

Office of the City Attorney



City Attorney Heather Ferbert

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City Attorney's Office Structure



**City Attorney
Heather Ferbert**

**Administration
Division**

**Advisory
Division**

**Civil
Litigation
Division**

**Criminal &
Community
Justice
Division**



Commonly Referred Crimes

- DUIs – alcohol and drug
- Domestic Violence
- Theft
- Unsafe Camping
- Encroachment
- Battery
- Vandalism
- Trespass
- Drug Use and Possession

Criminal Division

- Receives criminal cases from more than 12 law enforcement agencies, including:
 - San Diego Police Department
 - San Diego County Sheriff's Department
 - California Highway Patrol
- Review approximately 15,000 cases/year



Law Enforcement's Role

- Investigates and determines whether a crime has occurred.
- If so, which one?
- Who is the suspect?
- Collects evidence.
- Determines whether to submit the case for prosecution.
 - Felony? Misdemeanor? Infraction?

Prosecutor's Role

- Reviews the case packet from law enforcement.
- Determines the elements of the crime.
- Reviews evidence to determine if each element of crime is proven beyond a reasonable doubt.
- Only files criminal charges if each element is met and there is reasonable likelihood of conviction at trial.

Barriers to Justice

- Sidewalk Vending Ordinance – administrative ONLY, never criminal
- Book and Release on low-level crimes
- Inability to get people to court (B&R, cite)
- Recent changes in the law

Recent Changes in the Law

- Proposition 47 (2014)
 - Reclassified low-level drug and theft offenses > Misd.
- Penal Code section 1000 (2018)
 - Pre-plea drug diversion
- Penal Code section 1001.95 (2021)
 - Diversion over Prosecution's objection
- Penal Code section 1203a (2021)
 - Reduced probation from 3 years to 1 year

Recent Changes in the Law

- Proposition 36 (Dec. 2024)
 - Created two felony “wobblers”
 - HS 11395: Possession of “hard drugs” with 2 priors
 - PC 666.1: Theft with 2 prior thefts
 - Also allows prosecutors to total the amounts stolen from each theft to reach felony \$950 threshold

Other ways we seek justice and help communities

- Neighborhood Justice & Collaborative Courts Unit
- Alternatives to Incarceration
- Diversion Programs (CJI, BACC, PLEADS)
- Collaborative Courts & Homeless Court
- SDPD liaisons
- Academy and line-up trainings
- SD ARCH

What should I do as a community member?

- Report crime to law enforcement
 - Expect to wait!
- Call 911 if an emergency/crime in progress
- Provide photos and videos if you have them
- Explain the impact on your business
- Get to know your SDPD Community Relations Officer (CRO)
- Submit Get It Done complaints

What should I do as a community member?

- Theft and Vandalism (wobblers)
 - Provide documentation establishing \$ amount stolen or damaged
 - Preserve surveillance video
- Trespass
 - Not just being on property – more complicated
 - 25 subsections that each have distinct and specific requirements

Office of the City Attorney Criminal & Community Justice Division

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