

STAFF REPORT

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P. Huber

**CONSIDER CESSION OF CONCURRENT CRIMINAL LEGISLATIVE JURISDICTION
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 126
OVER LANDS AT THE LOS ANGELES AMBULATORY CARE CENTER AT 351
EAST TEMPLE STREET, LOS ANGELES, LOS ANGELES COUNTY**

PARTY:

United States, Department of Veterans Affairs

AREA, LAND, TYPE, AND LOCATION:

Los Angeles Ambulatory Care Center (LAACC), 351 East Temple Street, Los Angeles, Los Angeles County.

BACKGROUND:

Pursuant to Government Code section 126, the Commission is authorized, on behalf of the State of California, to cede concurrent criminal legislative jurisdiction to the United States. Legislative jurisdiction is the authority to make and enforce laws within a geographic area. When the State cedes concurrent criminal legislative jurisdiction, it grants the federal government authority to enforce State criminal law over federal property yet retains its enforcement authority. The United States seeks these cessions because criminal law of the United States is limited, whereas State criminal law is much more comprehensive. The State, generally, has the authority to exercise its criminal law on federal lands, but the United States cannot do the same without receiving a cession of legislative jurisdiction. This concurrent, or shared, authority provides for greater flexibility in enforcing criminal law. State or local law enforcement officials may struggle to access large or remote federal properties, such as military bases or national parks. However, if the state cedes concurrent criminal legislative jurisdiction over such properties, federal law enforcement officials may respond to incidents, ensuring a timelier response while reducing strain on state and local officials.

The Commission may cede concurrent criminal legislative jurisdiction only upon finding:

- A. The United States has requested such cession in writing.
- B. The federal lands are held for the erection of forts, magazines, arsenals, dockyards and other needful buildings within the purview

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of clause 17, section 8, article I of the United States Constitution or other federal purpose.

- C. The cession is made pursuant to and in compliance with the laws of the United States.
- D. A notice of the proposed cession has been given to the clerk for the board of supervisors of the county in which the federal lands are located at least 15 days before the proposed cession.
- E. The proposed cession is in the best interests of the State of California.
- F. The United States has agreed to bear all costs and expenses incurred by the Commission in making the cession.

Upon making these findings and the Commission having made a cession, the State and the United States will equally share the State's criminal legislative jurisdiction over lands affected by the cession. The cession shall continue only so long as the lands are owned by the United States and used for the purposes for which jurisdiction is ceded or for 10 years, whichever period is less. In ceding concurrent criminal legislative jurisdiction, the State reserves its full civil legislative jurisdiction including its jurisdiction over the land, water, and use of water with full power to control and regulate the acquisition, use, control, and distribution of water with respect to the land affected by the cession.

PROPOSED ACTION:

By letter signed by Ezra R. Sadie, Acting Executive Director of the U.S. Department of Veterans Affairs, dated February 6, 2018, the United States has requested that the State of California cede concurrent criminal legislative jurisdiction over the lands at the LAACC, more particularly described in Exhibit A, for a 10-year period for federal purposes. The LAACC provides medical care for 1.4 million U.S. military veterans living in northern Los Angeles.

The United States owns these lands comprising the LAACC in Los Angeles County. If approved, this would be the first cession of concurrent criminal legislative jurisdiction made over the LAACC. Local law enforcement has indicated its support for the proposed cession by written correspondence.

Staff sent a notice of the proposed cession to the Clerk of the Board of Supervisors for Los Angeles County on October 3, 2019.

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The United States has agreed to bear all costs and expenses incurred by the Commission in making the cession.

Staff believes all pertinent federal law has been complied with, and the United States has accepted the cession, as required by 40 U.S.C. section 3112, which will be effective upon recordation with the Los Angeles County recorder's office.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Government Code section 126.

