

Two In 1st District Race; Two Vie For City Prosecutor

■ By **GEORGE ECONOMIDES**
Publisher's Perspective

Most residents understand the duties and responsibilities that come with serving as a member of the Long Beach City Council. When voters mark their choice and submit their ballot, they usually have a pretty good idea of why they are supporting one candidate over another.

The same cannot be said for the position of city prosecutor. This individual is not one who is seen regularly at city council meetings or attends ribbon cuttings, awards ceremonies or neighborhood activities. Residents are not invited to attend a "State of the City Prosecutor's Office," speech because there is no such event (maybe there should be).

The responsibilities of this office, however, directly impact the quality of life for every resident and business.

Domestic violence, gang and drug incidents, driving under the influence, registered sex offenders, environmental crimes and code enforcement are a few of the issues tackled by the office – sadly, there are more than 10,000 adult misdemeanor cases annually (total new cases presented in 2009: 14,405). That's a heavy load for a city prosecutor's staff of 39 people, 17 of whom are lawyers.

Based on the list misdemeanor crimes, it would seem reasonable to assume most voters would want someone to lead the office who is aggressive and tough but fair.

Enter two candidates – Doug Haubert and Timothy O'Reilly – who say they fit the bill.

The fact that Haubert is endorsed by dozens of current and former elected and appointed officials, the Long Beach police and fire unions and many well known members of the community, makes him the favorite.

O'Reilly, on the other hand, is currently the number two person in the city prosecutor's office, a position he was promoted to in 2007. He has a 24-year military career and, talk about tough, was the deputy and later the acting operations officer supervising a guard force of several hundred troops at Guantanamo Bay, Cuba, in 2005.

O'Reilly readily admits he is a novice at running for political office and asking people for money for his campaign is not something he enjoys doing.

That shows in the latest campaign disclosure statements. Through the end of February, O'Reilly raised less than \$27,000, with \$15,000 of that a loan from himself. Haubert, who also loaned his campaign \$15,000, is approaching \$60,000 in total contributions.

O'Reilly is also naive about asking for endorsements. A well known Long Beach attorney told us, "If Tim had asked for my endorsement, he would have got it. Doug asked, so I said yes."

Our take is that citizens should feel comfortable that either candi-

date can step into the shoes of city prosecutor and the operation should run smoothly. The difference is that one, O'Reilly, has current in-house experience as the office's number two person the past three years, and the other, Haubert, has experience serving as a city prosecutor for several cities on a contract basis through his law firm.

Which brings up the one sour point we've had with this race, and that is the "occupation" listed by Haubert on the ballot. As you'll read in the interview, we push him on this issue.

The ballot lists O'Reilly's occupation as assistant city prosecutor, which he is. Haubert, a partner in a law firm, chose the words "city attorney/prosecutor." We strongly believe those words are misleading. First, Haubert has never been elected as a "city attorney" or "city prosecutor." He serves in those roles only through a contract with the law firm where he works. Second, the designation makes it appear that Haubert is O'Reilly's boss. Since most voters have no idea who the city prosecutor is, we believe they will think O'Reilly is trying to unseat his boss and not take kindly to that.

1st District City Council Race

Jana Shields has deep roots in the community and a strong history of helping those less fortunate. She knows the 1st District well, maybe better than anyone else. She also has a well-rounded understanding of business and is very knowledgeable of the key issues facing Long Beach. There is no doubt she would be an asset as a councilmember.

Unfortunately for her – and for the city – she is running in the wrong district. Robert Garcia, elected in a special election last April, has a firm grasp on the 1st District seat. He also has a fairly lengthy and impressive list of accomplishments (you'll read about them in the interview) that few current or past councilmembers could match in four or eight years, let alone the 11 months Garcia has held the office.

We don't agree with Garcia on some of the issues, especially his support for a project labor agreement at the port, but overall he has brought new ideas and a new energy to the council floor, which is healthy. He especially shined recently with his support of the arts community. He stepped up when other current councilmembers sat around for four or more years doing nothing.

What we would suggest to Garcia, though, is that after the election he reach out to Shields and get her more involved in district-wide issues. Her expertise should not go unnoticed. She can work with him in many ways to improve the district.

Following are in-depth interviews with the 1st Council District candidates and the two men running for city prosecutor. The March 30 edition of the Business Journal includes interviews with the city attorney candidates. Election day is April 13.

