

Agenda Report

TO: CITY COUNCIL

Date: November 22, 2004

FROM: CITY ATTORNEY/CITY PROSECUTOR

SUBJECT: LETTER TO SUPERVISOR ANTONOVICH REGARDING THE USE OF A PORTION OF NEWLY DISCOVERED FUNDS TO BE ALLOCATED FOR COUNTY JAIL FACILITIES

RECOMMENDATION:

It is recommended that the City Council authorize the City Attorney/City Prosecutor to prepare and send a letter to Supervisor Michael Antonovich urging that monies be set aside for use by the L.A. County Sheriff's department for the housing of county jail inmates sufficient to eliminate the need for the current early release program.

BACKGROUND:

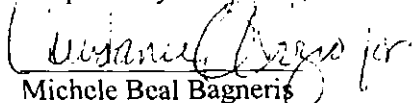
Misdemeanants prosecuted by the City Prosecutor and sentenced to jail are housed in the Los Angeles County jail system operated by the Los Angeles Sheriff's Department. Under normal circumstances, most misdemeanants serve at least 60% of the sentence (some offenses such as domestic violence require 85% of time served before release while other violations have a mandatory number of days that must be served).

In the last few years, due to budget restrictions, jail sentences have been reduced to an average of 10% of the time ordered and often criminal defendants spend more time on the bus that takes them to county jail than they do in incarceration. The Sheriff Department's inability to keep them in jail allows convicted criminals to commit additional crimes and, in part, has led to an increase in the number of misdemeanor offenses received and filed by the prosecutor's office. This "catch and release" policy also impacts the resources of our local law enforcement agencies by compelling the departments to re-arrest the same individual several times in a short period of days for new offenses.

A secondary consequence is that where the prosecution offers probation, counseling or rehabilitation courses, misdemeanants opt instead for the maximum time in jail without probation, avoiding both lengthy jail sentences and programs that may keep them from re-offending. There is a serious threat to public safety if this "early release" policy is continued or expanded.

The City Prosecutor's office has recently received a request from the County Prosecutor's Association (of which we are a member) to address these concerns to our County Supervisor and to ask that the Board of Supervisors use a portion of the "found monies" from the county budget to re-open and staff the county's several jail facilities and eliminate the "early release" policy currently in place. A draft of such a letter is attached as Exhibit 1. We are informed that the Board of Supervisors is scheduled to consider this matter on Tuesday, November 23rd. The proposed motion by Supervisors Yaroslavsky and Molina asking for a plan and budget from the Los Angeles County Sheriff's Department to address these needs is attached as Exhibit 2.

Respectfully Submitted,


Michele Beal Bagneris
City Attorney/City Prosecutor

Prepared by:

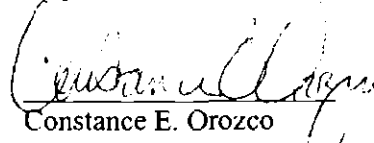

Constance E. Orozco
Chief Prosecutor

Exhibit 1

The Honorable Michael D. Antonovich
Supervisor Los Angeles County
Fifth District
215 N. Marengo Avenue, Suite 120
Pasadena, CA 91101

Dear Supervisor Antonovich,

There is a crisis in the local County jails due to the lack of funds allotted to the Sheriff's department. With the failure of Measure A, it is imperative that the Board of Supervisors look to other methods to fund the appropriate staffing of jails so that criminals who have earned their way into a jail sentence actually serve their way out. Currently, defendants sentenced to county jail serve an average of 10% of the time ordered and are often re-committing crimes within a few days of the court's sentence. This taxes our resources, police and prosecution efforts and creates significant threats to the public safety, negatively impacting our community.

The "early release" policy implemented by the Sheriff's office in response to budget cuts is not feasible in that it actually results in more enforcement and judicial costs to re-arrest and re-arraign these criminals time after time. Increased funding allocated to the Sheriff's Department for our County jails is necessary to eliminate the need for an early release program and protect the public safety and welfare.

In view of the larger than anticipated fund balance experienced by the County, on behalf of the City of Pasadena, the Office of the City Prosecutor respectfully requests that you vote to allocate a portion of such monies to fund the county jails as a viable punishment to crime. The interests of the public's safety mandate that such steps be taken as soon as possible. Thank you for your anticipated support.

Sincerely,

Michele Bcal Bagnicris

SYN. NO. _____

AGN. NO. _____

MOTION BY SUPERVISORS ZEV YAROSLAVSKY
AND GLORIA MOLINA

November 9, 2004

During the last few years, when county finances were particularly strained, all county departments were asked to insure that departmental spending be kept in line with available/budgeted revenues. This has been especially true in the case of the Sheriff's Department, where the Sheriff has made a strong and difficult commitment to meet this guiding principle of fiscal management.

One of the consequences of the Sheriff's budget management strategies was the loss of inmate capacity in the county's jail system. In fact, the loss of bed space in the jails has resulted in a reduction of capacity from its recent peak 22,214 to its present 17,400. This reduction has forced the Sheriff to release thousands of inmates from the jails before completing their sentences.

As a result of this and other cutbacks in the Sheriff's department and other law enforcement agencies in the county, the Board of Supervisors placed Measure A on yesterday's ballot in order to raise the necessary funds to restore the cuts and expand law enforcement and related services countywide. With yesterday's failure of Measure A, funds that the Sheriff was anticipating for these law enforcement purposes will not be forthcoming.

MOTION

MOLINA	_____
BURKE	_____
YAROSLAVSKY	_____
ANTONOVICH	_____
KNABE	_____

Exhibit 2

However, the continued early release of inmates diminishes the integrity of our criminal justice system and undermines the difficult and dangerous work of law enforcement. The consequences of this situation are felt in every community of Los Angeles County. Sheriff Baca developed a Master Plan that focused on improving jail operations, specifically the pros and cons of opening or expanding particular facilities and costs of these options.

While yesterday's election results make it impossible to accomplish all of the Sheriff's goals, the recent closing of the county's financial books, and the larger than anticipated fund balance, may afford the Sheriff's Department the ability to at least address the problems associated with the "early release" program.

WE, THEREFORE, MOVE that the CAO and the Sheriff's Department be directed to jointly prepare a plan to end the present early release program in our County jails for consideration by the Board of Supervisors in three weeks, including identifying the amount and source of funding required.

JC I:early release