

AMENDED IN ASSEMBLY APRIL 1, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2591

Introduced by Assembly Member Hertzberg

February 21, 2002

An act to add and repeal Title 7.25 (commencing with Section 14010) of Part 4 of the Penal Code, relating to crime prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 2591, as amended, Hertzberg. Community Law Enforcement and Recovery Program.

Existing law authorizes the City and County of Los Angeles to establish and operate until 2004 a Community Law Enforcement and Recovery (CLEAR) Demonstration Project, a multiagency gang intervention program, administered by the City of Los Angeles under a joint powers agreement with specified agencies. The parties to the agreement are required to work together to provide a flexible and coordinated response to crime perpetrated by criminal street gangs by addressing each community's gang problems and identifying the gangs associated with each community.

This bill would state various findings and declarations of the Legislature with respect to the effectiveness of the CLEAR project. *The bill would distribute funds to up to 5 counties, on a competitive basis, to fund local CLEAR gang intervention programs, as defined, upon an application to the Board of Corrections by the county district attorney.* This bill would require counties that receive funds for the CLEAR project to form a CLEAR project executive committee that includes, but is not limited to, an executive level representative from each agency

participating in the program. The executive committee would be required to meet regularly and would have specified duties. The bill would require each CLEAR project site to establish an operations team consisting of one or more representatives from each of the participating agencies. The team’s function would be, among other things, to carry out law enforcement gang suppression operations at the site level. The bill would specify the roles of the operations team members. The bill would require each CLEAR project operations team to form a community impact team comprised of various people from the community in order to engage community representatives with the CLEAR project and other agencies.

The bill would require the Board of Corrections to make an annual report to the Governor and the Legislature on the fiscal and operational status of the CLEAR project one year from the effective date of these provisions. These provisions would be operative upon an appropriation in the Budget Act.

This project would remain operative until January 1, 2005, and as of that date would be repealed unless a later enacted statute deletes or extends that date.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Title 7.25 (commencing with Section 14010) is
2 added to Part 4 of the Penal Code, to read:

3
4 TITLE. 7.25. COMMUNITY LAW ENFORCEMENT AND
5 RECOVERY
6

7 14010. The Legislature finds and declares the following:
8 (a) *The Community Law Enforcement and Recovery*
9 (CLEAR) Demonstration project, is a collaborative multagency
10 gang intervention program first established in California in 1996
11 to restore resident safety and reclaim a gang-infested urban
12 neighborhood. In 1997, the Legislature provided funding for the
13 CLEAR project and directed the Board of Corrections to
14 administer and evaluate the program, which is administered by the
15 City of Los Angeles under a joint powers agreement with the Los
16 Angeles County Sheriff’s Department, the Los Angeles County



1 District Attorney’s office, the Los Angeles County Probation
2 Department, the Los Angeles Police Department, and the Los
3 Angeles City Attorney’s office. The parties to the agreement work
4 together to provide a flexible and coordinated response to crime
5 perpetrated by criminal street gangs, by addressing each
6 community’s gang problems and identifying the gangs associated
7 with each community.

8 (b) The CLEAR project utilizes a multiagency law
9 enforcement, prosecution, probation, and parole team to conduct
10 intensive gang suppression activities, connect with other law
11 enforcement entities, support local gang intervention and
12 prevention programs, and facilitate community members to
13 redirect youth at-risk away from gang affiliation. The core team
14 is located in a common facility near the targeted neighborhood to
15 foster a coordinated interagency response to gang activity. Policy,
16 management, and community engagement functions are divided
17 among an executive committee, an operations team, and a
18 community impact team.

19 (c) The CLEAR project brings law enforcement officers,
20 public prosecutors, and probation officers into the community to
21 identify and profile gang members, including gang members who
22 deal drugs and weapons, on probation or parole. The CLEAR
23 project uses both civil and criminal law enforcement methods to
24 reduce gang and drug activity, and implements innovative crime
25 prevention strategies in the targeted community.

26 (d) The CLEAR project model provides a cost-effective gang
27 suppression and intervention program that has successfully
28 reduced gang-related crime, increased vertical prosecution of
29 gang offenses, enhanced collaboration between core agencies, and
30 engaged the community in recovery activities in six gang-infested
31 urban areas of Los Angeles County.