To download the following or previous interviews, go to: www.lbbj.com and click (bottom right) on archives. The 1st District and city prosecutor interviews will be available to download by the end of this week.



Robert Garcia

First District Councilmember Robert Garcia is approaching his first anniversary in office. He was elected on April 7, 2009, as the youngest councilmember ever. Garcia, 31, is an administrator at Long Beach City College (LBCC). He has taught communication studies at California State University, Long Beach (CSULB) and LBCC as a part-time faculty member.

Garcia grew up in Covina after his family immigrated to the United States from Peru when he was 6. He first moved to Long Beach as a student at CSULB, where he lived in the dorms and was elected student body president. He worked with campus administrators to create new scholarships and campus leadership programs for students. He earned his bachelor's degree in communication studies from CSULB and has a master's degree in communication management from the University of Southern California. He is currently two months away from earning a doctorate in higher education from CSULB.

In his first year on the council, Garcia helped increase funding for street and sidewalk repairs, opened three new parks, planted more than 130 new trees and authored legislation to create the new lobbyist ordinance and other government reforms.

His plans for the next four years include increasing funding for police and public safety, recruiting business to the downtown area, reclaiming local beaches by reconfiguring the breakwater and putting in more trees, parks and trash cans downtown. Garcia discussed his work over the last year and his views on several improvements in the city, including happenings at a huge part of his district: the port.

– Staff Writer Tiffany Rider

LBBJ: You've been in office for almost a year. So what do you consider your major accomplishment for this first year?

Garcia: I'm pretty driven. I'm constantly doing stuff. I would put my record of what we have accomplished over the last 11 months to a year against anybody. I'm really proud of not just the work that my staff has done, but the way we have been able to engage the community.

The things I'm probably the most proud of could be divided into two sections: the neighborhood and district; and legislative. On the neighborhood side, I'm most proud of being able to open two parks – the dog park downtown and the new skate park at the 14th Street greenbelt – which had no funding when I came into office. We are going to be breaking ground soon on an all new urban basketball court, which I got money from Don Knabe's office to fund. That's going to expand that city park by one full city block. We're building the first urban, New York-style basketball court in Long Beach with bleachers. It's going to be incredible.

LBBJ: This stretches from Pine Avenue to Pacific Avenue?

Garcia: From Pine Avenue to Locust Avenue. It's basically across the street; the skate park is between Pine and Pacific, so it's on the other side of Pine Avenue. Currently what you have there is a parking lot, which is basically a drug deal hangout. Just down the way you have the remnants of an old half basketball court that is not functional. It was built at least 20 years ago. This will completely make the whole block the basketball court. That's what we're doing with that.

LBBJ: You could have tournaments there.

Garcia: Absolutely. It's going to be great. We're also breaking

ground on the new community garden on the Westside. It's going to be the Mary Molina Community Garden as we partnered with the Molina's [Molina Healthcare] on that. As far as park space, one of my big things was the district had a lack of green space. We've been working very hard on expanding green space and making the whole greenbelt connect to Cesar Chavez Park and Drake Park. We're going to be building a bunch of little pocket parks in the areas. That's the first thing that I can clearly say; we're breaking ground on parks, we're opening new ones and I'm committed to that.

We've planted over 150 new trees in the district with another 100 we're going to be planting in the next month. By the time my one-year anniversary hits, we will have planted about 250 trees in the district.

LBBJ: Where do you get the trees?

Garcia: They've been a combination of donations and those that are available through neighborhood services. The DLBA (Downtown Long Beach Associates) paid for I think 90 trees.

I also created an additional 300 parking spaces in the first year. My goal at the end of the term is to create an additional 1,000 to 1,500 parking spaces. This is without laying a single bit of cement.

LBBJ: Business or residential parking?

Garcia: This is residential parking. The way we've done that is by going to existing businesses that didn't allow people to park there and create a residential parking permit so that they, at night, can go and park in that lot. They can actually have a sticker. They pay the actual business, which helps the business, about \$40. I think it's different from business to business. We've now just provided 300 new spaces for residents in a high density, impacted zone. I think in the next six months we'll be close to 500. We're on the verge of signing a couple more contracts. I would imagine that in the next few years we will hit 1,000 easy.

LBBJ: Is there any redevelopment money involved in anything you're talking about?

Garcia: The dog park was paid for with RDA funds. But that's the only thing. We've installed between 20 and 25 bike racks. We've surveyed the entire district for red curbs. So when it comes to the guts of a city – trees, parks, parking – we've been all over that. So that's something I'm proud about.

