



Los Angeles County  
Metropolitan  
Transportation  
Authority

**SUBJECT: LASD-MTA PROGRAM TO ADDRESS DEFACEMENT OF  
MTA PROPERTY**

**ACTION: RECEIVE AND FILE**

One Gateway Plaza  
Los Angeles, CA  
90012

213.922.6000

**RECOMMENDATION**

Receive and file report on the criminal prosecutions for vandalism of MTA property, disposition of cases and restitution amount received and new procedures to improve the restitution rate and amount.

**ISSUE**

At the May 2003 Operations Committee meeting, the Board requested information on the number of criminal prosecutions for vandalism against the MTA. The Board also requested information on the final disposition of cases and the amount of restitution received by the Authority.

**DISCUSSION**

Graffiti and other acts of vandalism against MTA property continue to be costly issues for the agency. Based on available information for the four-year period from 1999-2003, there have been 273 vandalism cases submitted to the District Attorney for prosecution, resulting in 59% guilty verdicts. Of those found guilty, 9% have paid restitution totaling approximately \$40,000 to the MTA. Attachment A details the percentage of case disposition actions and the disposition on restitution.

Currently, when a subject is prosecuted for vandalism against MTA property, the court may or may not order restitution as a condition of probation following a guilty verdict. The subject's file is sent to the Field Probation Officer for case management and initial assessment. Following the initial assessment the probationer's file is forwarded to the Central Probation Office for account management and restitution collection if so ordered by the court.

In reviewing the restitution process, MTA staff identified procedural improvements that could increase the amount of restitution received in the future. First, to encourage the Superior Court to order restitution as a condition of probation, Los Angeles County Sheriff Department (LASD) detectives will start including a

"Restitution Request Form Letter" in the case filing package on behalf of the MTA (Attachment B). The letter specifically requests financial restitution for the amount of damages caused by the criminal defendant. In the event that the defendant cannot make financial restitution, the letter requests that the Court order the defendant to perform community service on behalf of the MTA of a value equal to the damages inflicted. The letter will include the Probation Department's "Statement of Loss" describing the losses in detail (Attachment C). Second, to ensure that the MTA responds in a timely manner to all requests for information by the Probation Department, the agency has assigned a program manager from the MTA's Quality Assurance Department the responsibility of tracking and following all cases through completion. The program manager will work closely with the LASD's Transit Services Bureau in managing the program.

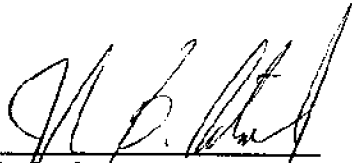
### **NEXT STEPS**

Staff will meet with the presiding judge and the Probation Department to discuss MTA's focus on increasing restitution and community service opportunities and get approval of the proposed new procedures and supporting forms. Staff will then initiate the new procedures discussed above.

### **ATTACHMENTS**


- A. Case Disposition Actions and Disposition on Restitution
- B. Proposed MTA-LASD "Restitution Request Form Letter."
- C. County Probation Department standard "Itemization Sheet."

Prepared by: Lt. Daniel R. Cowden, MTA Security Department  
Capt. Daniel Finkelstein, LASD, MTA Chief of Transit Police



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John B. Caloe, Jr.  
Deputy Chief Executive Officer



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Roger Snoble  
Chief Executive Officer

ATTACHMENT A

**Disposition Action/Disposition on Restitution  
FY99 – FY03**

<b>Case Disposition Action</b>	<b>Percentage</b>
Rejected by the D.A.	1%
Dismissed by Court	1.5%
Held in Abeyance	.4%
Refer to D. A.	.8%
Not LASD Jurisdiction	.4%
Violation of Probation	.4%
Warrant Issued	2.5%
Unknown Disposition	34%
Guilty Verdicts	59%
<b>Total</b>	<b>100.00%</b>

<b>Disposition on Restitution</b>	<b>Percentage</b>
No Restitution Ordered	66%
Restitution Ordered and Paid	9%
No Answer by MTA to Restitution Letter from Probation Dept.	25%
<b>Total</b>	<b>100.00%</b>

**REQUEST FOR RESTITUTION  
FOR DAMAGED PUBLIC PROPERTY**

July 8, 2003

Superior Court  
County of Los Angeles

Dear Court Administrator:

The Los Angeles County Metropolitan Transportation Authority requests restitution in the amount of \$\_\_\_\_\_ for damages to MTA's public property. Damages in this amount were inflicted upon MTA property by the criminal defendant listed below. Also listed below are the relevant Los Angeles County Sheriff's Department file numbers for this case.

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Name of Defendant

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LASD Case File Number

A completed Los Angeles County Probation Department *Statement of Loss* form detailing the total damage amount is attached.

If the probationer is not able to make financial restitution to the MTA, then this agency requests that the Court order the defendant to perform community service on behalf of the MTA. The MTA requests the value of community service ordered by equal to the repair costs for the damages suffered to public property.

I hereby certify, to the best of my knowledge, that the forgoing is true and correct and the MTA should receive restitution from the defendant named above in the amount stated.

If you have any questions on this matter, please call me at (213) 922-5785. Thank you for your cooperation in the MTA's efforts to safeguard public property.

Sincerely,

David Daniels  
MTA Restitution Program Manager

STATEMENT OF LOSS

**INSTRUCTIONS:** Please complete both sides of this sheet. Printing or typing is preferred. If the person(s) responsible for your losses is ordered to make restitution as a condition of probation, the Deputy Probation Officer will use this statement as the basis for establishing the restitution amount. It is to your advantage to provide complete and accurate information. If you suffered no loss, please indicate by signing section 5 of this form, and return it to the address provided above.

**NOTICE:** Any person making false statements or exaggerated claims may be prosecuted for attempted theft per California Penal Code Section 664/484.

**OFFICE USE ONLY** Date **OFFICE USE ONLY**

Loss Sustained by: \_\_\_\_\_ as the result of offenses committed by: \_\_\_\_\_ # \_\_\_\_\_

Acct/Ref. No: \_\_\_\_\_ Date(s): \_\_\_\_\_

Welfare State Number: \_\_\_\_\_ (Circle One) WFI / DAI Nature of Offense(s): \_\_\_\_\_ Contact: \_\_\_\_\_

		Proof	Amt. Approved
<b>1) Describe your losses. Attach additional pages if necessary. Your loss must have been documented by the arresting agency. Please be sure that the total amount of loss is listed below as shown.</b>			
<b>PROPERTY (Include make/serial numbers. Provide bills, receipts, or three (3) estimates of replacement.)</b>	<b>AMOUNT</b>		
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
<b>MEDICAL EXPENSES (Provide proof)</b>			
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
<b>LOSS OF EARNINGS (Provide a letter of verification from employer on letterhead)</b>			
Employer's Name: _____ Days off work _____			
Address _____ Phone # _____	\$ _____	_____	\$ _____
City, State _____ Zip Code _____			
<b>TOTAL LOSSES:</b>	<b>\$ _____</b>	_____	<b>\$ _____</b>
<b>2) Please explain if you are unable to provide proof for any portion of your loss.</b>			
_____			
_____			
<b>3) If the amount of loss reported is more than the amount which you reported to the arresting agency, please explain:</b>			
_____			
_____			
_____			
_____			
		Rest.App. in above amt.	
		See split on back	
		See comments on back	
		/	
	Approved By	DATE	
	Title		
		ACRU Clerk	



