



Community Prosecutor Program Update

City Attorney's Office

Michael E. Gates, City Attorney

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History Of The Community Prosecutor Program

- In 2016 – City Attorney interest in supporting Huntington Beach Police Officers and their work in our community after State implementation of Props 47, 57 and AB109
- Recognized a need to address crime concerns within the community, especially crimes that impact Huntington Beach residents' quality of life and downtown business owners



History Of The Community Prosecutor Program

City Charter, Section 309(b):

“Prosecute on behalf of the people any or all criminal cases arising from violation of the **provisions of this Charter** or of **City ordinances** and such **state misdemeanors** as the City has the power to prosecute...”

History Of The Community Prosecutor Program

- In July 2016, a Memorandum of Understanding was entered into with the Orange County District Attorney conferring to the City Attorney the authority to prosecute State misdemeanors under the California Penal Code
- With City Council support and approval, the Community Prosecutor Program was created

Program Goals

- Prosecute crimes impacting Huntington Beach residents' quality of life
- Prosecute crimes impacting Huntington Beach downtown businesses
- Provide prosecutorial support to Huntington Beach Police Officer arrests and citations
- Prosecute for convictions, probation, stay away orders, restitution, etc.
- Corrective assistance through diversionary programs

Success Of The Community Prosecutor Program

According to Police Chief, in 2018, Crime in Downtown Area down 11.5% as result of effective local prosecutions

In 2019, the City of Huntington Beach was awarded the

Golden Hub of Innovation Award for Public Safety, by the Association of California Cities, for the **Community Prosecutor Program**



Common State Crimes California Penal Codes

- Public Intoxication – PC 647(f)
- Petty Theft – PC 484(a)-488
- Possession of Burglary Tools – PC 466
- Vandalism – PC 594
- Trespassing – PC 602
- Obstructing Business Establishment – PC 602.1(a)
- Resisting Arrest – PC 148(a)
- Illegal Lodging – PC 647(e)

Ex. Theft

Penal Code Section 484(a)-488

Theft under \$950 at local stores including Costco, Jack's Surfboards, Target, CVS, etc.

Example: At 10:08 p.m., on November 30, 2022, HBPD responded to the Bella Terra Mall regarding a report of a theft from a vehicle. The victim had tracked her stolen electronics to BJs on Main Street. Officers made an arrest.

The suspect pled guilty and was sentenced to one-year informal probation, ordered to complete 5-days of work with Caltrans, pay restitution, and stay away from the theft location.

Ex. Vandalism

Penal Code Section 594(a)(1)

A person who maliciously defaces with graffiti or other inscribed material against any real or personal property not his or her own.

Example: At 4:40 p.m., on December 27, 2022, HBPD responded to report of vandalism at Teresita's Mexican Restaurant. The suspect allegedly vandalized the women's bathroom with a marker. The suspect was arrested.

She pled guilty and was sentenced to 6-days jail, ordered to pay restitution and to stay 100-yards away from the restaurant.

Ex. Public Intoxication

Penal Code Section 647(f)

A person that is unable to exercise care for their own safety or the safety of others

Example: At 2:12 a.m., on September 17, 2022, HBPD responded to a report of an assault downtown. The alleged perpetrator exhibited objective signs of intoxication. After officers determined the assault report was unfounded, they determined the defendant was too intoxicated to care for his own safety or the safety of others and he was arrested for public intoxication.

Since the individual had no criminal record, he was permitted to participate in a diversionary program, and attended a series of AA meetings for a dismissal.

Ex. Resisting Arrest

Penal Code Section 148(a)(1)

A person who either resists, delays, or obstructs any peace officer, or EMT

Example: On November 29, 2022, HBPD responded to a report of two subjects in a vacant residence under construction. Officers investigated and observed a male suspect, who was hiding, as the officers entered the residence. Officers ordered the suspect to exit the residence but he refused. After one-hour, a team of officers entered and located the suspect. The suspect was arrested and charged with trespassing and resisting arrest.

Because the defendant was on probation, he was sentenced to 60-days of jail.

Huntington Beach Municipal Code

- **HBMC Section 13.08.090 – Alcoholic Beverages**

No person shall, on or upon the beach or adjacent beach area, consume or sell, any alcoholic beverage

- **HBMC Section 13.10.030 – Unlawful Camping**

It is unlawful for any person to camp, in any public or private property unless by consent or authorization

- **HBMC Section 13.48.310 - Curfew**

No person shall remain, stay or loiter on or about any such park between the hours of 10 p.m. and 5 a.m.

Diversiónary Programs

First-time offenders are given an opportunity to earn a case dismissal if they complete certain requirements including:

- Residential drug and alcohol treatment
- Alcoholics Anonymous or Narcotic Anonymous meetings
- Huntington Beach community service supporting, e.g., the Bolsa Chica Conservancy, non-profits, etc.
- Commit no new crimes during the diversionary period

Diversionary Programs

Homeless offenders are given an opportunity to earn a case dismissal if they engage with social services including:

- The Navigation Center
- Be Well Mental Health Services
- Drug and Alcohol Treatment Programs
- The Homeless Outreach Court (an OC Collaborative Court Where Comprehensive Services are Available)
- Identify Temporary or Permanent Housing

Ex. Homeless Outreach

At 4:43 a.m., on September 24, 2022, Homeless Task Force officers were conducting beach curfew enforcement per HBMC Section 13.08.240(a). Two suspects were found asleep by Kokomo's Surfside Grill. The two were arrested for curfew violations.

On April 26, 2023, one of the suspects appeared in Court and proved he began living at the Navigation Center. His case was then dismissed.

Ex. Homeless Outreach

On October 20, 2022, Homeless Task Force officers were conducting a patrol check of small businesses at a location on Beach Boulevard. An individual was illegally lodging on the property. This individual had been repeatedly warned against trespassing and lodging at this location previously. The officers offered him transport to the Navigation Center. He refused. He was arrested for Penal Code Sections 647(e) (Illegal Lodging) and 602(o) (Refusing to Leave Property).

During appearance in Court, he was offered a dismissal if he could locate temporary or permanent housing. Three Months later, he presented a proof of housing to our Community Prosecutor and his case was dismissed.

Case Load Statistics

May 1, 2022 – June 15, 2023

Total Criminal Cases filed: 990

- ✓ 153 Convictions
 - ✓ 19 (12%) sentenced with probation
 - ✓ 21 (13%) sentenced with a stay-away term
 - ✓ 117 (74%) sentenced with a jail term
- ✓ 35 Diversion Resolutions
 - ✓ Resolution may include:
 - ✓ Attendance of AA or Recovery meetings, community service work, a theft or anger management class, or meeting with HB Services
- ✓ 802 Pending (ongoing prosecutions)



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