

**Assembly Bill No. 853**

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Passed the Assembly    September 11, 1997

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*Chief Clerk of the Assembly*

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Passed the Senate    September 8, 1997

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 1997, at \_\_\_\_ o'clock \_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*



## CHAPTER \_\_\_\_\_

An act to add and repeal Title 7 (commencing with Section 14000) of Part 4 of the Penal Code, relating to law enforcement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

AB 853, Hertzberg. Community Law Enforcement and Recovery Demonstration Project.

Existing law establishes several community crime prevention projects, including the Community Violence Prevention and Conflict Resolution Project, the California Community Crime Resistance Program, the Gang Violence Suppression Program, and the Rural Crime Prevention Demonstration Project.

This bill would authorize the City and County of Los Angeles to establish and operate for 2 years a Community Law Enforcement and Recovery (CLEAR) Demonstration Project, a multiagency gang intervention program, to be administered by the City of Los Angeles under a joint powers agreement with the Los Angeles County Sheriff's Department, the Los Angeles County District Attorney's office, the Los Angeles County Probation Department, the Los Angeles Police Department, and the Los Angeles City Attorney's office. The bill would require the parties to the agreement 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. The bill would specify the roles of each party to the agreement.

This bill would require an independent evaluation of the project to be prepared and submitted to the Legislature 2 years from the date that funds are initially appropriated by the Legislature for the project, or 6 months after the end of the project, whichever is earlier.



It would require that the Board of Corrections choose the entity that will conduct the evaluation through a competitive bidding process after sending out requests for proposals.

This bill would appropriate \$1,200,000 from the General Fund to the City of Los Angeles to implement the CLEAR project.

The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

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

SECTION 1. Title 7 (commencing with Section 14000) is added to Part 4 of the Penal Code, to read:

TITLE 7. COMMUNITY LAW ENFORCEMENT  
AND RECOVERY DEMONSTRATION PROJECT

14000. (a) The City and County of Los Angeles may establish a Community Law Enforcement and Recovery (CLEAR) Demonstration Project, a multiagency gang intervention program, which shall be administered by the City of Los Angeles under a joint powers agreement with the Los Angeles County Sheriff's Department, the Los Angeles County District Attorney's office, the Los Angeles County Probation Department, the Los Angeles Police Department, and the Los Angeles City Attorney's office.

(b) The parties to the agreement shall work together to provide a flexible and coordinated response to crime perpetrated by criminal street gangs, in particular the "18th Street Gang," by addressing each community's gang problems and identifying the gangs associated with each community.

14001. The role of each party to the agreement is as follows:

(a) The district attorney shall do all of the following:

(1) Appoint a Gang Intervention Coordinator and provide staff to the coordinator for the purposes of



coordinating the project among the parties and between the parties and community groups.

(2) Conduct training for team members and outside agencies and prepare written materials regarding successful coordinated antigang strategies.

(3) Track all arrests made by the CLEAR team and prepare reports on the progress of the prosecution effort from the point of arrest through the final court disposition of each case, including the length of imprisonment or the terms of probation ordered.

(4) Vertically prosecute the most difficult cases generated by CLEAR team arrests using novel and innovative prosecution strategies that include granting cross-designation status to city prosecutors so that these cases may be effectively pursued in superior court.

(5) Prepare and prosecute civil injunctions against gang activities occurring within the target area.

(6) Coordinate prevention and intervention strategies with community-based organizations, schools, and participating agencies and assist in the design and implementation of these programs.

(b) The sheriff's department shall do both of the following:

(1) Use jail and prison information to assist in the resolution of unsolved homicides.

(2) Coordinate crime information between law enforcement agencies.

(c) The probation department shall do all of the following:

(1) Coordinate all target gang members on probation into one case load for intensive supervision.

(2) Meet with community organizations and schools to assess their needs with respect to gang intervention.

(3) Enforce probation terms and perform probation searches.

(4) Provide information on probationary status of gang members to local law enforcement agencies.

(d) The police department shall do both of the following:



(1) Provide intensive law enforcement in areas most impacted by criminal street gangs.

(2) Coordinate gang information with the sheriff's department and probation department to identify gang members for targeted law enforcement activities.

(e) The city attorney shall do all of the following:

(1) Prosecute misdemeanor criminal offenses.

(2) Coordinate civil building abatement and nuisance abatement activities.

(3) Conduct vertical prosecutions of gang members.

14002. The parties shall be consolidated as a mobile response unit that travels to each community that is targeted for gang intervention strategies and operates from one central location in that community.

14003. (a) The parties may solicit assistance from local school police, the federal Bureau of Alcohol, Tobacco, and Firearms, the federal Housing and Urban Development Agency, the state parole authority, and the Department of the Youth Authority for witness protection and information and strategies for law enforcement.

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

14004. A Community Impact Team may be formed as a citizens' advisory committee to the CLEAR project.

14005. An independent evaluation of the effectiveness of the CLEAR project, including a detailed cost-benefit analysis, shall be prepared and submitted to the Legislature two years from the date that funds are initially appropriated for the project, or six months after



the end of the project, whichever is earlier. The evaluation shall be submitted to the chairpersons of the Assembly and Senate public safety committees, the chairpersons of the Assembly and Senate fiscal committees, and the Chairperson of the Joint Legislative Audit Committee. The Board of Corrections shall choose the entity that will conduct the evaluation through a competitive bidding process after sending out requests for proposals. The evaluation shall include, but shall not be limited to, a description of the extent to which the project has accomplished the following:

(a) A 5 percent increase in the resolution rate of gang homicides in the target areas.

(b) A 5 percent decrease in violent felonies within the target area.

(c) A 5 percent decrease in nuisance activities by gangs in the target area.

14006. The CLEAR project shall remain operative until no later than two years from the date that funds are initially appropriated by the Legislature for the project. This title shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2001, deletes or extends that date.

SEC. 2. The sum of one million two hundred thousand dollars (\$1,200,000) is hereby appropriated from the General Fund to the City of Los Angeles for the purposes of implementing Title 7 (commencing with Section 14000) of Part 4 of the Penal Code, as enacted by Section 1 of this act. The city shall disburse these funds, without withholding any portion of the funds to cover amounts that may otherwise be in dispute, as follows:

(a) Two hundred thousand dollars (\$200,000) to the Gang Intervention Coordinator.

(b) Two hundred forty-eight thousand dollars (\$248,000) to the Los Angeles Police Department.

(c) One hundred forty-one thousand dollars (\$141,000) to the Los Angeles City Attorney.

(d) Three hundred thousand dollars (\$300,000) to the Los Angeles County Sheriff.



(e) One hundred sixty-nine thousand dollars (\$169,000) to the Los Angeles County District Attorney.

(f) One hundred forty-two thousand dollars (\$142,000) to the Los Angeles County Probation Department.

SEC. 3. Due to the unique circumstances that the CLEAR Demonstration Project has already been developed in Los Angeles County, the Legislature hereby finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution. This special legislation is, therefore, necessarily applicable only to Los Angeles County.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to respond to the increasing gang problem in Los Angeles County and throughout the state, it is necessary that this act take effect immediately.



Approved \_\_\_\_\_, 1997

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*Governor*

