

ORDINANCE NO. 23-2305

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADDING A NEW CHAPTER 12 (CRIMINAL INFORMATION REWARDS) TO ARTICLE III (PUBLIC SAFETY) OF THE CARSON MUNICIPAL CODE TO ESTABLISH PROCEDURES FOR CITY OFFERS AND PAYMENT OF REWARDS FOR INFORMATION LEADING TO THE APPREHENSION AND CONVICTION OF ANY PERSON WHOSE WILLFUL MISCONDUCT RESULTS IN INJURY OR DEATH TO ANY PERSON

WHEREAS, California Government Code Section 53069.5 provides as follows:

“A local agency, as defined in [Government Code] Section 54951, may offer and pay a reward, the amount thereof to be determined by the local agency, for information leading to the determination of the identity of, and the apprehension of, any person whose willful misconduct results in injury or death to any person or who willfully damages or destroys any property.

Any person whose willful misconduct has resulted in injury or death to any student or any person employed by or performing volunteer services for a local agency or who has willfully damaged or destroyed any property of a local agency or any property of any other local agency or state or federal agency located within the boundaries of the local agency shall be liable for the amount of any reward paid pursuant to this section and if he is an unemancipated minor his parent or guardian shall also be liable for the amount.”

WHEREAS, to better protect public health and safety in the City, the City Council desires and hereby intends to establish clear procedures, rules and requirements applicable to City offers and payment of rewards for information leading to the apprehension and conviction of any person whose willful misconduct results in injury or death to any person pursuant to California Government Code Section 53069.5.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. The foregoing recitals are true and correct, and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. A new Chapter 12 is hereby added to Article III (Public Safety) of the Carson Municipal Code, to read in its entirety as follows:

“CHAPTER 12 REWARD FOR INFORMATION ON CRIMES

31200 Authorization; Offer of Reward

A. The City Council may authorize the offer by the City of a monetary reward for information leading to the apprehension and conviction of any person whose willful misconduct results in injury or death to any person.

B. An offer of reward may be approved or extended by the City Council by either resolution or motion, and shall, without limitation: (i) identify the specific incident that is the subject of the offer of reward; and (ii) specify the amount of the reward, subject to the limitations set forth in CMC 31201.

C. An offer of reward shall terminate by payment, revocation, or withdrawal thereof by the City Council by resolution or motion, or by expiration of any term or other applicable time period(s) established pursuant to the offer of reward and/or this Chapter.

31201 Amount of Reward. A reward may be offered in an amount up to a maximum of \$25,000 in City funds, except that where the crime at issue was particularly heinous or it appears from the nature or circumstances of the crime at issue that the community is at great risk, or where the City Council is extending an offer of reward due to necessary information not having been provided following the initial offer of reward, the City Council may authorize a higher reward offer amount, not to exceed \$50,000 in City funds. Private donations may be added to City funds to increase the size of any reward offer.

31202 Publication of Notices.

A. Notices of reward offers authorized or extended pursuant to CMC 31200 shall be promptly published by the City Clerk in at least one newspaper of general circulation in the City, and posted on the City's website. Such notices shall include, without limitation, notice of the period within which to provide information pursuant to CMC 31303 and the period within which to file claims for rewards pursuant to CMC 31305.

B. In the event an offer of reward has been terminated by revocation or withdrawal by the City Council prior to the term identified in the offer of reward or an approved extension thereof, notice of such termination shall be promptly published by the City Clerk in at least one newspaper of general circulation in the City, and posted on the City's website.

31303 Period to Provide Information. To be eligible for consideration to receive a monetary reward, the information must be submitted to the Los Angeles County Sheriff's Department's Carson Sheriff's Station (to the attention of the Captain thereof), with notice of such submittal provided to the City Clerk's office in a sealed envelope clearly marked "confidential," within ninety (90) days of the City Clerk's publication of the applicable offer of reward pursuant to CMC 31202, unless otherwise provided in the offer of reward or approved extension thereof. Information provided prior to an offer of reward being approved by the City Council is not eligible for consideration to receive a monetary reward. The City shall maintain in confidence, to the maximum extent permitted by law, the identification of any informant(s).

31304 Information Received. Information of whatever form or nature filed with, submitted to, or otherwise received by the City or any official, officer, employee, or agent of the City with respect to apprehension, identification, arrest and/or conviction of a person or persons, whether or not accompanied by a request, demand, or claim of any reward offered, shall be deemed to be filed, submitted, and received for informational purposes only and no claim of action or property right shall arise therefrom. The City Council may consider any such information as a factor in whatever deliberations it may undertake with respect to a particular offer of reward possibly affected thereby. Neither the filing or submittal of information, nor the receipt or consideration thereof by the City, shall establish any legal claim to, or right of recovery of, any reward offered by the City.

Information received by other than the Los Angeles County Sheriff's Department's Carson Sheriff's Station shall be immediately transmitted by the recipient to the Los Angeles County Sheriff's Department's Carson Sheriff's Station, and if applicable, to the City Clerk for record purposes and/or for attachment to the appropriate City Council agenda file. The City Clerk's office shall transmit to the Los Angeles Sheriff's Department's Carson Sheriff's Station, for its use and investigation, any information which the City Clerk's office receives in order that the Los Angeles Sheriff's Department's Carson Sheriff's Station may coordinate its activity with those law enforcement and governmental agencies legally charged with or responsible for investigation into and/or prosecution of an event which has become the basis of a City offer of reward.

31305 Period to Submit Claim for Reward. Claims for monetary rewards must be submitted, in writing, to the City Clerk's office within ninety (90) days after the conviction of the person or persons responsible for the crime, unless otherwise provided in the offer of reward or approved extension thereof.

31306 Claim Procedure and Required Information. All claims for monetary rewards shall be in writing in a sealed envelope clearly marked "confidential" and shall provide the following information: (i) name, address and telephone number of claimant(s); (ii) name, address and telephone number of the involved law enforcement agency and the law enforcement personnel to which information has been provided; and (iii) location of court in which and date upon which the conviction occurred. The City shall maintain in confidence, to the maximum extent permitted by law, the name, address and telephone number of any claimant(s).

31307 Claim Review. Claims for monetary rewards shall be reviewed by each of the following departments/offices: (1) City Manager's Office; (2) City Clerk's Office; (3) City Attorney's Office; and (4) Los Angeles County Sheriff's Department's Carson Sheriff's Station Captain or designee. Such review shall include a determination of whether the requirements of this Chapter and the applicable offer of reward have been met by the claimant, including whether the information that is the subject of the claim was tendered as more than a mere suspicion and was sufficient to provide for the subsequent apprehension and conviction of the person or persons responsible in whole or in part for that act which prompted the offer of reward. Following such

review, the City Manager shall make a recommendation to the City Council with regard to amounts and distribution of the reward. The staff report to the City Council shall describe the subject incident and provide an overview of the results of the review conducted pursuant to this section. If necessary, other affected outside agencies may be consulted to determine the merit and validity of a claim.

31308 City Council Determinations; Payment.

A. All decisions with respect to the relevance or materiality of information received, whether or not utilized in establishing the apprehension and/or conviction of any one or more persons provides a basis for payment of a reward, shall be in the sole discretion of the City Council.

B. If the City Council determines that all applicable requirements of this Chapter and an applicable offer of reward have been met with respect to a claim, the City Council may approve the payment of a reward to the claimant, unless such person is excluded pursuant to CMC 313010, up to the amount specified in the applicable offer of reward. All determinations affecting, or dispositive of, offers of reward, including whether to pay any reward and the amount of any reward to be paid, shall be in the sole discretion of the City Council and shall be final. Payment of any reward pursuant to this Chapter shall require prior City Council approval by resolution or motion, which shall specify the applicable offer of reward, the amount(s) of the reward to be paid, and the person(s) to whom it shall be paid.

C. A payment of reward may be for a sum less than that which has been advertised in the notices pursuant to CMC 31202, and may be prorated with respect to the information received and/or with respect to the number of sources from which received, provided that no payment or aggregate of payments of City funds shall exceed the sum designated by the applicable offer of reward. The determination of what portion of a reward, if any, is to be paid to any one or more persons shall be in the sole discretion of the City Council.

31309 Liability of Guilty Party or Parents. Any person whose willful misconduct has resulted in injury or death to any student or any person employed by or performing volunteer services for the City shall be liable for the amount of any reward paid pursuant to this Chapter, and if such person is an unemancipated minor, such person's parent or guardian shall also be liable for the amount.

313010 Persons Excluded from Receiving Reward.

A. No reward shall be paid to a City official, officer or employee, a dependent thereof, or to a public officer or employee whose employment includes duties of law enforcement.

B. Rewards shall not be paid to persons who have already been compensated by their employer or in some other manner for the actions which are the basis of claiming the reward.

C. No person who was responsible for or involved in the misconduct which prompted the City's offer of a monetary reward shall be eligible to receive the reward.

D. No offer of reward shall be made to anyone who is acting as an agent for the suspect(s) or if suspect(s) will benefit from payment of such reward."

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 5. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this ____ day of _____, 2023.

Lula Davis-Holmes, Mayor

ATTEST:

Dr. Khaleah K. Bradshaw, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney