



CITY OF CARSON

Legislation Text

File #: 2018-217, Version: 1

Report to Mayor and City Council

Tuesday, April 17, 2018

Discussion

SUBJECT:

CONSIDER RESOLUTION NO. 18-050, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON CALLING FOR THE STATE LEGISLATURE TO AUTHORIZE OR ESTABLISH AN ADVOCATE FOR JUSTICE PROGRAM (CITY COUNCIL)

I. SUMMARY

The various District Attorneys' Offices throughout the State of California have significant inconsistency in the investigation and prosecution of peace officers who use deadly. This inconsistency, coupled with numerous highly publicized instances involving the use of deadly force and a low rate of prosecution, leads to a public perception of bias toward peace officers' rights over the rights of individuals. An Advocate for Justice Program authorized or established by the State Legislature may provide consistency in investigating and exercising prosecutorial discretion over matters involving peace officers' use of deadly force.

II. RECOMMENDATION

WAIVE further reading and ADOPT Resolution No. 18-050, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON CALLING FOR THE STATE LEGISLATURE TO AUTHORIZE OR ESTABLISH AN ADVOCATE FOR JUSTICE PROGRAM", with the goal of facilitating consistency for the protection of both peace officers' rights and individuals' civil rights in matters involving peace officers' use of deadly force. The program would require that each County have an Advocate for Justice to work side by side with the District Attorneys when evaluating deadly force incidents.

III. ALTERNATIVES

1. TAKE no action

.IV. BACKGROUND

Mayor Robles requested that staff develop a resolution urging the California Legislature to

adopt an Advocate for Justice Program. As proposed, each County would have a Public Advocate for Justice. The Advocate for Justice would be empowered to work side by side with investigators on matters involving peace officers' use of deadly force in order to protect individual civil rights.

The pioneering public advocate for justice program was established in 1997, when the City of New York added a non-voting member to their City Council to investigate citizen complaints. In July of 2015, Governor Andrew Cuomo signed Executive Order 147 appointing the State Attorney General as the prosecutor when law enforcement officers are involved in the death of civilians.

In 2014, the Los Angeles County District Attorney adopted an investigation protocol which regulates on and off duty shootings by officers and any death in the county and local jails. The protocol requires immediate notification of the District Attorney, who takes the lead in investigating the incident. The final decision on whether to prosecute the officer(s) is made by Special District Attorneys assigned to the Justice System Integrity Unit. Their decision is based in part on legally sufficient and admissible evidence and the probability of a conviction by an objective fact-finding jury.

Balancing the rights of individuals and peace officers in matters involving peace officers' use of deadly force is difficult and must take into consideration of the Public Safety Officer's Procedural Bill of Rights (Government Code Sections 3300 *et seq.*), various court decisions, and the individual facts involved in each incident. County District Attorneys are responsible for the decision to prosecute officers involved in the use of deadly force. Since there are 58 counties in California, with numerous individual District Attorneys, there are inconsistencies in implementation of the standards for investigating and exercising prosecutorial discretion over matters involving peace officers' use of deadly force.

Two recent incidents of peace officers' use of deadly force demonstrate the inconsistencies. In May of 2015, Brendon Glenn, a 28-year old homeless man, was shot in the back while attempting to rise from sidewalk after a struggle with LAPD officers in Venice. Mr. Glenn died from his injuries. LAPD Chief Charlie Beck recommended that the officer, Clifford Procter, be prosecuted for a criminal act. Upon the completion of the investigation, the District Attorney did not recommend prosecution.

On March 18, 2018, Sacramento police were alerted by a 911 call about multiple car break ins. A 22-year old Stephen Clark was confronted by the police at 9:15 p.m. in his grandparent's backyard where he was shot multiple times. The investigation is in its early stages, but officers have stated that they thought the young black man was holding a gun in his hand. The gun turned out to be his cell phone. Police Chief Daniel Hahn called for the California Attorney General to investigate the shooting to restore trust that his department is not above the law.

V. FISCAL IMPACT

None

VI. EXHIBITS

- 1) Proposed Resolution 18-050: (pp.4-5)

Prepared by: City Attorney