

Sherman Oaks
Neighborhood Council

CITY OF LOS ANGELES
CALIFORNIA



Government Affairs Committee
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Sherman Oaks Neighborhood Council

Government Affairs Committee Meeting Agenda

Tuesday, December 28, 2021

7:00 pm

Zoom Meeting Online or By Telephone

How to Join the Virtual Zoom Meeting by Telephone or Online

TELEPHONE: Dial 1-669-900-6833, Enter Webinar ID 811 6894 3092, and Press #

ONLINE: Cut and Paste or Click <http://zoom.us/j/81168943092>, Press “Enter”

Or within the Zoom application, enter Webinar ID 811 6894 3092, and Press “Enter”

IN CONFORMITY WITH THE SEPTEMBER 16, 2021 ENACTMENT OF CALIFORNIA ASSEMBLY BILL 361 (RIVAS) AND DUE TO CONCERNS OVER COVID-19, THIS SHERMAN OAKS NEIGHBORHOOD COUNCIL MEETING WILL BE CONDUCTED ENTIRELY WITH A CALL-IN OPTION OR INTERNET-BASED SERVICE OPTION.

Every person wishing to address the Committee must dial **1-669-900-6833** and enter **811 6894 3092** and then press # to join the meeting. The meeting can also be joined from the Zoom join meeting screen using Webinar ID: **811 6894 3092**. Instructions regarding Public Comment will be given during the meeting.

PUBLIC INPUT AT NEIGHBORHOOD COUNCIL MEETINGS

The public is requested to dial *9 (if by phone) or press “raise hand” (if on Zoom), when prompted by the Chair, to address the Committee on any agenda item before the Committee takes an action on an item. Comments from the public on agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the agenda that are within the Committee’s jurisdiction will be heard during the General Public Comment period, also known as Public Comments on Non-Agenda Items Within Committee Jurisdiction. Please note that under Brown Act, the Committee is prevented from acting on a matter that you bring to its attention during the General Public Comment period; however, the issue raised by a member of the public may become the subject of a future Committee meeting. Public comment is limited to two minutes per speaker, unless adjusted by the Chair.

AB 361 Updates - Public comment cannot be required to be submitted in advance of the meeting, only real-time public comment is required. If there are any broadcasting interruptions that prevent the public from observing or hearing the meeting, the meeting must be recessed or adjourned. If members of the public are unable to provide public comment or be heard due to issues within the Neighborhood Council’s control, the meeting must be recessed or adjourned.

The Neighborhood Council system enables meaningful civic participation for all Angelenos and serves as a voice for improving government responsiveness to local communities and their needs. We are an advisory body to the City of Los Angeles, composed of stakeholder volunteers who are devoted to the mission of improving our communities.

1. **Call to Order**
2. **Roll Call**
3. **Administrative Motions**
 - a. Motion to approve the Gov't Affairs Meeting minutes for Nov 23, 2021.
4. **Comments by Public Officials**
5. **Chair's Report**
6. **Discussion Items Subject to Motions, But Not to Board Referral**
 - a. Human/Homeless Services/Outreach Committee
 - b. Proposition 47: The Safe Neighborhoods and Schools Act
Requested by Materna.

A referendum passed by California voters in 2014, Prop 47 has featured more prominently in current public discourse as a result of recent instances of reported crime.

This discussion examines issues of crime relative to legal enforcement standards and, specifically, Prop 47's interaction with larceny thefts and other crimes.

Prop 47 Quick Reference

Charge	Misdemeanor	Felony
HS 11350(a): Possession of Heroin/Cocaine, etc	1 year max	Super Strike or PC 290(c)
HS 11357(a) Possession of Concentrated Cannabis	1 year max	Super Strike or PC 290(c)
HS 11377(a) Possession of Methamphetamine, etc	1 year max	Super Strike or PC 290(c)
PC 459.5 – Shoplift - Enter commercial establishment - Intent to commit larceny - During regular business hours - Property is less than \$950	6 months Cannot charge shoplift and petty theft or 2 nd degree burglary	Super Strike or PC 290(c), or Still a 2 nd degree burglary if after business hours, not a retail establishment, amount over \$950, or a vehicle burglary
PC 473 –Punishment for forgery of a check, bond, bank bill, note, cashier's check, traveler's check or money order. Applies to: PC 470(a), 470(d), 475(a), 475(b), 475(c), 476	1 year max \$950 or Less Cannot aggregate the value of a check	Super Strike or PC 290(c), or Amount is over \$950, or Also convicted of Identity Theft per PC 530.5
PC 476a –Making, drawing or uttering of checks, drafts, or orders	1 year max \$950 or Less Can aggregate value	Super Strike or PC 290(c), or Aggregate amount is over \$950, or Three or more prior convictions for 470, 475, 476 or 476a.
PC 490.2 – Punishment for Grand Theft. Applies to: PC 487(b), 487(c), 487(d)(1), 487(d)(2), 487a, 484e(a), 484e(b), 484e(d)	6 months \$950 or Less	Super Strike or PC 290(c), or Amount is over \$950 Aggregate may be applicable depending upon statutory elements of crime
PC 496a – Receipt of stolen property \$950 or under	1 year max \$950 or Less	Super Strike or PC 290(c), or More than \$950
PC 666/484 – Petty with a Prior [Charged as 666(a) and 666(b)]	Without a requisite prior, there is no such thing as misdemeanor Petty with a Prior.	Theft prior plus Super Strike, or PC 290(c), or Any prior conviction for PC 368(e) or (d)

Source: List Rodriguez, San Diego District Attorney's Office

What Prop 47 is: Possession of certain drugs, shoplifting, grand theft and receiving stolen property in cases where the value is less than \$950 are now considered misdemeanors. Previously, those crimes were classified as felonies.