32 14011. (a) Each county receiving funds under this title shall
33 form a CLEAR project executive committee that includes, but is
34 not limited to, an executive level representative from each agency
35 participating in the program. The executive committee shall be
36 chaired by the district attorney’s representative, who is authorized
37 to submit the county’s application for funding under this title.

38 (b) The executive committee shall meet regularly and shall set
39 policy and direction for the CLEAR project local structure and
40 operations, including selection and configuration of the primary



1 and secondary target areas for each operational site, and selection
2 of the chair of each operations team.

3 (c) The executive committee shall determine the budgets for
4 each of the CLEAR project’s core constituent agencies and
5 operational sites, and shall specify and approve agreements for
6 facilities and other contracted products or services provided to the
7 CLEAR project.

8 (d) The executive committee shall communicate regularly with
9 representatives of the operational team.

10 14012. (a) Each CLEAR project’s site shall establish an
11 operations team consisting of one or more representatives from
12 each of the participating agencies. The team’s functions shall be
13 to carry out law enforcement gang suppression operations at the
14 site level, engage appropriate and substantial collaboration with
15 the community impact team, and coordinate prevention and
16 intervention efforts in the community. The members of the
17 operations team shall be located in one facility to enhance
18 communication, coordination, and resources.

19 (b) Each operations team shall be chaired by a representative
20 from one of the participating law enforcement agencies, as
21 selected by the executive committee.

22 (c) The operations team shall do the following:

23 (1) Meet regularly, at a minimum twice each month, to discuss
24 current strategies and to review and plan site operations.

25 (2) Participate in community impact team meetings.

26 (3) Communicate and coordinate joint operations with other,
27 noncore, agencies.

28 (4) Develop and prepare 90-day plans specifically outlining
29 strategies for suppressing gang activity in the selected primary and
30 secondary target areas.

31 (5) Prepare and submit to the executive committee a monthly
32 report of statistical data to measure the effectiveness of the
33 operations team.

34 (d) The roles of the operations team members shall be as
35 follows:

36 (1) Participating law enforcement agencies shall deploy
37 uniformed officers to establish a law enforcement presence to
38 address visible gang activity in the targeted area, including
39 identifying and arresting gang members involved in criminal
40 activity. They shall also provide detectives to investigate



1 gang-related crimes committed by the targeted gang or within the
2 target area.

3 (2) The probation department shall provide gang suppression
4 officers to ride along with the participating law enforcement
5 agencies and to arrest, and initiate probation violation proceedings
6 against known gang members within the targeted area who are
7 observed to be in violation of probation. Gang suppression officers
8 shall also coordinate and participate in regular probation searches,
9 home visits, school visits, and other special operations designed to
10 ensure that gang members on probation in the targeted area abide
11 by the terms and conditions of probation. Gang suppression
12 officers shall not carry an additional caseload. The probation
13 department shall also provide a probation officer to establish and
14 co-chair a community impact team at each operational site and to
15 coordinate gang crime prevention and intervention efforts in the
16 targeted community.

17 (3) The district attorney shall provide specially trained gang
18 prosecutors to review all felony arrests made by the CLEAR
19 project operations team and file charges where appropriate. Gang
20 prosecutors shall vertically prosecute, from filing stage to
21 sentencing, all gang-related felonies committed by the targeted
22 gang or occurring in the target area. Gang prosecutors shall
23 communicate and coordinate with the CLEAR project detectives
24 to ensure that all felony cases are thoroughly prepared for trial. In
25 cases in which probation is granted, the gang prosecutors shall
26 advocate the imposition of gang terms and conditions. Felony
27 probation violations shall be vigorously litigated by the gang
28 prosecutors and state prison commitments advocated where
29 appropriate. Gang prosecutors shall also provide ongoing
30 information and training to the CLEAR project law enforcement
31 agencies regarding criminal law issues and case preparation.

