



# OFFICE OF THE LOS ANGELES CITY ATTORNEY

## AGENCY REPORT

### ***INTRODUCTION***

The Los Angeles City Attorney's Office is the third largest government legal office in California, following the Attorney General's Office and the Los Angeles County District Attorney's Office.

The Los Angeles City Attorney is the chief prosecutor for the City of Los Angeles with jurisdiction to prosecute all misdemeanor criminal offenses and infractions. He is also the chief legal advisor and general counsel to the Mayor and the City Council, as well as all boards, departments, and officers in the City of Los Angeles. In July 2009, Carmen Trutanich became the Los Angeles City Attorney.



**OVERVIEW OF THE CITY ATTORNEY'S OFFICE**

The Los Angeles City Attorney's Office consists of three core legal branches: civil liability management, municipal counsel, and criminal and complex litigation.

The City Attorney is Los Angeles' chief prosecutor, representing the People of the State of California in all criminal misdemeanor cases in the City of Los Angeles. With six divisions spanning the City, the Office prosecutes a wide range of criminal activity including vehicular crimes, property crimes, domestic violence, child abuse and exploitation, and violent gang crimes.

The initial step in prosecuting misdemeanor offenses consists of a filing decision by a deputy city attorney, who reviews police reports received for filing consideration. The City Attorney's Office receives these reports either directly from a law enforcement agency or administrative agency, or as a referral from the Los Angeles County District Attorney's Office.

The filing attorney decides whether to file a criminal complaint against an individual, set the matter for a City Attorney Hearing, or reject the case. The filed cases are prosecuted by a deputy city attorney at one of the six branch locations or within specialized prosecution units.

Upon disposition of a case by plea or conviction, the defendant is sentenced by the court. However, sentence advocacy is an important role for a prosecutor as part of the criminal justice system. A defendant may be sentenced to jail, a fine, or probation and

may be ordered to make restitution to the victim. Conditions of probation may include appropriate counseling, force and violence conditions, attendance at an alcohol program or batterer's treatment program, parenting classes, or other terms of probation that prevent recidivism.

The Office achieves superior results in part because of the strong working relationships its attorneys and staff have developed with all levels of the Los Angeles Police Department and other law enforcement agencies.

In 2011, this Office reviewed 89,408 cases and filed 52,739 cases. As a result of this continued commitment and dedication, Los Angeles is a safer place for children and families to live, work, and go to school.

**CHILD PROTECTION PROGRAMS**

Every day, the Office of the City Attorney confronts the serious problems of child abuse, neglect, exploitation and technology facilitated crimes against children. Efforts are multifaceted, including specialized vertical prosecution, multi-agency state and federal task force participation, truancy and gang prevention programs, victim support services, legislative initiatives, law enforcement training, and community outreach.

**CHILD ABUSE PROSECUTION SECTION**

The City Attorney's Office handles all physical, sexual and emotional child abuse and neglect matters primarily through its specialized Child Abuse Prosecution Section in which experienced prosecutors vertically prosecute all cases of violence against children. This section is supported by skilled



and dedicated victim advocates who work with the prosecutors to provide support to child victims, witnesses, and their families. Each individual case is assigned from the outset to a team made up of a prosecutor, victim advocate, and an investigator who work together for the duration of that criminal case. Their combined efforts ensure better conviction rates and stricter sentencing, while providing needed resources and aid to victims of child abuse.

The efforts of the Office go beyond prosecution. The Office of the City Attorney advocates for additional support, including financial assistance, for child victims and witnesses through the Los Angeles City Attorney Victim Witness Assistance Program.

**CYBER CRIME AND CHILD ABUSE PREVENTION**

The Cyber Crime and Child Abuse Prevention section was created in 2009 and is responsible for the prosecution of technology facilitated crimes against children as well as a wide variety of child and youth-related programs and projects. These include co-chairing the Los Angeles County Cyber Crime Task Force, active participation as an affiliate with the Los Angeles Regional Federal Internet Crimes Against Children (ICAC) Task Force, Child Abuse legislative and policy initiatives, and the Truancy Prevention Program.

**CYBER CRIME TASK FORCE**

In partnership with ICAN, the City Attorney's Office co-chairs this committee with the United States Attorney's Office and the FBI. Other partners include the California Department of Justice, LAPD, the Internet Crimes Against Children Task Force (ICAC), the Los Angeles County Sheriff, Disney, Fox Films, the Los Angeles Catholic Archdiocese, UCLA, the Anti-Defamation League, and the Los Angeles County Office of Education. On September 30, 2011, we

held the third annual county-wide Cyber Crime Symposium to educate the community on cyber crimes, digital reputation, Internet predators, cyber bullying, and piracy. This unique Symposium was held at the California Endowment for approximately 400 educators, parents, and middle and high school students.

