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July 31, 2001

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: CITY ATTORNEY'S SIX MONTH STATUS REPORT
ON CRIMINAL PROSECUTION OF CODE VIOLATIONS

LOCATION: Citywide

RECOMMENDATION: Receive and file Status Report. Provide further direction to Staff as needed.

CONTACT PERSONS: Samuel L. Jackson, City Attorney, 264-5346
Susana Alcalá Wood, Supervising Deputy City Attorney,
264-5346

FOR THE COUNCIL MEETING OF: August 9, 2001

SUMMARY:

When the City Attorney's Office implemented the first of a three-phase process to handle all city code criminal prosecutions, the City Council requested periodic reports on the status of this effort. The purpose of this report is to provide an update on the status of the City Attorney's efforts to criminally prosecute code enforcement violations.

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BACKGROUND:

Pursuant to City Council direction, the Office of the City Attorney commenced handling criminal prosecutions of City Code violations on February 5, 2001. The implementation of the criminal prosecution program was designed to be completed in a three-phase process. The first phase was to assume and efficiently handle city code prosecutions traditionally handled by the District Attorney's Office on behalf of the City. With assistance from the court and the District Attorney, we believe we have successfully accomplished our goal for the first phase. Next, we will add those matters which warrant criminal prosecution due to unsuccessful prior civil or administrative actions to permanently correct violations and abate nuisances. We are currently moving into the second phase of implementation. In anticipation of a substantially increased code enforcement work load, we have restructured the office by moving staff from other operations sections to create a separate code enforcement section. The third and final phase of implementation, is to work with all city departments to assess which additional matters are suited for criminal prosecutions based on criteria established by the City Council. We currently believe that the earliest we will be able to move into the final phase of implementation will be around the first of next year. Commencing with the implementation of the second phase, more cases will be going through the criminal justice process and there will be an increase in requests for formal and/or informal probation upon conviction. We anticipate this will result in some noticeable impact on all agencies involved in the handling of misdemeanor prosecutions. Accordingly, we continue to seek input from other agencies involved in the criminal justice system as how these potential impacts may be addressed through efficiency measures.

In accordance with the 2000 City Attorney's Annual Report released in August of 2000, several of the goals outlined for the year relative to code enforcement have been achieved. A detailed update of those goals is contained in the 2001 City Attorney's Annual Report, which is also being presented today. The purpose of this report is to provide a more detailed summary of code enforcement activities, including criminal prosecutions, undertaken by the City Attorneys Office within the last six (6) months.

1. Creation of Code Enforcement Section.

In a continuing effort to further increase this office's responsiveness to code enforcement activity, effective June 25, 2001, the Code Enforcement Section of the City Attorney's Office was added as a fourth and separate area of emphasis within the office. All matters related to code enforcement within the City, including housing, drug activity, graffiti, animal control and city code prosecutions have now been consolidated and assigned specifically to this section. The section consists of a supervising attorney and four additional attorneys, an investigator and two secretaries.

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The Code Enforcement Section, which took over the code enforcement responsibilities previously handled by the Special Projects Section, will be responsible for all advisory and litigation aspects of code enforcement in the City, including all phases of civil, criminal and administrative enforcement actions, cost recovery and other related issues.

With the creation of this new section, this office is taking the final steps toward achieving our previously stated goals of 1) consolidating all code enforcement matters in one section so that attorneys are available to become involved earlier in the enforcement actions; 2) monitoring compliance with injunctions previously obtained code actions, including filing contempt actions as necessary; 3) recovering code enforcement costs whenever possible; 4) aggressively pursuing drug abatement actions in partnership with the Police Department; 5) assisting staff with the selection of the most expedient and efficient remedy, including criminal prosecutions when warranted, and 6) continuing to improve on our communications and active involvement with all city enforcement staff, so that faster and more effective resolutions to nuisances can be achieved.

2. Status of Criminal Prosecutions.

As has been previously reported, pursuant to City Council direction, on February 5, 2001, the City Attorney's Office began criminally prosecuting cases involving violations of the Sacramento City Code, in accordance with a Memorandum of Understanding between the City Attorney's Office and the District Attorney's Office. The criminal cases prosecuted by the City Attorney's office thus far are quite varied and range anywhere, from barking dog violations to violations involving maintaining substandard and dangerous buildings and failing to comply with Notice and Orders issued by City Code Enforcement.

The following statistical information has been compiled from the criminal cases which this office has handled thus far and covers the initial reporting period from February 5, 2001 through July 15, 2001.

a. This table represents a monthly breakdown of the number of cases referred to our office by several departments for criminal prosecution during this initial reporting period, including an overview of how many cases were filed and how many cases have been closed:

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	Feb	Mar	Apr	May	Jun	July	Total to date
Total cases referred:	35	20	21	32	16	67	191
Total Citations and Criminal Complaints filed	9	16	24	9	15	54	167
Total Cases Closed:	8	8	11	13	23	8	71
Total Court Trials	0	1	0	1	3	3	8

b. This table represents a breakdown of the most common city code cases that were referred to our office for action, as well as a listing of the referring department:

Violation Charged	Total Cases	Referring Department
Unlawful Camping	75	Police
Drinking in Public	16	Police
Loitering	8	Police
Defecating/Urinating in Public	1	Police
Expectorating in Public	1	Police
Jaywalking/Entering Crosswalks	15	Police
Loud Stereo	10	Police
Parking on Unimproved Surface	1	Police
Refusal to pay Taxicab	2	Police
Operating Taxi without a permit	1	Police
Panhandling on a freeway off ramp	1	Police
Public Dance and Concerts Violation	1	Police
Interference with duties of an Officer	1	Police
Outdoor Sales and Displays	1	Police

