

**COUNTY OF SACRAMENTO
CALIFORNIA**

For the Agenda of:
June 15, 2009
9:30 A.M.

To: Board of Supervisors
From: Office of the District Attorney
Subject: Report Back – City Of Sacramento’s Proposal To Prosecute Misdemeanors
Within City Limits

Supervisory
District: All

Contact: Cynthia Besemer, Chief Deputy District Attorney, 874-7428

BACKGROUND

On May 13, 2009, the Board of Supervisors requested that the District Attorney (DA) report back with information concerning the City of Sacramento’s proposal to prosecute misdemeanors within city limits.

DISCUSSION

The DA’s Office responded to the City Attorney’s proposal with the attached letter dated May 18, 2009. Recently, the City Attorney, Eileen Teichert, expressed interest in discussing further the possibility of sending attorneys from her office to the DA’s Office to trial misdemeanor cases in the Misdemeanor Unit.

Respectfully submitted,



JAN SCULLY
District Attorney

CONCUR:
TERRY SHUTTEN
County Executive

BY: _____
NAVDEEP S. GILL
Chief Operations Officer

Attachment
➤ Letter to City Attorney



OFFICE OF THE
DISTRICT ATTORNEY

SACRAMENTO COUNTY

JAN SCULLY
DISTRICT ATTORNEY

CYNTHIA G. BESEMER
CHIEF DEPUTY

ALBERT C. LOCHER
ASSISTANT DISTRICT ATTORNEY

May 18, 2009

Eileen Teichert
City Attorney
951 I Street, Fourth Floor
Sacramento, CA 95814-2604

Dear Eileen:

Jan asked me to respond because you and I had discussed your letter after I responded to the Bee reporter's questions about it.

As I stated, at this time the request to give your office authority to prosecute state criminal violations is premature. It may be that it will become necessary in the future but we do not believe the need is imminent. Furthermore, even if it were to become necessary transition would take some time because our office prosecutes about 3000-4000 SPD cases each year in the categories noted in Jan's letter.

One of the reasons we hope to avoid having city attorneys prosecute state criminal prosecutions is because we do not want the prosecutions or sentences to vary just because a crime is committed on one side of a city boundary. We have always been committed to ensuring fair and even handed justice for every person charged with a crime committed within the boundaries of Sacramento County and that becomes impossible to do if every city undertakes prosecutions of some crimes.

I feel it is important to mention this latter reason because our decision should not be viewed as any criticism of your office. We have only had positive results by working with you and your attorneys and hope to continue that relationship regardless of whatever fiscal impact we incur. We also appreciate your letter of support for our federal grant application for our community prosecution efforts.

We do welcome your offer to support our efforts to mitigate the budget impacts on our office. We would appreciate any comments in support of our misdemeanor prosecutions you would make to the County Executive and members of the Board of Supervisors about the importance of

City Attorney Eileen Teichert
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misdemeanor prosecution. In addition, if you have attorneys who wish to gain additional misdemeanor trial experience you could send them to our office to try misdemeanor cases for one month. This is a practice we have had with private law firms and the Attorney General's Office for many years and it has worked well for everyone. They could also attend all of our trial practice MCLE trainings as well.

As I mentioned, Jan sent a letter to the Sheriff, all police chiefs, and city managers advising them that she would hold a meeting once we have a final budget to advise them of proposed changes in our operations. She committed that they would have the opportunity to provide input before any changes are implemented. Based on our discussion, I have added you to the list of individuals who will get notice of that meeting.

Sincerely,

JAN SCULLY
DISTRICT ATTORNEY



CYNTHIA BESEMER
Chief Deputy

CGB:gf