**CYBER CRIME PUBLIC OUTREACH**

In partnership with ICAN and California State University, Northridge, the City Attorney's Office has produced a series of Public Service Announcements aimed at educating parents and the general public regarding cyber crime and the dangers presented to children. Our first endeavor, Family Dinner, is currently showing on numerous local television stations including KABC. This year we completed our second in a series of PSAs – this one on Cyber Bullying. With the help of the FBI, this compelling piece is currently running on various television stations in the Southern California area.

**TRAINING FOR MANDATED REPORTERS OF CHILD ABUSE**

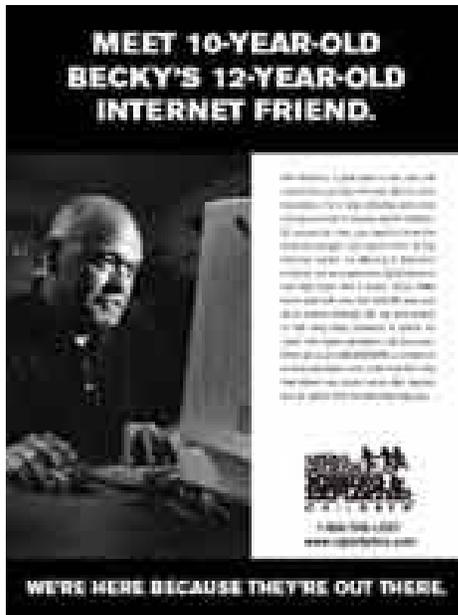
The California Penal Code provides that certain employees of schools, health care organizations, and other groups that work with children on a regular basis are mandated reporters of child abuse. This mandate requires that these employees know the legal requirements and understand the specifics of what must be reported and when and how the report should be made. City Attorney staff are available to conduct trainings for school, health care, law enforcement, first responders and other personnel who are legally mandated reporters of child abuse. The approximately one hour instruction includes laws relating to mandated reporting, how and when to report, what constitutes physical, sexual and



emotional child abuse and exploitation, and the legal ramifications of a failure to report.

**CYBER CRIME PREVENTION PROGRAM**

The Cyber Crime and Child Abuse Prevention section conducts trainings county-wide on cyber crime and technology facilitated crimes against children. Interactive presentations are provided for middle and high school students, community members, Boys and Girls Clubs, after school and recreation programs, parents, and educators. These presentations include information on Internet predators and Megan's Law, cyber bullying, and computer safety instruction. This work is in partnership with and is certified by the National Center for Missing and Exploited Children.



**OUTREACH PROJECT IN PARTNERSHIP WITH THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN**

The City Attorney's Office has formed a successful and important partnership with the National Center for Missing and Exploited Children that has resulted in

community outreach training and a successful PSA poster campaign. Deputy city attorneys have distributed several thousand compelling posters throughout the city and county of Los Angeles since the program began in December, 2009.



**SCAN TEAM PARTNERSHIP – MATTEL CHILDREN'S HOSPITAL**

The City Attorney's Office is a working member of the Suspected Child Abuse and Neglect (SCAN) team at the UCLA Mattel Children's Hospital. The SCAN team is a working group of professionals in the law enforcement, health care and social services fields who meet on a weekly basis to review all cases of suspected child abuse and neglect presented at UCLA hospitals. The overall goal of the team is to take a managed approach to reviewing child abuse cases to determine what action was taken, future efforts on the case and to look closely at how we can improve our overall response in future cases.

**INFANT UNSAFE SLEEPING CAMPAIGN**

City Attorney staff play an integral role in the ICAN Sub-committee on Infant Safe Sleep. Due to the high incidents of infant deaths due to co-sleeping, ICAN received a two year grant from FIRST 5 LA to fund a public outreach campaign. Office staff are participating by working with LAC+USC, DCFS and the Los Angeles County Office of the Coroner to create a Public Service



Announcement on the important issue of safe sleep practices.