I'm also proud that we focus on business corridors. For me, that's one thing the city needs to focus on: the city's infrastructure in its business corridors. So we focus and put our efforts in on Pacific Avenue, on a portion of Daisy Avenue and Long Beach Boulevard to start. These are the first ones we've started on. On Pacific Avenue, we took care of 80 curb violations. We installed six trashcans and painted utility boxes. We've done a couple façade improvements. In the next couple weeks you'll see banners up that say "Pacific Avenue." It's going to look great. This is a task force that has been put together to kind of reinvent the street.

The same thing is happening on Daisy Avenue and Long Beach Boulevard. The two lots on Long Beach Boulevard in my district that were falling apart with chain link fences, we put up all new fencing on there. We've inventoried – and the city had never done this – every single empty lot in the district. There are 37 empty lots. We're putting together a plan for every single one of those. It's going to be cleaning them, putting new fencing in, putting in pocket parks, temporary parking – but we're going to get to every single lot. We've broken ground for three new homes for Habitat for Humanity. We've done a couple façade improvements. When it comes to recruiting business, I am very involved with the Fresh and Easy that's coming in downtown.

LBBJ: Where is that going?

Garcia: That's going in across from Wal-Mart [CityPlace shopping center].

LBBJ: That will help.

Garcia: Yes. That will be great. We're putting in an all-organic market on Pine Avenue. The Kress Market is opening up on Pine Avenue. It's going in on the entire bottom of the Kress [loft condominium] building, which was unused before. They're building it from the ground up. It's an all-organic neighborhood market that's going to sell fine cheeses and wines. It's perfect. We've been working with them very closely.

I think the downtown is going to turn around in the next year or so. With all of the things that are going to happen, all of the announcements that we're going to be making over the course of the next six months to a year, we've got some major contracts that are going to be signed downtown. So I think it's going to turn around. We're recruiting business. We're getting the street façades improved. We're getting that whole plan on Pine Avenue of redoing that entire streetscape. We've got a whole retail visioning process going with the DLBA.

One big thing that we did that I'm very proud of is that we started the first Latin American parade festival without using one penny of city [General Fund] money. A lot of people say, "Oh, another parade." Well, that parade brought about 7,000 people to downtown, filled shops up, created interest and this year's is going to be twice as big.

I happen to think that we have the best constituent service operation going on.

LBBJ: Every councilperson says that.

Garcia: I'm sure they have. But I believe it and that's because, for me, I've been a manager. I've managed staff professionally, so I know how to run an office. We treat people with respect. We return a phone call within 24 hours. I feel like we have a really good constituent service.

So, putting my legislative hat on, I think that I've been very aggressive on legislative stuff. Start with technology. Before I came on board, I don't know if the city was thinking much about technology. But I have, if you've noticed now, because of my urging, the city's invested in social networking. You've probably seen the Web site. Now we have Facebook pages and Twitter. That's been my working with our city management. We're developing an iPhone application for the City of Long Beach. That was at my request on the city council. You will be able to, literally, on your iPhone, take a picture of graffiti and it will automatically GPS where it's at and send it straight to the city. It's incredible. We're hopefully going to be a Google test city. That's something that was at my request. I've been putting my public calendar online since the first day I was in office.

LBBJ: Is Long Beach up to speed on technology?

Garcia: No. We have major structure problems with technology. In my opinion, technology is one of those departments that has got to be always fresh and always new and innovative. Government is not good at being innovative, typically. So it's difficult, I think, for any government agency in the city or the state, to be forward thinking with technology. We've got to push it and reinvent what we do in technology.

I think, from a legislative perspective, I'm viewed as a technology guy, which is fine. I know a lot of this is my age, and I use it. I communicate to more people through Facebook, Twitter and my e-mail alerts than anybody in the city. I think that, whether it's the 4,000 people I communicate with on Facebook or it's the 8,000 people that get my e-mail or whatever else, I practice what I preach with open government. For me,

I could care less that people know what I'm doing and when I'm doing it and with whom I'm doing it with, and that extends to whether it's been a lobbying ordinance or whatever it's been transparent government. That's something I've been proud about on the council. I am someone who could get along whether I'm in a group from a labor union or a group full of business people. I can see both sides of the issue, and I think I have been a very, generally, reasonable voice on the council. I respect city staff. They respect me back. I support our city manager. If I disagree, whether it's a union or it's the chamber, if I'm going to disagree with someone on something they're going to always know it beforehand and I tell them my reasons why, and then move on. That's me.