What Prop 47 is not: Prop 47 does not legalize criminal acts, such as grand theft of \$950 or less, that was previously illegal; instead, it reduces a potential felony charge to that of a misdemeanor. Prop 47 does not prohibit police response to crime (e.g., Prop 47 does not prohibit arrests nor require citations in lieu of arrest) nor does it prohibit criminal prosecution of these crimes. Prop 47 does not apply to R burglary.

Nor does Prop 47 eliminate criminal penalties. The Prop 47-misdemeanor of shoplifting under \$950 is “punishable by up to 6 months in county jail.”

Prop 47 vs City vs District Attorney Decision Making: While the District Attorney is responsible for criminal prosecution for all felonies, it is up to each city as to whether the City Attorney intends to prosecute misdemeanors or allow the District Attorney to do so on their behalf. Whereas the County District Attorney has declined to prosecute certain misdemeanors (*does not include shoplifting*), the City Attorney continues to prosecute misdemeanors within the City of Los Angeles.

Why LAPD Claims Police Can’t Do Anything: A common refrain regarding crimes ranging from Prop 47 misdemeanors (e.g., shoplifting) to non-Prop 47 felonies (e.g., burglary and robbery) is that law enforcement claims it cannot arrest suspects upon alleged commission of these crimes. This statement is often heard in connection with residential burglaries. However, to arrest a person for a felony (such as burglary 1), officers must have probable cause to believe that someone committed a felony, whether or not the alleged crime occurred in their presence. Any individual may initiate a private person’s arrest.

Instead, the “we can’t do anything” claim likely stems from a policy change that zero’d bail for certain offenses and mandated release while awaiting trial as opposed to pretrial detention, a policy informally known as catch-and-release.

Under catch-and-release, defendants can still be held without bail on a judge’s order (affirmed by CA Court of Appeals), provided law enforcement seek such detention.

Legislatures cannot unilaterally overturn a referendum passed by voters. Instead, voters may seek to modify the prior referendum via the ballot box while legislatures may seek to modify other laws or policies relevant to this discussion.

7. **Action Item That May Be Voted Upon for Transmission to the Board**
 - a. [CF 21-0002-S196](#). Cash Bail / Reinstatement / Temporary Zero Emergency Bail Schedule / COVID-19

- i. *Draft Motion:* The Sherman Oaks Neighborhood Council (SONC) supports / opposes [City Council File 21-0002-S196](#) seeking legislation to reinstate cash bail in Los Angeles.

Note: The Los Angeles District Attorney opposes cash bail (county favors elimination of cash bail) while the Los Angeles City Attorney favors cash bail (city favors bail reinstatement).

Source:

<https://spectrumnews1.com/ca/la-west/politics/2021/12/07/los-angeles-city-attorney-neighborhood-safety-plan>

8. **Public Comments on Non-Agenda Items Within Committee Jurisdiction**
9. **Closing Remarks by Committee Members**
10. **Adjournment**

*All Council File (CF) items contain a hyperlink to the applicable source legislation.

THE AMERICAN WITH DISABILITIES ACT (ADA)

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assisted listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least 3 business days (72 hours) prior to the meeting by contacting the Department of Neighborhood Empowerment by calling (213) 978-1551 or email: NCsupport@lacity.org

NOTICE TO PAID REPRESENTATIVES

If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code Section 48.01 et seq. More information is available at ethics.lacity.org/lobbying. For assistance, please contact the Ethics Commission at (213) 978-1960 or ethics.commission@lacity.org.

PUBLIC ACCESS OF RECORDS

In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting may be viewed at our website: www.ShermanOaksNC.org or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please email: stacey.segarrabohlinger@gmail.com.

PUBLIC AGENDA POSTING – Neighborhood Council agendas are posted for public review as follows:

- Sherman Oaks Public Library, 14245 Moorpark St, Sherman Oaks, CA 91423.
- www.ShermanOaksNC.org
- Via e-mail subscription with L.A. City's Early Notification System at <https://www.lacity.org/subscriptions>

RECONSIDERATION AND GRIEVANCE PROCESS -- For information on the NC's process for board action reconsideration, stakeholder grievance policy, or any other procedural matters related to this Council, please consult the NC Bylaws. The Bylaws are available at our Board meetings and our website www.ShermanOaksNC.org.