### **TRUANCY PREVENTION PROGRAM**

Since 2002, the Office of the City Attorney has partnered with the Los Angeles Unified School District (LAUSD) to address the issue of rampant truancy in the City of Los Angeles. Truancy directly impacts our community and quality of life in several ways, including increases in gang membership and juvenile crime, lower academic achievement, the increased victimization of children, and the loss of hundreds of thousands of dollars for our schools. More specifically, truancy is harmful in the following ways:

- Truancy is a precursor to gang membership. A youth is three times more likely to join a gang when he/she has low school attachment, low academic achievement, or learning disabilities. Studies show that youth who have delinquent peers are more likely to join a gang.
- Truancy is a stepping stone to delinquent and criminal activity. Forty-four percent of juvenile crime takes place during school hours.
- Truancy impacts a child's success at school. Missing school causes a child to fall further behind, resulting in lower academic achievement. Truants lose not only their opportunity for an education, but also their future earning capacity. There is also a link between truancy and incarceration; among incarcerated inmates, over 80 percent dropped out of school.
- Truancy leads to the victimization of youth. Juveniles comprise 21 percent of the victims of crimes committed during school hours. Juveniles out of school are subject to sexual assault, drug dealers, and gang activity.

- Truancy has fiscal ramifications. LAUSD is funded based on its students' attendance. Truancy costs the school district hundreds of thousands of dollars in federal and state funding due to lower daily attendance rates. Businesses have to pay the attendant costs of truancy, such as removing graffiti and increasing security for crimes like vandalism and shoplifting. Furthermore, taxpayers must bear the increased cost for criminals and welfare recipients who do not have the education and skills to support themselves.

The City Attorney's Truancy Prevention Program strikes at the heart of dropout rates with a simple but powerful tool to fight truancy and absenteeism among students: parents. City Attorney staff educate parents about their legal responsibility to ensure that their children attend class regularly. The program holds parents accountable for their children's attendance at school.

Since its inception, the City Attorney's Truancy Prevention Program has educated over 300,000 families about the importance of attending school. The program's letters have directed over 90,000 families to general assemblies. Subsequently, almost 4,000 families have been referred for further City Attorney intervention. From these families, PSA counselors have taken over 200 families to SARB and they have referred 105 families for prosecution. To date 105 families have been prosecuted under the Education and Penal Codes. The goal of the program is to keep children in school, not to prosecute parents.

During the 2011-2012 school year TPP provides truancy prevention efforts at the following schools:

#### **Elementary Schools (ES):**

Alexander ES



Commonwealth ES  
Hooper ES

**Middle Schools (MS):**

Adams MS  
Bethune MS  
Fulton MS  
Harte Prep MS  
Hollenbeck MS  
Le Conte MS  
Mann MS  
Sepulveda MS  
Virgil MS  
Wilmington MS

**High Schools (HS):**

Arleta HS  
San Pedro HS  
University HS

The Truancy Prevention Program fights crime by investing in our young people, empowering parents, and giving families the resources they need to make better choices for their children’s futures.

***SAFE SCHOOL ZONES***

Working in partnership with the Los Angeles Unified School District (LAUSD), the Los Angeles City Attorney’s Office administers a program designed to monitor and potentially remove criminals convicted of firearm offenses living near schools. When children are unable to concentrate in school because their minds are focused on danger in their neighborhoods, we have failed them. By designating the areas around our schools as ‘Safe School Zones’, we send a powerful message to the community that we will not tolerate crime in and around our schools.

Working closely with members of the LAUSD, the Los Angeles Police Department and the LAUSD School Police Department at the Safe Schools Collaborative, the City Attorney’s Office uses California Penal Code

§ 626 to designate schools, bus stops and all areas within 2,000 feet of the school a violence-free zone.

Only enrolled students, or those with official school business, will be allowed on school grounds. Principals, school police, local law enforcement, and security may require any individual whose presence or behavior interferes with the students’ education to leave immediately or be arrested.

Adopting provisions of the Penal Code section and designating “Safety Zones” around schools establishes specific, progressive penalties for violent offenders with a prior criminal record. The first violation of the “Safe School Zone” carries a maximum penalty of six months in jail and/or a \$500 fine. Second offenses carry a mandatory minimum of 10 days in jail. Three or more offenses carry a mandatory minimum sentence of 90 days in jail.

Each school in the LAUSD implemented a Safe School plan by posting information designating a list of boundaries, bus stops and other public property within the “Safe School Zone”. The office continues the process of training law enforcement including the LAUSD School Police in the law regarding Safe School Zones.

***LOS ANGELES STRATEGY AGAINST VIOLENT ENVIRONMENTS NEAR SCHOOLS (LA SAVES)***

Los Angeles Strategy Against Violent Environments Near Schools (LA SAVES) began as an offshoot of the Safe School Zones initiative to encourage collaboration between the Los Angeles Police Department, Los Angeles County Probation Office, LAUSD School Police, California Department of Corrections and Rehabilitation, the Department of Children



and Family Services, and the City Attorney's Gang and Gun Violence Unit to work together in identifying and pursuing armed offenders and those who have been convicted of offenses involving firearms currently living in the neighborhoods around schools.