LBBJ: How's your relationship with the mayor?

Garcia: I think my relationship with the mayor is good. Quite frankly, I think my relationship with everyone on the council is good.

LBBJ: Do you have meetings with the mayor? How about other councilmembers?

Garcia: I meet with the mayor regularly for breakfast I would say once a month, just the two of us. I think it's important for councilmembers to have a good relationship with the mayor. As far as other councilmembers, there are obviously some I talk to more than others, but I get along with all of them and I try to respect them.

LBBJ: Let's talk about the budget. We'll be facing a deficit. We don't know how much yet. So where does a councilman look to now to make up the deficit? Do you furlough? Do you cut police officers and firefighters?

Garcia: First of all, taking a look at last year's budget, I think we did a good job at bending the budget. We cut. We had to cut and put together a solid balanced budget that made government leaner but still provided essential of services. I don't believe that all the fat's been cut. The fat is never really cut in government. You always have an opportunity to reinvent. It's through technology that you're able to, I think, look at departments and look at the way we do things and be more efficient. . . . We're not going to cut police and fire. We're going to have to cut in other places. Government will have to continue to be a little bit more lean. Everyone else is doing it, and there's no reason why we can't do the same thing.

LBBJ: What is your feeling about the pension issue? Do you think we need to look at the costs and have the employees pay a little more into it?

Garcia: Well here's the issue, and you guys probably know, that municipality cannot force a change in pensions. This is a state issue, and it's an issue that's going to be decided at the state level. If there is ever going to be any type of change in our programs that we buy into with the city, it's going to come from the legislature and the governor. I'm open, and I have supported Councilman DeLong when he discussed it, in having robust study sessions on pension reform. We had one. We're having another in I believe the next 30 or 60 days.

LBBJ: We're not talking about legislation here. We're talking about negotiations with unions.

Garcia: I understand that. However, that is something that we can't mandate the employees to change. They have to come to the table with that, and so I think that last year was a success when we came to concessions from the groups. If there is going to be any change in pension structure, I really think it's going to be with new employees. As our workforce reinvents itself – as they age and the new workforce comes in – I think that is, for me, the low-hanging fruit in this; having really frank, open discussions with

our employee groups about the new workforce that's coming in. I think that's the first step.

LBBJ: Do you support the project labor agreement passed recently by port commissioners for the middle harbor project?

Garcia: They feel that they can control the costs. They'll get a more quality project, be able to have an apprenticeship program and at the end of the day be able to work with local labor. I think that, for me, when I look at the PLA for the port, I think it absolutely makes sense, particularly if the port is advocating for it. If the port was fighting every step of the way saying, "This is wrong. This is going hurt the project. This is going to make it cost more money," then sure, we should sit down and have a conversation. But when you have the Port of Long Beach saying, "We want this," and their reasons are, I think, very valid, I think it works. I absolutely support the PLA at the port. The biggest reason why is unlike other projects, we can ensure that, whether it's 25 percent or 30 percent or whatever the percentage is going to be, they are going to be people from Long Beach that are going to be put to work not in just great paying construction jobs but also in apprenticeship programs.

LBBJ: Is there going to be a way to track the program to make sure it's working the way people expect it to work? In other words, the number of jobs for Long Beach people and things like that?

Garcia: Absolutely. I think the port does a good job at trying to track those kinds of things. We should. We should have reports about tracking the number of jobs, what the pay is, how they compare to other regional jobs. Absolutely.

LBBJ: Are you happy with the progress the port's making in reducing emissions from trucks and ships and things like that?

Garcia: Absolutely. You talk about just the emission reduction with the trucks. We're talking like 80 percent. That's incredible. The reason why I supported the middle harbor expansion as well is because it's going to cut pollution. With those piers that are going to be renovated, we are going to be cutting pollution by 50 percent from activity at the port. I think that the port is doing a lot trying to clean and green the area, as well as the region.

LBBJ: Let's move to the airport. The president recently said the C-17 program is "waste, pure and simple." What do you think about that?

Garcia: I completely disagree. . . . We've got to fight for the C-17 and I certainly support what they're trying to do. . . . I was just in Washington, D.C., last week and I met with not only The Boeing Company but with all of our legislators advocating why the C-17 is important. The reality is that for some reason there is politics going on with the C-5 and the C-17.

