

June 7, 1988

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
CODE ENFORCEMENT

On May 12, 1988, during discussion of the City Attorney budget, we were requested to report back on the number of staff we considered necessary to adequately meet the demands being placed upon the Criminal Division Code Enforcement Unit (CE Unit) at the present time. The CE Unit presently consists of three deputy city attorneys, two litigation investigators and two legal secretaries. Based upon current staffing levels in the various City departments involved in the Code Enforcement process, we need an additional two deputy city attorneys, one litigation investigator and one legal secretary. The addition of these four positions at an approximate cost of \$200,000 would enable the CE unit to substantially improve the overall responsiveness to City department requests.

The Code Enforcement process is both lengthy and time consuming. It is divided into four stages as indicated in the attached Exhibit 1. As additional resources have been added to the various City departments involved in the Code Enforcement process, the caseload and advisory requests referred to the CE Unit have dramatically increased. In January of 1988, the Code Enforcement Unit received a monthly record of 65 new cases from the 12 or more City departments or sections which have specific personnel assigned to enforcement units. During this past third quarter of Fiscal Year 1988, the Code Enforcement Unit received 102 cases or a 137% increase over the previous quarter. A graph of cases received is attached as Exhibit 2.

Presently the CE Unit deputies have a caseload of approximately 95 cases each. In addition, each deputy routinely advises the Mayor and Council, City Manager, City departments and members of the public regarding enforcement policies and issues and Head Deputy City Attorney Joe Schilling has additional administrative responsibilities.

There are two primary reasons for the increased workload of the CE Unit. The first is the increase in resources to other

City departments. The second is new ordinances and regulations enacted by the City Council, such as bathhouse regulations, the sensitive lands ordinance, sign regulations and mini-dorm regulations. This new legislation and the additional cases

resulting from increased enforcement through sweeps (such as Project First Class and Mission Beach) and civil abatement actions have increased the CE Unit caseload substantially.

One of the most recent departments to refer cases to the City Attorney's Code Enforcement Unit is the Police Department. As traditional law enforcement techniques have become ineffective in certain cases, the Police Department's Vice and Narcotics Units have started to experiment with the use of civil actions against property owners and landlords. These specialized and complex actions pursuant to California's Drug and Redlight Abatement Acts are coordinated and prosecuted by the CE Unit. Within the past six months, the CE Unit has successfully closed four massage parlors for conducting prostitution activities, closed one drug house and recovered over \$6,500 in fines and penalties by using these specialized nuisance abatement statutes. While this only represents a total of five cases, the amount of time devoted by the CE Unit to coordinate and effectively prosecute these abatement actions is staggering when compared to other standard criminal or civil prosecutions. Currently, the Narcotics Abatement Task Force has over 25 pending cases. A large percentage of these cases will undoubtedly result in civil complaints under the state's drug abatement law.

For the above reasons, we believe the addition of two deputy city attorneys, one litigation investigator and one legal secretary to the CE Unit is necessary to keep up with the present caseload.

Respectfully submitted,
JOHN W. WITT
City Attorney

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Attachments
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