



The Misdemeanor Machine

The Power of the Los Angeles City Attorney's Office

WHO IS THE LOS ANGELES CITY ATTORNEY?

The current Los Angeles City Attorney is Mike Feuer. He has been the City Attorney since July of 2013. The City Attorney is elected by the people of the City of Los Angeles every four years. The next Los Angeles City Attorney election will take place in 2022, and the outcome of this election will have a huge impact on the local justice landscape in Los Angeles.

WHAT DOES THE CITY ATTORNEY DO?

The City Attorney is the Chief Prosecutor for the City of Los Angeles and prosecutes all misdemeanor offenses and infractions that occur within the city. The City Attorney also writes municipal laws, serves as the legal advisor to the Mayor, City Council, and city departments, brings litigation on behalf of the city, and defends the city in lawsuits. The City Attorney's Office has an annual budget of over \$137 million.

WHAT KIND OF OFFENSES DOES THE CITY ATTORNEY PROSECUTE?

The most common types of offenses prosecuted by the City Attorney's Office are vehicle code violations, followed by crimes against the person, theft, and drug-related charges. The City Attorney also prosecutes trespass and other charges used to criminalize homelessness, as well as sex work and cannabis dispensary cases.

WHO IS MOST IMPACTED BY THE CITY ATTORNEY'S PROSECUTION POLICIES?

There are stark racial disparities in both arrests and City Attorney prosecutions in Los Angeles. From 2017 to 2019, Black people comprised 27% of individuals cited by LAPD and 23% of the cases prosecuted by the City Attorney's Office, despite comprising only 9% of the total population in Los Angeles.¹

¹ Maggie Gaffney, Simon Sherrred, Michelle Zhang, Ilan Zur, Tracing Criminalization, Policing and Prosecution in LA, 2017-2019 (Fall 2019)



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FILING DECISIONS

After an arrest is made, the arresting law enforcement agency presents the case for filing consideration to the City Attorney's Office. City attorney prosecutors have the power and discretion to reject cases for criminal prosecution or to file charges that are less serious than the charge of the arrest. At the same time, the City Attorney's Office can decide to file multiple charges that are more serious than the offense the person was arrested for.

BAIL

For those arrested on a misdemeanor charge and placed in jail custody, city attorney prosecutors can impact a person's ability to be released pre-trial by arguing for cash bail and requesting a specific bail amount. In the cash bail system, people who have the financial means to afford bail are released and can return home before their trial and those who cannot afford bail are incarcerated until their trial. This unjust system of having to pay for your freedom can push innocent people to accept plea deals in order to avoid spending months in jail awaiting trial.

SENTENCING

City attorney prosecutors argue for what sentence a person should be given when they have been found guilty of a crime. They can exercise their power and discretion to fuel mass incarceration by arguing for a months-long jail sentence and/or high fines. In addition, city attorney prosecutors can make plea offers, where they decide what sentence to seek in exchange for a guilty plea. This practice commonly results in prosecutors deciding sentences, rather than judges or juries.

DIVERSION

Diversion gives people the opportunity to have their criminal charges dismissed by participating in rehabilitative programs, such as mental health counseling or drug treatment. The City Attorney's Office can make diversion offers to people facing criminal charges and create reasonable program requirements for the individual. They can also argue against diversion and proceed with punitive prosecution.