Since 2005, LA SAVES has targeted 1,350 residences of felony probationers and other felons resulting in the arrest of 287 individuals for felony probation or new drug, weapons, sex or gang-related charges. This includes numerous felons who have been released under California's new Realignment. The LA SAVES team has recovered 51 weapons from felons, rescued more than 155 children from deplorable circumstances, and gained information that led to the opening of new cases to protect children.

The LA SAVES team conducts regular inspections around schools in order to remove dangerous convicted criminals who fail to show up to hearings and probation meetings, or are found to have other legal problems. School grounds should always be a safe haven for our children. These initiatives give us the tools to effectively prosecute those who threaten our children's safety.

**LEGISLATION**

The Office of the City Attorney strives to improve the quality of life for all Angelinos. While groundbreaking programs and initiatives are a major component of that effort, the Office's ability to help implement, change, and interpret laws is vital to making Los Angeles a cleaner, safer, enriched city for children and families.

The Office is active on the legislative front on the local, regional, state, and federal

levels and has been instrumental in drafting or lending its support to a variety of ordinances, codes, bills, and laws that help make Los Angeles stronger and children safer. From identifying and closing loopholes in existing laws to taking an innovative, affirmative approach to solving the problems that challenge the City, our legislative efforts are a key part of our arsenal.

**ANTI-GANG DIVISION**

The City Attorney's Anti-gang section continued implementation of its most recent injunctions and now supervises the enforcement of 46 injunctions covering 72 criminal street gangs and one tagging crew. These injunctions, which serve as restraining orders on gang members, have had a demonstrable affect on reducing street-level crime in the approximately 116 square miles they cover, thus protecting children, youth and families across the city. In many cases, our attorneys work proactively to achieve solutions for residents and improve the physical condition of our neighborhoods before crimes occur.

Whether by filing criminal charges or reaching out to property owners and businesses to inform them of their responsibilities as required by law, the City Attorney's Office seeks solutions that best protect the health and welfare of all the City's residents and families.

**TEEN COURT**

As part of the City Attorney's Office, locally assigned prosecutors work closely with LAUSD personnel, Los Angeles County Juvenile Probation officers, and the Los Angeles County Superior Court to handle actual juvenile criminal offenses in a courtroom setting as an alternative to the juvenile appearing in regular juvenile court.



Once a juvenile defendant agrees to have his case heard before the Teen Court, a sitting Los Angeles Superior Court Judge presides over the proceedings. The juvenile defendant must bring a parent or guardian to the proceedings which are held at a school site other than the juvenile's home school. The students participating in Teen Court act as jurors on the case and are allowed to ask questions of the defendant and his guardian.

After the case is presented by both sides, the students deliberate under the guidance of the neighborhood prosecutor or another volunteer attorney as to the guilt or innocence of the juvenile and what sentence they think the defendant should receive. If the judge agrees with the "jury", the defendant is sentenced to the Teen Court's recommendations and must adhere to the terms and conditions or face a violation of his Teen Court probationary conditions.

This program originated at Dorsey High School with the Honorable David Wesley and has proved to be a very successful Peer Mediation effort to the benefit of all students involved.

### **SPECIAL VICTIMS DIVISION**

The Special Victims Section prosecutes certain child sexual abuse and exploitation cases. The Special Victims Section works with local, county, state, and federal law enforcement agencies as a direct filing resource, accepts referrals from other prosecutorial agencies, and joins as a partner in various task force operations. The Special Victims Section has primary responsibility for filing review and prosecution of certain misdemeanor offenses involving the following categories of child sexual abuse and exploitation:

**Child Pornography.** This category includes cases where there is questionable recorded image/video of a minor. It includes photos, digital images on a camera or video recorder, and computer images depicting children engaged in sexual conduct or showing a child's genital, pubic, or rectal areas. Child pornography can also include clothed images of minors, even where the genitals are not visible or discernible through the clothing.

**Child Sexual Exploitation Through Technology.** This category of crimes includes offenses involving minors and the use of any photographic or video device, computer, telephone, electronic communication or the Internet.

### **HEARING PROGRAM**

The Los Angeles City Attorney's Hearing Program offers an innovative approach to handling matters in which a crime has occurred, but criminal prosecution may not be the best way to address the problem. In child abuse and neglect matters, cases are assigned to hearing officers who review the facts. They educate participants as to what constitutes child abuse, admonish respondents about the consequences of their behavior, and make referrals to a variety of services, including parenting classes, drug and alcohol treatment programs, and anger management programs. The intervention of hearing officers in these matters may prevent subsequent offenses against children.