LBBJ: Are you happy that the airport terminal improvements are finally getting underway?

Garcia: Absolutely. It's long overdue.

LBBJ: What about the city's overall economic development efforts? Do you feel that it's going in the right direction or does it need help?

Garcia: I think sometimes the city does lack a clear vision from where we're going. Overall, I think that we have weathered the economic storm better than most. The city's not falling apart. So I think that the mayor has done a good job at being a good steward in getting us through these very tough times. So now that hopefully we're pulling ourselves out of that . . . we need to look at what the future of Long Beach will look like. In my opinion, it looks like it's going to be a Long Beach that continues to support trade and transportation at the port, that continues it's operation in a green way, a city that has

to reactivate its beach. I've always thought that the reconfiguration of the breakwater is the biggest economic development driver we could bring to the coastline. We're closer than the city ever has been to that.

LBBJ: Your opponent says there are 22 neighborhood liquor stores. How that compares to other districts we don't know, but it seems like a lot.

Garcia: It's terrible. I'll tell you the two types of businesses we have way too much of: liquor stores and check cashing stores. I don't know what happened in the last decade that allowed the massive proliferation of these two. I personally have denied every single check cashing and liquor store application that has come to the council. I've denied them and will continue to deny them as long as I am in office because we have an over-proliferation. I can walk to three check-cashing stores within two blocks of my house. It's not necessary. . . . I'm committed to reducing the number of both liquor stores and check cashing stores.

LBBJ: What is Robert Garcia's political future?

Garcia: Well I think Robert Garcia's future is getting reelected and then just doing the best job I can on city council. I'm really enjoying it. I'll tell you this: I'm happy with what I'm doing now. I want to do this for the next four years and do the best job that I can do. If at the end of those four years I've done a good job, then I'll run for reelection probably. It's sort of looking into a crystal ball.

LBBJ: You're young enough where you have a lot of options. Where do you think you can be the most effective after your council time? . . . Do you think you could serve the city best in D.C. or in Sacramento?

Garcia: I'll start by saying I have no interest in going to Sacramento. One thing that I have no intention of doing is going to the state legislature. I think, why get on a plane every week and go up there. I understand that's horrific. Here's the other point. I have a career. Being councilmember is not my career. My career is in education. I'm getting my doctorate in two months in higher education. I've spent 10 years getting my B.A., my master's at USC and getting my doctorate. That is my love. My career is education. It's teaching. It's doing research.

LBBJ: So you want to be the next superintendent of schools?

Garcia: I want to teach. For me, my favorite thing to do is be in the classroom and teach. I'm not going to kill my career by going to Sacramento. I actually see my future in Long Beach. If I do anything politically, it's going to be in Long Beach. Right now it's being on city council. I'm focused on this election.

LBBJ: Your opponent told us that you moved into the edge of the district two years ago and referred to you as a "carpet-bagger." What is your reaction to that?

Garcia: First of all, I bought my home four years ago. This is the first home that anyone in my family has ever owned and I bought it myself. I've been in Long Beach for 17 years. When I looked to buy a home, I looked everywhere. I didn't look at what district I was in. I looked at a couple places in North Long Beach and downtown. I certainly couldn't afford to buy where I was living and renting in Belmont Shore. I bought a place that I could afford and I bought a loft in Downtown Long Beach. That was four years ago. When I bought my loft, Bonnie Lowenthal was on the city council. So that wasn't even on the radar screen. I don't buy the carpetbagger argument when someone buys. I can understand if you're renting somewhere, but I'm not going to make an investment with every penny that I've earned on a Russian roulette chance that I'm going to get elected on the council seat. That's ridiculous. ■



Jana Shields

A strong community activist, Jana Shields, 64, is running against Robert Garcia for the 1st District City Council seat for the second time in a year. She ran last April during the special election to fill the vacant seat. She calls the first time around a good practice run.

The 30-year resident of Long Beach has spent 14 of those years in the Drake Park area, working to address community challenges.

A linguist, Shields spent time in Mexico transcribing an unwritten language, Mixtec, and working with governments through SIL, Inc., what she described as a scientific church group, to help bring literacy to the Silacayoapan community. She co-founded and currently runs a nonprofit organization called Friends House at Drake Park, which provides after-school programs for youth, offers English classes for immigrants and sponsors community events.

