



REPORT NO. R 15 - 0023
FEB 06 2015

MICHAEL N. FEUER
CITY ATTORNEY

REPORT RE:

**NEIGHBORHOOD JUSTICE PROGRAM
PROGRAMMATIC OVERVIEW AND
ACCEPTANCE OF CALIFORNIA ENDOWMENT GRANT AWARD**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

Based on principles of Restorative Justice, the Neighborhood Justice Program (NJP) was created by the Los Angeles City Attorney to identify first-time, non-violent offenders and divert them from the traditional criminal justice system before criminal charges are ever filed. Participants in the NJP are held accountable for the crime they committed by the community they harmed, while also gaining access to services to help prevent their future involvement with the criminal justice system.

Funding for much of this innovative program has been secured from grant sources, including the Victim/Offender Mediation Grant (previously accepted by the City Council) and the SMART Prosecution Grant (currently under consideration by the City Council).

As detailed in this report, we are also requesting that your Council accept a recently awarded grant from The California Endowment that will cover the salaries and related cost of two new positions for a two-year period, to enable city-wide expansion of this important program.

PROGRAMMATIC OVERVIEW

Inspired by similar programs in California, including the San Francisco Neighborhood Courts system and Yolo County's Neighborhood Courts program, the Los Angeles City Attorney has brought together a coalition of experienced Restorative Justice practitioners, program planners, service providers, and criminal justice professionals to serve low-risk offenders through diversion and to encourage community participation in responding to quality-of-life crimes. The program emphasizes offenders taking responsibility for their actions, the importance of restoring a harmed community or victim and providing help to offenders to avoid future involvement with the criminal justice system.

I. Eligible Participants

Individuals who are diverted to the NJP are called "participants." There are three eligibility requirements in order to participate in the program.

- 1) Participants must have committed one of eight misdemeanor offenses (Attachment A) that have been identified for the initial roll out of the NJP. This list may be expanded as the NJP grows and where other offenses are identified that may be appropriate.
- 2) Participants must be first-time, non-violent offenders with no criminal record. This requirement may be waived upon approval by the NJP Supervising Attorney.
- 3) Participants must take responsibility for their actions. Upon the determination that a would-be participant has committed one of the eight NJP misdemeanors and is a first-time non-violent offender, the case is referred to NJP staff. NJP staff calls these individuals and explains the program. During these calls, individual participants are asked to take responsibility for their actions, in the hope that they can move forward in a positive way and without the consequences of the traditional criminal justice system. Individuals who agree to accept responsibility for their actions, become participants in NJP and are scheduled for a Neighborhood Justice Panel.

II. Neighborhood Justice Panels

The NJP is administered through Neighborhood Justice Panels located throughout the City. Community panelists are responsible for hearing cases regarding crimes that have occurred in areas surrounding each panel location. Currently, there are three Neighborhood Justice Panel locations in Pacoima, South Los Angeles, and San Pedro. Later in the 2015, the program will expand to additional locations in Hollywood, Watts, and the San Fernando Valley to provide city-wide coverage.

Neighborhood Justice Panels are made up of three community panelists and one facilitator. Community panelists are volunteers who have been recruited from their local communities, based upon their leadership ability, interest in social and criminal justice issues, capacity for compassion, and ability to work with a diverse cohort of people.

Community panelists are trained by NJP staff in the mechanics of the criminal justice system, the principles of Restorative Justice, and practical training in how to run the Neighborhood Justice Panels. Facilitators are also volunteers trained extensively by the City Attorney's Dispute Resolution Program in dispute resolution, mediation, and restorative justice principles.