In 2011, there were 788 child abuse, neglect, sexual abuse and exploitation matters referred to the City Attorney Hearing Program after review by an attorney for filing consideration.



**VICTIM ASSISTANCE PROGRAM**

The Los Angeles City Attorney’s Victim Assistance Program assists victims of crime by providing state mandated services pursuant to Penal Code § 13835.5. These services include crisis intervention court support, resource referrals, and providing assistance to victims in filing State of California Victims of Crime Compensation Applications. The program is funded by the State of California Restitution Fund, which is financed from fines and penalty assessments imposed on convicted criminals.

The program assists victims of all types of crime, including robbery, assault, drunk driving, hit and run, sexual assault, domestic violence, child physical and sexual abuse, elder abuse, hate crimes, and aggravated assault. Additionally, the program also assists family members of homicide victims.

In 2011, there were 8,107 new victims referred to the program. Of the 8,107, there were 744 victims of child sexual and physical abuse.

**STATISTICS**

In 2011, the Los Angeles City Attorney’s Office reviewed 1,417 investigations that involved ICAN-related offenses. Of the 1,417 matters, 183 were filed and 788 were referred to hearings.

In 2011, 162 ICAN-related cases reached a disposition. Of the 162 cases, 150 resulted in guilty pleas or convictions following jury trials.

**BREAKDOWN OF ICAN-RELATED CHARGES**

The following information provides a breakdown of ICAN-related charges and

data involving child abuse prosecutions by the Los Angeles City Attorney’s Office.

**SEXUAL ABUSE AND EXPLOITATION**

In 2011, the Office reviewed 340 child sexual abuse and exploitation investigations regarding violations of the following California Penal Code sections:

<b>261.5(a)</b>	Unlawful sexual intercourse with minor
<b>261.5(b-d)</b>	Unlawful sexual intercourse with minor
<b>288(a)</b>	Lewd Acts with Child Under 14
<b>288(b)1</b>	Lewd Acts with Child Under 14 Force
<b>288(c)1</b>	Lewd Acts with Child Under 15/10 Year Difference
<b>288a(b)(1)</b>	Oral Copulation with Person Under 18
<b>288.2</b>	Sending harmful matter to minor
<b>289(h)</b>	Sexual Penetration with Person Under 18
<b>311.1(a)</b>	Sale or Distribution of Obscene Matter Depicting Person Under Age of 18, etc.
<b>311.3</b>	Sexual exploitation of a child
<b>311.11(a)</b>	Possession of child pornography
<b>313.1</b>	Distribution/Exhibition of harmful matter to minor
<b>647.6(a)(1)</b>	Annoying or molesting Minor
<b>647.6(a)(2)</b>	Annoying or molesting Minor



Of those 340 criminal investigations presented for filing consideration, 72 cases were filed and prosecuted as misdemeanors, 112 were referred to the City Attorney Hearing Program, and 156 were rejected. There was a disposition of 68 sexual abuse and exploitation cases. Of those 68 cases, 64 resulted in guilty pleas or convictions following jury trials.

**CHILD ABUSE AND NEGLECT**

In 2011, the Office reviewed 1,077 child abuse and neglect investigations involving violations of the California Penal Code sections listed below:

<b>271</b>	Desertion of child under 14 with intent to abandon
<b>271a</b>	Abandonment or failure to maintain child under 14
<b>272</b>	Contributing to the delinquency of persons under 18
<b>273a(a)</b>	Willful Harm or Injury to child
<b>273ab</b>	Willful Harm or Injury to child
<b>273d(a)</b>	Corporal Punishment or Injury to Child
<b>273g</b>	Immoral Acts before Child
<b>278</b>	Non-custodial persons; detainment or concealment of child from legal custodian
<b>278.5</b>	Child Concealment/Non-custodial person

Of those 1,077 investigations, 111 cases were filed and prosecuted as misdemeanors, 676 were referred to the City Attorney Hearing Program, and 290 were

rejected. There were dispositions in 94 child abuse and neglect cases. Of those 94 cases, 86 resulted in guilty pleas or convictions following jury trials.

**CONCLUSION**

The primary goal of the Office of the City Attorney is to continue providing the residents, children, and families of Los Angeles a safer place to live and to improve the quality of life for the City’s residents at home, at school, at work, and at play. Great efforts are made each year to meet that goal and to ensure that all Los Angeles children have the opportunity for a safe and bright future.