



CITY OF MANHATTAN BEACH CITY HALL

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TO: Honorable Mayor and Members of the City Council

FROM: Bruce Moe, City Manager

MEETING: City Council Regular Meeting, July 20, 2021

SUBJECT: Agenda Item No. 7 – Prosecution and Homeless Court Services

DATE: July 20, 2021

SUPPLEMENTAL ATTACHMENT

- PowerPoint Presentation

PROSECUTION AND HOMELESS COURT SERVICES ANALYSIS

JULY 20, 2021

CITY COUNCIL MEETING



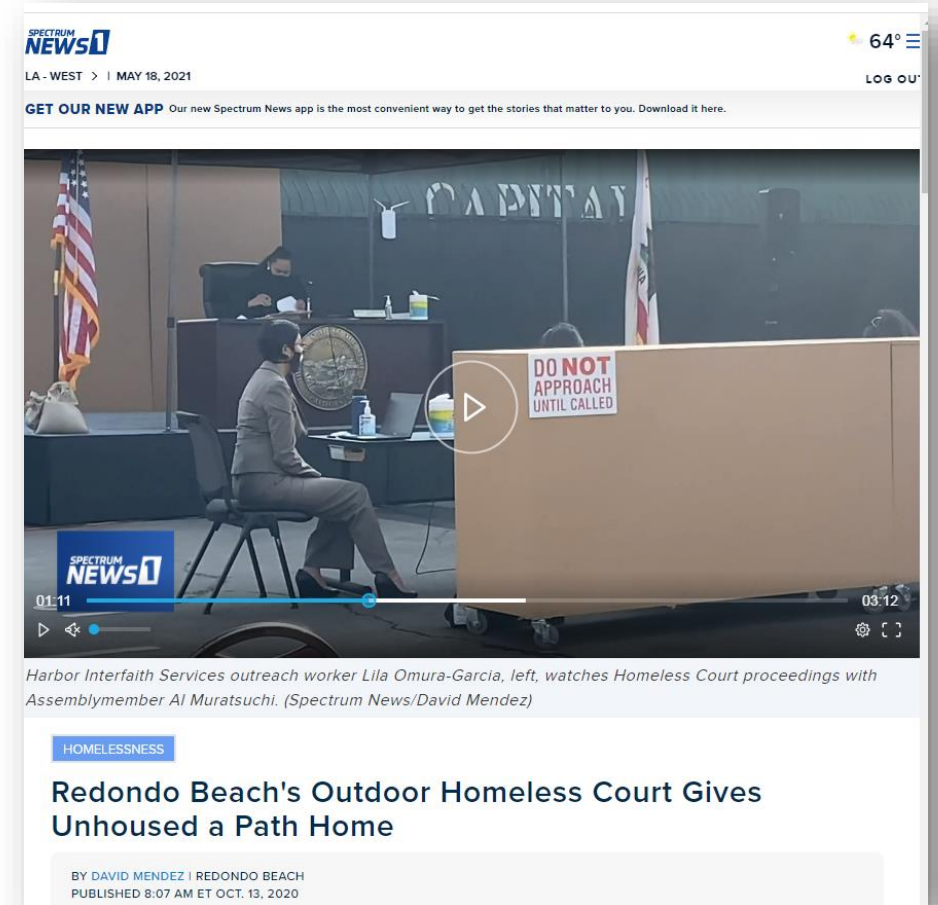
OUTLINE

1. Background
2. Prosecution Analysis
3. Process
4. Effectiveness of Homeless Court
5. Considerations
6. Costs
7. Options for Council Consideration



BACKGROUND ON HOMELESS COURT

- The Homeless Court Program offers an informal diversion program and provides services such as mental health counseling, substance abuse treatment and housing placement.
- Attorneys/Prosecutors will ask a judge to make appropriate orders to get the participants to work towards becoming housing ready in exchange for dismissing charges against individuals.