Upon meeting the NJP eligibility requirements, the participant is scheduled for a panel at the site that is closest to where the crime was committed. Moreover, if the crime committed was against an individual (such as a vandalism on a private residence), then the victim is also invited to participate in the panel. On the date of the panel, the participant arrives to meet with the community panelists, the facilitator, and the victim(s) (if they choose to attend) to discuss three key issues:

- 1) Why the crime occurred, including learning about the participant's life leading up to the crime, the experience of committing the crime itself, and the interaction with law enforcement;
- 2) What harm was caused by the crime, including the crime's economic effects on the business (if a petty theft or vandalism), the victim's family and friends, and the victim him/herself; and,
- 3) How to repair the harm and move forward in a positive way. Here, the participant and the panelists agree upon certain obligations aimed at: (a) repairing the harm caused to the community and any victim, accomplished by demonstrating a real, tangible benefit to them; and, (b) ensuring that the underlying cause of the crime is identified and mitigated, thereby reducing recidivism. Obligations can include community service, a letter of apology to the victim/business owner, parenting classes, employment resources and training, counseling, or anything else that the participant and panelists agree would be helpful to accomplish these goals.

Upon reaching an agreement as to what obligations are appropriate, the participant signs a Restorative Agreement, which contains the obligations that have been agreed to. Upon signing, the participant has two months to complete the obligations. If they are successful in completing their obligations, criminal charges are not filed against them. If they fail to complete their obligations within the allotted time, then they are prosecuted by the City Attorney. Note that while NJP staff monitor the progress of participants after they have signed a Restorative Agreement, all information revealed during the panel and afterward is confidential and may not be used in subsequent criminal proceedings, in the event that the participant is unsuccessful in completing his/her obligations.

III. Operations and Staffing

The NJP operates under the umbrella of the City Attorney's Community Justice Initiative, as detailed in the attached org chart (Attachment B). Management is provided by a Supervising Attorney, who is responsible for ensuring compliance with all grant requirements, managing case referrals from the Criminal Branch, and providing ongoing support and development for community panelists.

Each panel site has an accompanying Administrative Coordinator (AC), who is responsible for managing that site and all the cases that arise from it. ACs provide the initial contact with the would-be participant, schedule panels for participants, and monitor the ongoing progress of the participants. The ACs are also responsible for outreach and recruitment of community volunteers from within their assigned geographic area, to maintain an adequate pool of trained panelists. In total, six ACs are needed to support NJP panels in all parts of the City.

ACCOMPLISHMENTS TO DATE AND ANTICIPATED OUTCOMES

Since the first panel was held in October 2014, the NJP has received over 260 referrals from the Criminal Branch and initiated over 125 cases by scheduling participants for a panel in one of the three different NJP panel locations.

More than 78 participants have attended a panel, signed a Restorative Agreement and are currently in the process of completing their obligations. Four participants have successfully completed all of their obligations and have been invited to apply to become community panelists. No participants have yet to fail to complete their obligations and none have had any contact with the criminal justice since their NJP experience.

With a full complement of staff, including all six ACs, we expect the following outcomes in the first full year of the program:

- 600 cases referred to NJP
- 420 successfully completed restorative agreements
- 85% compliance rate

FUNDING

In June 2014, the City Attorney secured a grant of \$20,000 from the California Endowment to hire a consultant to finalize the details of the NJP's program design and begin building the logistics necessary for the NJP to actually begin hearing cases in October 2014, including finding panel sites and developing relationships with service providers.

In August 2014, a Supervising Attorney was reassigned from within the Office to assist with implementation and serve as program management. Subsequently, the City Attorney secured three additional grants to cover the cost of six Administrative Coordinator positions, necessary to staff NJP throughout the City.

The following provides details of the three grants that fund the six AC positions to support the operations of the NJP:

- **VICTIM/OFFENDER MEDIATION GRANT**

Grant and positions previously accepted by Council and Mayor (CF 14-0882)

The City Attorney was awarded a grant of \$137,810 for a 12-month period to conduct victim/offender mediation using Restorative Justice principles from the County of Los Angeles. Under this grant, NJP facilitators must be trained to the standards outlined in the Dispute Resolution Program Act of 1986, which includes over 40 hours of general mediation and a further 25 hours of Restorative Justice training. This grant provides funding for two ACs that have served as the first NJP staff, handling cases and panels at three sites: Pacoima, South Los Angeles and San Pedro.