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Violation Charged	Total Cases	Referring Department
Illegal Use of Roller Skates/Roller Blades	2	Police
Card Room License Required	1	Police
Condition Constituting Public Nuisance	1	Police
Person with Concealed Weapon	1	Police
Soliciting for Commercial Purposes	1	Police
Animal Barking/Unlicensed Dog	9	Public Works/Animal Control
Violating Notice to Vacate	5	Neighborhood Services
Violation of Dangerous Buildings	3	Neighborhood Services
Improper Occupancy of Metal Shed	2	Neighborhood Services
Illegal Operation of Junk Yard	1	Neighborhood Services
Illegal Activity Detrimental to Life and Health	3	Neighborhood Services
Failure to Commence Work as Ordered	1	Neighborhood Services
Unlawful Storage of Property	1	Neighborhood Services
Commercial Vehicle in Residential Zone	1	Neighborhood Services

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c. This table represents a monthly overview of how the cases have been disposed of over this initial reporting period, as well as the amount of fines imposed.

	Feb	Mar	Apr	May	Jun	July	Total
Dismiss IOJ-CAO	1	2	4	4	8	5	24
Dismiss LOE-CAO	0	0	0	0	0	0	0
FTAs	10	7	10	9	12	1	49
Bench Warrants	9	5	10	8	12	2	46
Guilty Pleas	1	5	5	1	9	0	21
Court Trials	0	1	0	1	3	3	8
Fines Imposed	0	\$100	\$350	\$346	\$621	0	\$1,417

d. And finally, this table represents the same information as provided in the previous table, however, the information has been broken down by Council District:

	Dist 1	Dist 2	Dist 3	Dist 4	Dist 5	Dist 6	Dist 7	Dist 8	Totals
Dismiss IOJ-CAO	11	2	6	1	3	0	0	1	24
Dismiss LOE-CAO	0	0	0	0	0	0	0	0	0
FTAs	30	1	10	4	3	1	0	0	49
Bench Warrants	28	1	10	4	3	1	0	0	46
Guilty Pleas	10	1	3	0	4	0	1	2	21
Court Trials	4	1	0	2	0	0	0	1	8
Fines Imposed	\$382	\$150	\$35	0	\$411	0	0	\$439	\$1,417

e. Phase three Implementation for Criminal Prosecutions.

We are preparing for the implementation of phases two and three of criminal prosecutions. Towards that end, we are drafting Criminal Prosecution Guidelines for distribution to departments which will assist the Departments in investigating cases and gathering evidence that will help ensure those cases which are referred to our office are ready for prosecution.

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This Office has also initiated training for Neighborhood Services staff on report writing, investigations, and gathering and preserving evidence. The training should serve to assist staff in the investigation of all code enforcement actions. However, it is particularly geared toward preparing cases for the possibility of criminal prosecution and ensuring the necessary information will be properly gathered. Additional training sessions for remaining staff will be scheduled.

Additionally, this office has also initiated several meetings with the Police Department to discuss issues related to the streamlining the procedures for processing citations, and training to cover S.P.D.'s referral of cases to our office for prosecution. The office has also undertaken a review of the Police Department's "Ready Reference" guide for City Code sections to ensure the officers have the necessary information readily available.

3. Additional Code Enforcement Assistance provided to Departments.

Training sessions and meetings are currently being scheduled with Police Department POP sergeants and officers to assist them in formulating strategies for enforcement on specific projects with which they are involved. It is anticipated that this renewed collaboration will result in more timely and effective resolutions to nuisances in the City.

Training on Search and Seizure issues has been provided to neighborhood services staff to ensure all evidence of code violations are obtained and preserved for enforcement action. The first training session took place on June 29, 2001.

This office has also initiated various meetings with Public Works, Police and Code Enforcement regarding illegal signs posted on public property, graffiti abatement related issues. We are also developing enforcement procedures to shorten the amount of time graffiti is allowed to remain on property in an effort to further or streamline the process for removal. An additional area being explored is the collection of costs expended for clean-up of graffiti on city property.

FINANCIAL CONSIDERATIONS: This status report does not involve a fiscal impact to the City's budget.

ENVIRONMENTAL CONSIDERATIONS: This report does not constitute a project within the meaning of the California Environmental Quality Act and is exempt from the requirements of CEQA under CEQA guidelines, Sections 15061(b)(1) and 15378(b) (3).

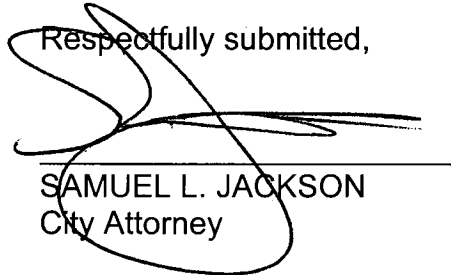
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POLICY CONSIDERATIONS: This report is consistent with City Policy and Council direction on enhancing the quality of life and the livability of all neighborhoods within the City of Sacramento by the year 2008.

ESBD: ESBD is Not applicable as this informational report does not involve the purchase or delivery of goods or services within the meaning of the ESBD program.

Respectfully submitted,



SAMUEL L. JACKSON
City Attorney

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
CITY MANAGER