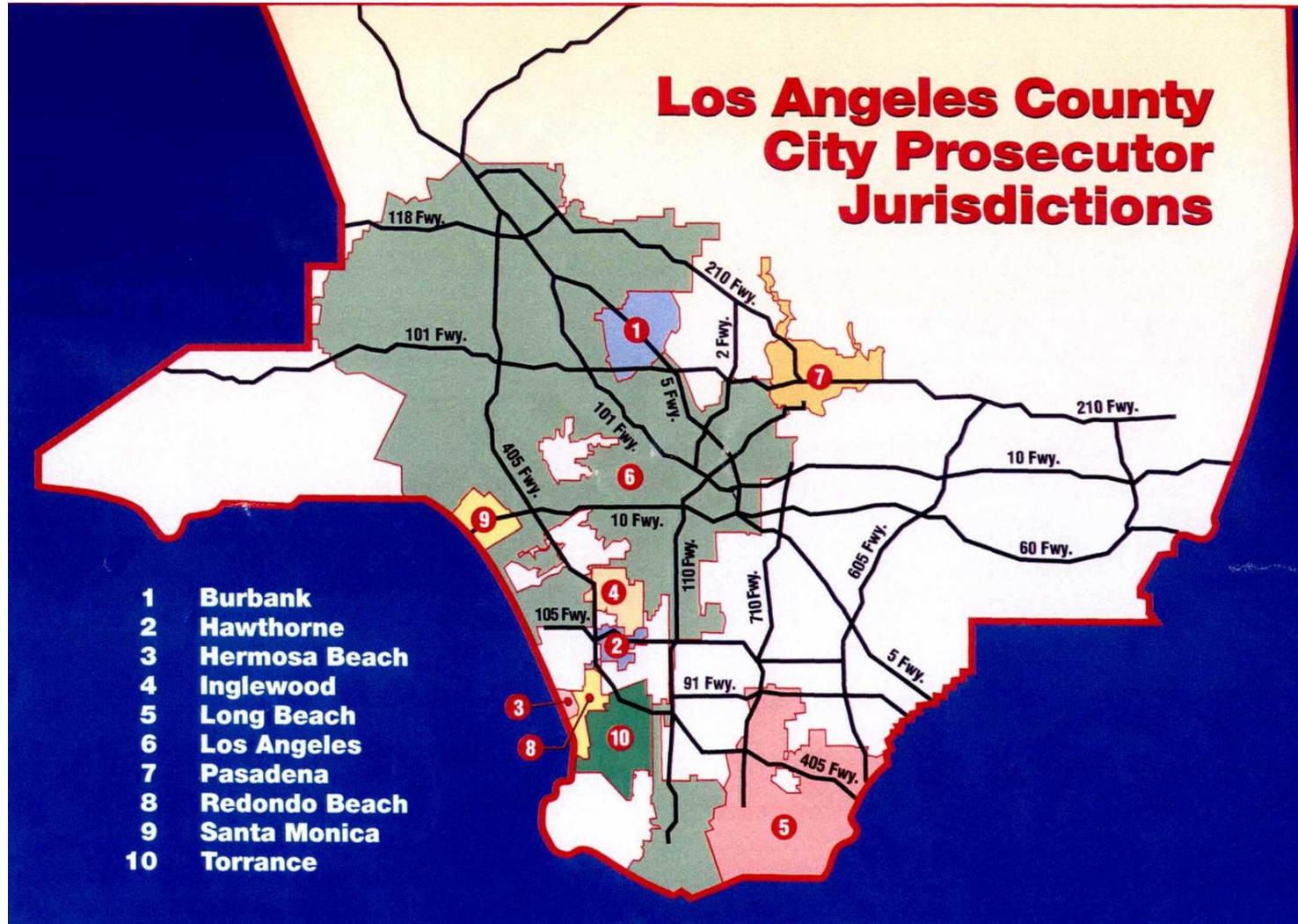


PROSECUTION

- The Los Angeles County District Attorney 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.
- 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.



PROSECUTION



PROSECUTION

- Government Code section 41803.5 provides:
 - “(a) With the consent of the district attorney of the county, the city attorney of any general law city or chartered city within the county may prosecute any misdemeanor committed within the city arising out of violation of state law. This section shall not be deemed to affect any of the provisions of Section 72193.”
- Should the City of Manhattan Beach seek to prosecute state law misdemeanors committed within city limits, the City must request the authority to prosecute state law misdemeanors from the LA County District Attorney.



PROSECUTION

- As a charter city which has an elected City Attorney, the City of Redondo Beach operates and conducts its own homeless court because it prosecutes crimes within city limits.
- MB staff has sent the City of Redondo Beach a non-binding letter of intent for Homeless Court Service and/or Prosecution Services.
- Redondo Beach City Council authorized the City Attorney to explore the feasibility of contracting with Manhattan Beach.