State's Best Interests Analysis:

Ceding concurrent criminal legislative jurisdiction over the LAACC to the United States will share the State's authority to make and enforce criminal law with the United States. Accordingly, the United States could independently enforce criminal law for crimes committed on the LAACC instead of relying on local law enforcement to respond and enforce the law. Thus, the proposed cession would alleviate the burden on local law enforcement agencies while preserving their authority to enforce the law for crimes committed on the LAACC, if needed. For these reasons, staff believes that the cession of concurrent criminal legislative jurisdiction is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the requested cession is a discretionary action by the Commission. Each time the Commission approves or rejects a cession, it exercises legislatively delegated authority. If the Commission denies the requested cession, all legislative jurisdiction will remain with the State. If the Commission approves the requested cession, the United States will share concurrent criminal legislative jurisdiction with the State but have no right to a new cession upon expiration of the requested cession.
2. This action is consistent with Strategy 3.1 of the Commission's Strategic Plan to "foster, improve, and enhance relationships, to engage the legislature, public, local, state and federal agencies, legislative grantees, Commission lessees, potential applicants, non-governmental organizations, and the regulated community."
3. The subject cession of jurisdiction is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

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Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBIT:

A. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

AUTHORIZATION:

1. Find that the following requirements of Government Code section 126 have been satisfied:
 - A. The United States has requested in writing that the State cede concurrent criminal legislative jurisdiction over the lands described in Exhibit A attached and by reference made a part hereof, said lands being within Los Angeles County, State of California.
 - B. The lands are held by the United States for the erection of forts, magazines, arsenals, dockyards, and other needful buildings within the purview of clause 17 of section 8 of article I of the Constitution of the United States, or for another federal purpose.
 - C. The cession is made pursuant to and in compliance with the laws of the United States.
 - D. A notice of the proposed cession has been given to the clerk for the board of supervisors of Los Angeles County, in which the federal lands are located, at least 15 days before the proposed cession.
 - E. The proposed cession is in the best interests of the State.
 - F. The United States has agreed to compensate the State of California for its cost incurred in processing the cession.
2. Cede concurrent criminal legislative jurisdiction to the United States over the lands identified in Exhibit A, Los Angeles County, for so long as the lands are owned by the United States and used for federal purposes or for 10 years, whichever period is less.

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3. Authorize the Executive Officer or her designee to execute a Resolution of Cession of Concurrent Criminal Legislative Jurisdiction and have it recorded in the Official Records of Los Angeles County.

EXHIBIT A

U.S. DEPARTMENT OF VETERANS AFFAIRS

Request for Cession of Concurrent Criminal Jurisdiction

Supplemental Information Required Pursuant To
California Government Code § 126

“Cession of Concurrent Criminal Jurisdiction to United States on Lands
Held by Federal Government; Limitation, Conditions or Reservations; Hearing; Notice.”

Los Angeles Ambulatory Care Center
Los Angeles, California

Legal Description

That parcel of land in the City of Los Angeles, County of Los Angeles, State of California, bounded on the east by Alameda Street and on the southwest by Temple Street as they now exist, more particularly described as follows:

Beginning at the centerline intersection of Alameda Street and Temple Street as they now exist; thence along the centerline of said Temple Street, North 44°52'00" West, 157.33 feet; thence at a right angle to said centerline North 45°08'00" East, 45.00 feet to the true point of beginning in the Northeasterly line of said Temple Street, said point also being the beginning of a tangent curve concave to the North and having a radius of 20.00 feet; thence along said curve through a central angle of 133°16'16", an arc distance of 46.52 feet; thence tangent to said curve along the Westerly line of Alameda Street, North 1°51'44" East, 374.58 feet; thence North 52°22'00" West; 143.22 feet; thence South 37°38'00" West, 291.81 feet to a point in the Northeasterly line of said Temple Street; thence South 45°28'39" East, 146.11 feet; thence continuing along the north easterly line of said Temple Street, South 44°52'00" East, 200.00 feet to the true point of beginning.