32 (4) Specially trained gang prosecutors shall also vertically
33 prosecute all gang-related misdemeanors and quality of life crimes
34 committed by the targeted gang or within the targeted area. These
35 gang prosecutors shall litigate misdemeanor probation violations
36 against members of the targeted gang and may, in conjunction with
37 the participating law enforcement agency and the community
38 impact team, identify and target nuisance locations for abatement
39 actions. They may also prosecute code enforcement violations
40 against owners or tenants to eliminate the nuisance and related



1 criminal activity attributable to those locations. In jurisdictions
2 where a city attorney is responsible for prosecuting misdemeanor
3 crimes and wishes to participate in the CLEAR project, the city
4 attorney shall provide the services enumerated in this section.

5 (5) The Department of Corrections shall provide trained parole
6 agents to monitor gang members in the targeted gang, or those
7 residing in the target area, who are actively on parole. Gang parole
8 agents shall communicate and coordinate with participating law
9 enforcement agencies to arrest, and initiate parole violation
10 proceedings against, gang members within the targeted area who
11 are determined to be in violation of parole. Gang parole agents
12 shall also coordinate and participate with the CLEAR project's
13 participating law enforcement agencies in regular parole searches,
14 home visits, and other special operations designed to ensure that
15 gang members on parole within the targeted area abide by the
16 terms and conditions of parole.

17 14013. (a) The parties may solicit assistance from local
18 school police, the federal Bureau of Alcohol, Tobacco, and
19 Firearms, the federal Housing and Urban Development Agency,
20 the state parole authority, the Department of the Youth Authority,
21 and other federal, state, or local agencies for witness protection
22 and information and strategies for law enforcement.

23 (b) The CLEAR project shall coordinate with
24 community-based organizations, schools, and businesses to assess
25 and respond to community enforcement needs and concerns. The
26 purpose of this coordination shall be to increase communication
27 between community members and law enforcement agencies, to
28 foster the exchange of information about ongoing criminal
29 activity, and to respond creatively and quickly to community
30 needs. Some cooperative approaches may include
31 community-based policing and prosecution, probation
32 ride-alongs, target programs, civil injunctions, and antitruancy
33 and curfew violation programs.

34 14014. (a) Each CLEAR project operations team shall form
35 a community impact team comprised of area residents, property
36 owners, public service and community program representatives,
37 business people, members of the CLEAR project operations team
38 and other appropriate stakeholders to serve its target area.

39 (b) The community impact team shall be cochaired by a
40 designated probation officer from the local CLEAR operations



1 team and a community representative appointed by consensus of
2 the community impact team members and approved by the
3 CLEAR project executive committee. Decisions and
4 recommendations of the community impact team shall be arrived
5 at by consensus and forwarded to the operations team by the
6 cochairs.

7 (c) The purpose of the community impact team is to engage
8 community representatives with the CLEAR project and other
9 agencies to decrease gang violence, develop strong community
10 involvement, and improve the quality of life in the targeted area.
11 The community impact team may assist in gang suppression,
12 general nuisance abatement, intervention, and prevention
13 activities.

14 14015. (a) This title shall be operative upon an appropriation
15 in the Budget Act.

16 (b) It is the intent of the Legislature to provide funding for this
17 title if funds are available after an appropriation to fully fund Title
18 7 (commencing with Section 14000) of Part 4.

19 (c) *The funds available in subdivision (a) that remain after*
20 *funding Title 7 (commencing with Section 14000) may be*
21 *distributed to up to five counties on a competitive basis, to fund*
22 *local multiagency CLEAR gang intervention programs as defined*
23 *in this chapter, upon an application by the county district attorney*
24 *to the Board of Corrections. The board is authorized to issue a*
25 *competitive request for proposals and award funds to carry out the*
26 *CLEAR program as defined in this title. Funds disbursed under*
27 *this title shall not supplant local funds that would, in the absence*
28 *of the CLEAR program, be made available to support the activities*
29 *set forth in this title.*

30 14016. Commencing one year after the effective date of this
31 title, the Board of Corrections shall make an annual report to the
32 Governor and the Legislature on the fiscal and operational status
33 of the CLEAR project. The annual report shall include, but shall
34 not be limited to, a description of the extent to which the project
35 has accomplished the following:

36 (a) A 5 percent decrease in gang-related crimes within the
37 target area.

38 (b) A 5 percent decrease in nuisance activities by gangs in the
39 target area.



1 14017. This title shall remain operative until January 1, 2005,
2 and as of that date, is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2005, deletes or extends that date.

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