PROSECUTION IN MANHATTAN BEACH

The Manhattan Beach Police Department's Administration and Investigations Bureau is responsible for filing cases with the District Attorney.

Year	Misdemeanors	Felonies	Juveniles or Delinquents	Other	Total
2015	1463	446			1909
2016	1792	437	3	1	2233
2017	1389	374			1790
2018	1038	404	1	1	1513
2019	996	382	14		1447
2020	586	267	8		941
2021 (Thru April)	154	59	0	0	213

Cases Currently Prosecuted by the DA that would be Referred to City Prosecutor



DISTRICT ATTORNEY DIRECTIVE – 20-07

- The directive listed numerous misdemeanor charges that will be declined or dismissed before arraignment and without conditions by the DA unless “exceptions” or “factors for consideration” exist. The crimes include:
 - Trespassing,
 - Disturbing the peace,
 - Criminal threats,
 - Drinking in public,
 - Public intoxication,
 - Under the influence of controlled substance,
 - Driving without a valid license,
 - Driving on a suspended license,
 - Drug and paraphernalia possession,
 - Minor in possession of alcohol,
 - Loitering,
 - Loitering to commit prostitution, and
 - Resisting arrest.



PROSECUTION IMPACTS

- Based on the directive, staff estimates that 702 misdemeanor cases from 2019 - 2020 may have been impacted had the directive been in effect.
- MBPD estimates that 61 cases have been dismissed or declined since December 2020.
- MBPD has referred a total of 154 misdemeanor cases to the District Attorney from January - April of 2021.



EFFECTIVENESS OF HOMELESS COURT

- Redondo Beach's homeless population is substantially larger than Manhattan Beach. Redondo Beach totaled 176 individuals experiencing homelessness while Manhattan Beach totaled 15 individuals.
- Upon conducting an unofficial count by the City's Police Department in April 2021, the Police Department identified about 7 individuals that may benefit from a homeless court program.
- The homeless court program has been viewed as a success in Redondo Beach and has provided an additional tool to incentivize homeless individuals to seek housing options.



EFFECTIVENESS OF HOMELESS COURT

- Since December 2019, the City of Redondo Beach has had 50 individuals participate in homeless court and 15 have successfully been housed as a result of the process.
- Currently, the City of Redondo Beach has 20 active participants in the homeless court program.
- From July 2020 - July 2021, 59 instances of individuals cited by MBPD with no known address and committing a crime.



CONSIDERATIONS

- Special Directive 20-07 has implications on the City's handling of state misdemeanor crimes, and has had implications locally and countywide.
- If the District Attorney provides the City of Manhattan Beach consent to prosecute state misdemeanor crimes, the City would not be subject to Special Directive 20-07, and could contract with another entity to prosecute state misdemeanors (Note: Presiding judge of any case still retains the power to dismiss or decline a case).



COSTS

Homeless Outreach Costs (Funded by County Grant)

Total Cost = \$330,665

Monthly Cost = \$16,105

Redondo Beach Homeless Court

Total Cost = \$254,287

Monthly Cost = \$21,190

Homeless Services

&

Prosecution Costs

Redondo Beach Prosecution Costs

Total Cost = TBD

Hermosa pays approx.
\$200,000 annually

LA District Attorney Prosecution Costs

Unbudgeted Cost

Service provided by County
General Fund



PROCESS

1.

RB City Council directs City Attorney to explore possibility further.



2.

MB City Council directs staff to continue exploring homeless court, identifies necessary funding and perform analysis.



3.

Dependent on City Council direction...



OPTIONS FOR COUNCIL CONSIDERATION

Staff recommends that the City Council discuss and provide direction with options for consideration.

1. Discontinue analysis of contracting with the City of Redondo Beach;
2. Apply for Measure H grant funds by August 10, 2021, to fund homeless court services specifically, in addition to funds dedicated toward outreach provided by Harbor Interfaith Services;
3. Report back to the City Council once the City of Redondo Beach provides a cost estimate for prosecution and homeless court services;
4. Contact Los Angeles County District Attorney's Office to obtain County requirements for seeking consent to prosecute state misdemeanors.