- **SMART PROSECUTION GRANT**

Grant and positions pending Council approval (CF 15-0073)

The City Attorney was awarded a grant of \$435,000 over a two year period that would create and maintain NJP panel sites in Hollywood and Watts. Furthermore, the grant provides for the development of a risk assessment tool that will study and refine how best to address the needs and obligations for NJP's target population. The grant funding provides for two ACs to support panel locations in addition to providing the funding for the risk assessment tool.

- **THE CALIFORNIA ENDOWMENT**

Grant acceptance and position approval requested in this report

The City Attorney was recently awarded \$523,850 over a two year period to fully cover the cost of two new ACs to complete the NJP team. These ACs will enhance service to the San Fernando Valley and other parts of the City, to ensure NJP can handle referrals from all 21 LAPD Divisions. With a total of six ACs, NJP panels will be established city-wide.

RECOMMENDATIONS

- 1) **AUTHORIZE** the City Attorney or his designee to **APPROVE** the accompanying grant award between the City and The California Endowment and authorize the City Attorney or his designee to **EXECUTE** said grant award on behalf of the City, subject to the approval of the City Attorney as to form and legality.
- 2) **AUTHORIZE** the City Attorney or his designee to **ACCEPT** the grant award in the amount of \$523,850 for funding the Neighborhood Justice Program for the period of December 1, 2014 to November 30, 2016.

3) **AUTHORIZE** the City Controller to:

- a. **ESTABLISH** a receivable in the amount of \$523,850 within Fund 368, Department 12.
- b. **ESTABLISH** Appropriation Account 12L950, The California Endowment Neighborhood Justice Program Grant, within Fund 368, Department 12 in the amount of \$523,850.

4) **AUTHORIZE** the City Council to, subject to the approval of the Mayor, transfer \$66,938 from Fund 368, Department 12, Account 12L950, The California Endowment Neighborhood Justice Program Grant to Fund 100, Department 12, Account 1020, Salaries Grant Reimbursed."

5) **AUTHORIZE** the City Council to instruct the City Clerk to place on Council Calendar for July 1, 2015, the following action relative to The California Endowment grant for the Neighborhood Justice Program:

"That the City Council, subject to the approval of the Mayor, **AUTHORIZE** the Controller to transfer \$162,495 from Fund 368, Department 12, Account 12L950, The California Endowment Neighborhood Justice Program Grant to Fund 100, Department 12, Account 1020, Salaries Grant Reimbursed."

6) **AUTHORIZE** the City Council to instruct the City Clerk to place on Council Calendar for July 1, 2016, the following action relative to The California Endowment grant for the Neighborhood Justice Program:

"That the City Council, subject to the approval of the Mayor, **AUTHORIZE** the Controller to transfer \$68,782 from Fund 368, Department 12, Account 12L950, The California Endowment Neighborhood Justice Program Grant, to Fund 100, Department 12, Account 1020, Salaries Grant Reimbursed."

7) **AUTHORIZE** the Controller to transfer, upon receipt of the Grant, up to \$223,452 from Fund 368, Dept 12, Account 12L950 to Fund 100, Revenue Source 5301 – Reimbursement from other funds.

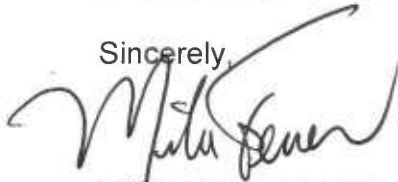
8) **RESOLVE** that employment authority in the City Attorney's Office for the period of February 15, 2014 to November 30, 2016, for two Administrative Coordinators II (0568) positions are **APPROVED** and **EXEMPT** from the Managed Hiring Committee process.

9) **AUTHORIZE** the Office of the City Attorney to prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer.

We look forward to expanding the Neighborhood Justice Program throughout the City and appreciate your consideration of this report.

If you have any questions regarding this matter, please contact Jose Egurbide, Supervising Attorney of the NJP, at (213) 978-4096 or Camilo Cruz, Director of the Community Justice Initiative at (213) 978-4098.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael N. Feuer", written over the word "Sincerely,".

MICHAEL N. FEUER
City Attorney

Attachments

cc: Honorable Eric Garcetti, Mayor
Miguel Santana, City Administrative Officer
Sharon Tso Miller, Chief Legislative Analyst