take years) the total cost with benefits for the new position is \$185,000. That

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would leave in excess of \$100,000 per year in funds for Redondo Beach. The City Manager's Office and I think this amount will be adequate to cover our additional costs and enough of current overhead to recommend it to you.

As for Manhattan Beach, if Manhattan Beach decides it would like local control over misdemeanor prosecution, sharing some of the overhead costs of a full-time prosecution division with Redondo Beach will likely be much cheaper than creating one from scratch. We think it is likely that this will be the most effective combination of cost effectiveness, local control, and public safety-oriented prosecution.

Additionally, individuals often commit crimes in multiple cities. Having a unified approach to protecting and preserving public safety in the South Bay is an approach that will greatly benefit all three beach cities going forward.

COORDINATION

The City Attorney's Office coordinated with the City Manager's Office, Financial Services Department, and the Police Department in connection with the preparation of this report.

FISCAL IMPACT

An increase to the General Fund of \$300,000 per year. An increase of expenditures to the General Fund that would at most be \$185,334.02. This will result in a net increase to the General Fund in excess of \$100,000 per year.

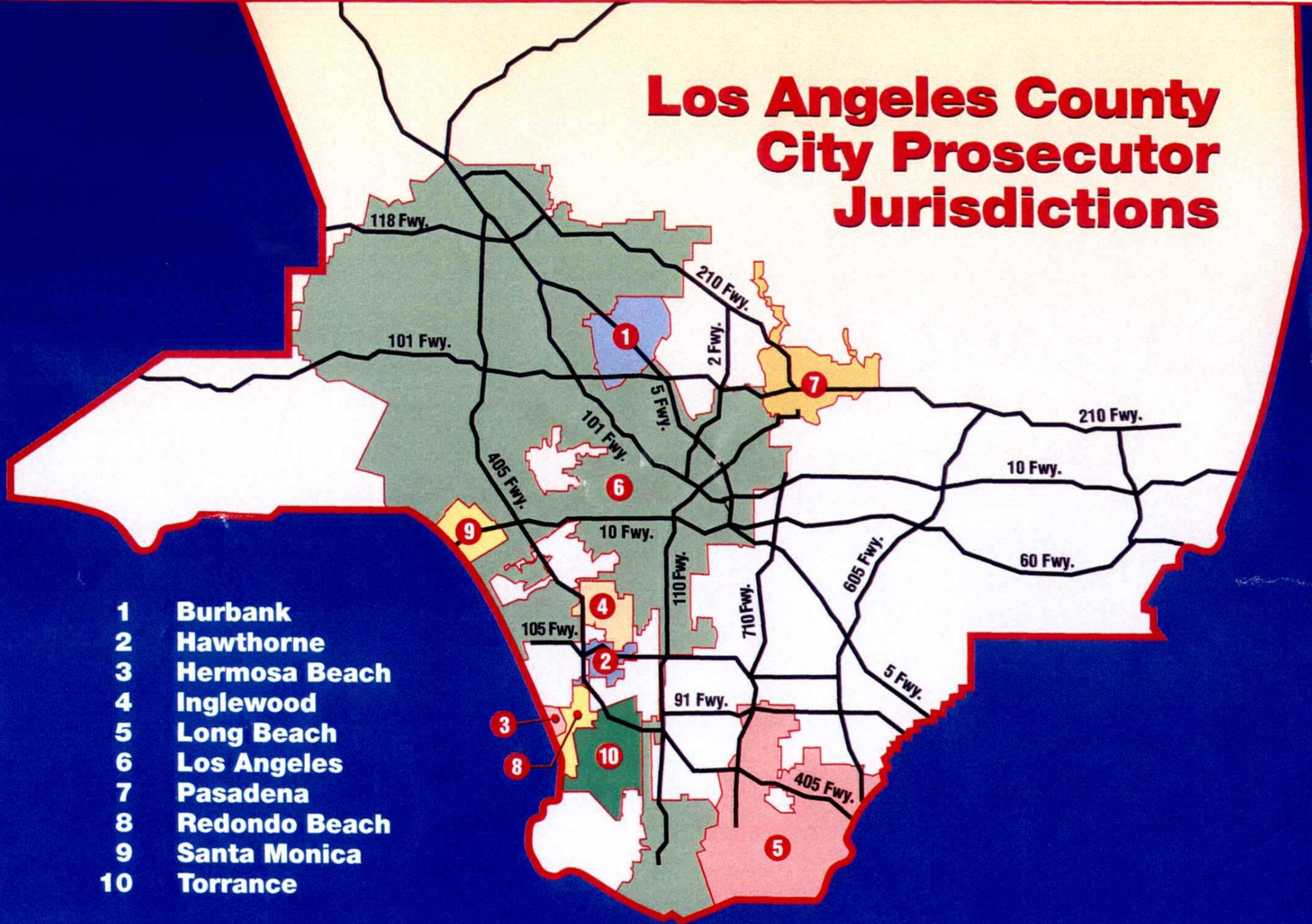
Submitted by:

Michael W. Webb
City Attorney

Attachments:

- Map of Los Angeles County City Prosecutor Jurisdictions
- Implementation Plan

Los Angeles County City Prosecutor Jurisdictions



- 1 **Burbank**
- 2 **Hawthorne**
- 3 **Hermosa Beach**
- 4 **Inglewood**
- 5 **Long Beach**
- 6 **Los Angeles**
- 7 **Pasadena**
- 8 **Redondo Beach**
- 9 **Santa Monica**
- 10 **Torrance**

Implementation Plan

Step 1 - Within 30 days of a) the initial decision by both City Councils for Redondo Beach to provide City Prosecutor services and b) subsequent approval by the District Attorney, the final language of the contract is prepared and presented to the two City Councils for approval.

Step 2 - Concurrently with the contract being finalized and approved, Redondo Beach personnel will meet with the District Attorney's Office to determine the status of the court calendar for Manhattan Beach misdemeanor cases, the number of upcoming cases set for trial and otherwise prepare for a smooth transition.

Step 3 - Also during this time period, the Redondo Beach City Attorney will make a formal request to Site Supervising Judge Alan B. Honeycutt to consolidate the Manhattan Beach misdemeanor cases into the same two courtrooms in the Torrance Courthouse where the Redondo and Hermosa cases are assigned to maximize our efficiency in handling these cases.

Step 4 – Prosecution Division personnel will use this time to familiarize themselves with the unique law enforcement challenges facing Manhattan Beach. This will involve meetings with Police Command Staff, meeting with Detective Bureau personnel and setting up ride-alongs with patrol officers.

Step 5 – On the first effective day of the contract, Redondo Beach Prosecutors will commence prosecution services to Manhattan Beach. The Prosecution Division of the Redondo Beach City Attorney's Office provides full and complete prosecution service on a daily basis. This Division is devoted full-time to providing the full range of prosecution services and does not have any responsibilities or conflicts on the civil side of the office. We will provide the same level of service for Manhattan Beach if selected. At a minimum, this will involve reviewing any in-custody cases for filing every morning, Monday through Friday, before going to court. At court, all cases on calendar (including any "walk-ins") will be handled until the court calendar is cleared. All jury trials and appeals will be prosecuted. Moreover, the City Attorney will provide his cell phone and will agree to be contacted anytime of the day or night seven days a week if needed for urgent prosecution matters as he currently does in Redondo Beach and Hermosa Beach.

Step 6 - Quarterly reviews will be set up in advance to allow Police Command Staff and other interested Manhattan Beach Personnel to share their thoughts on what is working and areas of concern or that need improvement. Much of this will naturally occur due to the constant communications that our prosecutors will have with the Police Department. However, we still recommend that regular meetings are maintained so that nothing falls through the cracks.

Staff Requirements

All the prosecution attorney duties will be handled by the Prosecutors from Redondo Beach. However, under this proposal the MBPD and Court Liaison Officer will handle subpoena control, prepare and file the misdemeanor complaints at court, handle defense discovery requests, service of subpoenas, trial related services such as preparation of transcripts for any audio and video recordings, as well as victim restitution as is done by RBPB and HBPD staff. All other tasks from the initial case review through ultimate resolution of each case including handling any appeals will be handled by the personnel in the Redondo Beach City Attorney's Office.

Staffing

The Manhattan Beach cases will be handled by the full-time staff in the Prosecution Division of the Redondo Beach City Attorney's Office. They are:

Melanie Chavira, Redondo Beach City Prosecutor

Sydne Michel, Senior Deputy City Prosecutor

Ana Papadakis, Senior Deputy City Prosecutor

Joy Abaquin, Quality of Life Prosecutor

We would hire one additional entry level Deputy City Prosecutor to help handle the increased caseload. The caseload for the three cities will be handled evenly by all prosecutors (i.e. there won't be a specifically assigned Redondo or Manhattan prosecutor).

Additionally, the City Attorney Mike Webb, who has been a prosecutor for more than 30 years will be available to provide backup in the areas of case review for filing, covering court if necessary and being available and accessible when needed even at night or on weekends for more urgent matters.

Scope of Services:

The Scope of Services shall consist of prosecution of misdemeanor violations of State law, including but not limited to the following tasks:

- Review each alleged misdemeanor violation of State law for determination of whether it satisfies the legal requirements for filing a misdemeanor criminal complaint.
- Complete all legal procedures for prosecution through the municipal court system making all court appearances in connection with

prosecutions including arraignment, pretrial appearances, motions, and trials (jury and court) all the way through any appeals and conclusion of each case.

- Developing and presenting in-service training programs and legal updates to personnel involved in the enforcement of the various laws upon request.
- Providing legal support and advice on sensitive investigations.