She is the current president of the Willmore City Heritage Association (WCHA), where she is involved in preserving historic buildings. Shields is the co-owner of a building constructed in 1923 that she helped fully restore. She represents WCHA on the Central Project Area Committee for the Long Beach Redevelopment Agency.

Shields has a bachelor's degree in microbiology from the University of Arizona, a bachelor's degree in music composition from San Diego State University and a master's degree in linguistics with an emphasis in teaching English as a second language from California State University, Long Beach. Shields sat down with the Business Journal to discuss some of her top issues, including code enforcement, parking problems and too many neighborhood liquor stores in the district.

— Staff Writer Tiffany Rider

LBBJ: You ran a year ago in the special election. You garnered, what, less than 100 votes?

Shields: Yes. That is true. But you see, what you have to realize is that I'm the only one challenging Garcia, and 60 percent of the voters did not vote for him [last year]. The big question is this: are they going to say, "OK, I'm going to vote for him," or do they really have issues? I'm going after that 60 percent. Yes, I didn't get many votes, but I am the one that's in there challenging when all the others aren't.

LBBJ: Are any of the other candidates who ran last year supporting you?

Shields: Yes. Rick Berry is. He signed my nomination papers.

LBBJ: What about Evan Braude?

Shields: I've chatted with him. You know, I'm a registered Republican. I have the endorsement of the Republican Party.

LBBJ: There aren't too many Republicans in the 1st District.

Shields: There are 1,000. If I can motivate them, there's most of my votes right there.

LBBJ: That's the same story in other districts too.

Shields: That is one of my target groups because there is quite a wave in this country to bring balance. The Republicans are getting an audience with those that are in the middle. What is very interesting is that when politics shift very much to one side, those people in the middle say, "We need balance. We need a voice on the other side." That's part of what I'm doing. I would bring a balanced voice to the city council.

LBBJ: But historically the district has a very low turnout, with maybe 2,000 votes cast.

Shields: But, if you look at who votes, [many are] older . . . The 12 high-rise retirement facilities are full of old people. Those are the people who vote.

LBBJ: How are you doing with fundraising?

Shields: I just recently hit the \$10,000 mark. . . . I'm not paying anyone. It's all volunteers. I'm very good at designing literature. I'm very good at motivating volunteers, because that's what I've done all my life. So I'm running an all-volunteer campaign. I had excellent, free advice in how to lay it out and how to target my groups. We'll see.

LBBJ: Is there anything you learned from the first campaign that is helping you this time?

Shields: Definitely. I've learned a lot. It was a nice warm-up. Part of it is the timing of mailers. Part of it is learning what voters want to hear to decide to vote for you. Part of it is how important it is to get out, because about half of the district is in condos, but the other half are homeowners that you can actually talk to.

LBBJ: You're in the Willmore area?

Shields: Yes, right near Drake Park. It's two blocks west of Magnolia Avenue and 9th Street.

LBBJ: It's a historical district, right?

Shields: Yes, it is.

LBBJ: Tell us a little bit about your background. You teach classes, correct?

Shields: Yes. I have worked with the economically challenged all my adult life. I needed an umbrella under which I could work with people that are challenged, and I found a linguistics umbrella. I'm technically a linguist. I spent a number of years in Mexico and learned an unwritten language called Mixtec.

LBBJ: So you're able to go to Hispanic voters and speak to them in Spanish?

Shields: Absolutely. . . . I went right out of college down to Mexico and worked as a linguist in a language that had been unwritten and a friend and I reduced it to writing. We did linguistic papers because nobody had ever studied that language, and we provided them with literacy materials. In the process of working with these people I found out [about] immigration issues because many of them work in the states. In the early days they came legally, then there were all the problems and they started coming illegally. So I've learned from their side what the immigration issues are. Then I moved into this historic district and bought the building [I'm in] in 1996. I saw the immigration from the other standpoint because that particular part of the 1st District is very saturated with undocumented workers. I saw it from another point of view. As I was winding down with that project, I set up a nonprofit called Friends House at Drake Park. That is the umbrella under which I now work.

LBBJ: So how would you gauge success from your nonprofit? Is it the number of people you reach out to, or is there a way to quantify how successful it's been?

Shields: Let's put it this way: in the 14 years we've been doing it, probably 500 kids have actually come through our after-school program. We get them very young. We do it all in English. They are interacting with volunteers from other parts of the city so it's not just the people they know. We are challenging them that there's more to living in the U.S. than what you see in this community, and many of them go on to other programs.

