



OPERATIONS COMMITTEE
SEPTEMBER 18, 2003

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.

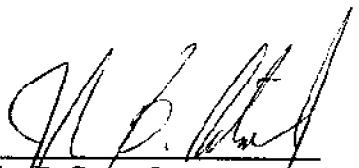
NEXT STEPS

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



John B. Caloe, Jr.
Deputy Chief Executive Officer



Roger Snoble
Chief Executive Officer

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

Case Disposition Action	Percentage
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%
Total	100.00%

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

**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.

Name of Defendant

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

4) If this person(s) is granted probation and ordered to make restitution, indicate the recipient of any monies collected:

Name _____

Address _____

City State Zip Code

NOTE: * It is your responsibility to notify the Probation Officer of any change of address*

5) I declare that the foregoing statement of loss is true and correct:

Signature _____

Date _____

Daytime Telephone # _____

FOR PROBATION USE ONLY

This case has _____ codefendants. Restitution is to be assessed to codefendants as follows:

Name	Prob. No.	Amount
_____ ()	\$ _____
_____ ()	\$ _____
_____ ()	\$ _____
_____ ()	\$ _____
_____ ()	\$ _____
_____ ()	\$ _____
_____ ()	\$ _____
_____ ()	\$ _____
_____ ()	\$ _____
_____ ()	\$ _____
_____ ()	\$ _____
_____ ()	\$ _____
_____ ()	\$ _____
_____ ()	\$ _____
_____ ()	\$ _____

TOTAL \$ _____

COMMENTS:
