County of Los Angeles
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DAVID E. JANSSEN
Chief Administrative Officer

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Third District

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Fifth District

November 29, 2004

To: Supervisor Don Knabe, Chair
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

PROSECUTION OF CODE ENFORCEMENT CASES (RELATES TO ITEM NO. 87 AGENDA OF NOVEMBER 30, 2004)

In response to a September 28, 2004 instruction, the Chief Administrative Office reported to the Board that $2.5 million in ongoing funding is available in the Provisional Financing Uses Appropriation for Contingency budget for immediate transfer to the District Attorney's budget to fund 45 Deputy District Attorney II positions for the remaining six months of the 2004-05 fiscal year. We further reported that our office would identify an additional $2.5 million in ongoing funding to offset the full $5.0 million annual cost of the 45 Deputy District Attorney II positions in the department's budget beginning in Fiscal Year 2005-06.

At the November 16, 2004 Board meeting, Supervisor Knabe introduced a motion to fund the 45 Deputy District Attorney II positions. Following discussion, the Board continued the motion and our report to November 30, 2004 and instructed the County Counsel and the District Attorney to provide a solution to prosecute code enforcement cases by means of delegated authority to the County Counsel or if the delegated authority is not feasible to come up with an alternative solution.

In accordance with the Board's instruction, the District Attorney, in consultation with County Counsel and the Chief Administrative Office, has developed a proposal to prosecute code enforcement cases that does not include delegated authority to County Counsel. The District Attorney has indicated that he is unwilling to delegate authority to prosecute criminal cases to County Counsel staff because he would not have direct supervision or control over the actions of the attorneys assigned to perform this function yet he would ultimately be held responsible by the courts and the public for their conduct.

As an alternative solution, the District Attorney proposes the following with respect to code violations. A District Attorney Code Enforcement Section will be developed, to handle investigation and prosecution of complex and sensitive code violations and assist County department staff on routine investigations. The prosecutors and investigators will also provide training to department staff and develop protocols and procedures to assist them in developing prosecutable cases.

If the County code is amended to authorize the imposition of administrative fines and non-compliance fees for code violations, each violation would initially proceed through this process. Any cases that remain unresolved would then be referred to the District Attorney's Code Enforcement Section for further investigation, office hearing, and if necessary, criminal prosecution.

The District Attorney's Code Enforcement Section will be staffed with 7.0 positions, including: 2.0 Deputy District Attorney IV, 1.0 Supervising Investigator, DA, 3.0 Senior Investigator II, and 1.0 Legal Office Support Assistant II. These positions will be funded, if approved by your Board, using $500,000 of the $2.5 million recommended by this office for transfer from Provisional Financing Uses to the District Attorney's Fiscal Year 2004-05 budget.

This proposal will create a new collaborative effort among County departments and we therefore strongly recommend its approval.

If you have any questions or require further information, please contact Eva Snider of my staff at (313) 974-2291 or at esnider@cao.cl.a.ca.us .

DEJ:DL
ES:lbm

c: District Attorney
Executive Officer, Board of Supervisors
County Counsel