LBBJ: Do you ever follow-up?

Shields: One of our volunteers [who] lives in the area [has] about six soccer teams with 95 local kids. What the soccer team does is that it gives them a group to belong to so that they don't

belong to gangs. It gives her access to kids that she can challenge in other ways, and some of them are willing to do other programs out of that. So here are 95 kids that she's keeping off the street and is showing them that you can be part of a group and not being in gangs. That is a success story out of what we started because she's from the neighborhood. She's got parents involved, she's got all kinds of others to help her with that. Most of her trainers for soccer are teenagers from that area, and they're learning how to do it.

LBBJ: So you've obviously got a long history with an investment in the community, the district and the people who live there. Isn't one of the criticisms of Garcia that he moved in like a year or two ago?

Shields: He moved in to the edge of the district two years before he ran. The assumption is that he did that just to run. Those of us that are in the district, trying to bring up the quality of life call him a carpetbagger because although he lives there, he doesn't live among us. He does not walk where we walk.

What's also interesting is that although he was born poor and raised poor, which he talks about, he has not worked among the poor as an adult. He talks about – I've heard him say this – the fact that his mother cleaned houses and so forth. But as an adult, he has not invested in the poor in the 1st District. What he invested in is that little strip of Pine Avenue that is an extension of the 2nd District. He worked to get a dog park, and he started the North Pine Association . . . it has nothing to do with the majority of the people in our district.

LBBJ: He's been in office almost a year. How would you rate his first year?

Shields: I want to alert you to something. He will give you a printed sheet of all his accomplishments. One of the things that he does, that is very much of a politician, is say, "I did this. I did this." But if you look at it, almost all of it, someone who preceded him got it going and he happened to be the last one to do it. For example: the skate park. He will say to you, "I found the funding for that." But the skate park is not his doing. Everything on that list, with a few minor exceptions, is stuff that was put in place that he's put his name on. Some of it is redevelopment stuff. But it was all there, and he has put his name on it.

LBBJ: So on a scale of one to 10, 10 being the best, how would you rate his first year?

Shields: From the standpoint of what he has started and put in place on his own initiative, I would put him down at about three or four because he is riding the tails of the people that went before him. He is a thin veneer politician. He has learned well how to do the photo-op stuff, and he has learned how to reward those who have supported his campaign. But from the standpoint of grass-roots people, he has done a whole lot of talking.

LBBJ: If elected, you will have to vote on the 2011 city budget almost immediately. A deficit is almost a certainty. Would you cut programs? Services? Furlough employees? Lay off police officers and firefighters? What would you do?

Shields: My goal is long term . . . since I am not backed by unions (I appreciate what unions do for the worker, but what they have done beyond that is a major issue) and 87 percent of our budget goes to pensions and salaries [we] need to renegotiate pensions. That will be a very hard thing to do because so many on the city council have been put in there by the government unions. . . . other cities are considering filing bankruptcy in order to have leverage to negotiate [pensions]. OK, that's long term. That's not something you can do in two months. . . . I would prefer furloughs to layoffs because you can't continually layoff people and expect work to get done.

From a standpoint of what I see in our district, one of the areas

that they tend to chop first is the parks and recreation [program]. . . . It is essential in keeping the crime rate down that they don't cut those, especially the Saturday programs. . . . We can't cut those any further. They're bare bone. I like the idea that the city is consolidating some of the departments, cutting out some of the bureaucracy. I'm sure that there's a little more of that that can be done.

LBBJ: Because you work with low-income people, I would assume you want to keep the city's health department.

Shields: I haven't looked into that. The assumption is that low-income people use it. But many of them don't know that these services exist. Part of that is because it's clear on the other side of the city. [The city's health department is located between Redondo Avenue and Lakewood Boulevard off Willow Street in the 5th District.]

LBBJ: What about police operations? Do you feel that the police officers are well deployed in the 1st District?

Shields: The Willmore City Heritage Association, of which I am president, has been an organization that has worked with City Hall a whole bunch in order to put in place stuff that needs to be there. One of the things that we did some years ago is we said what we need the same officers working beats so that they get to know the people and we get to know the officers.

LBBJ: Community policing.

Shields: Community policing. And what has evolved has actually come from the fact that the 1st District has said this is what needs to be and you [officers] need to get to know who these young people are and so forth. So from that standpoint, we like what's happening. The police are visible, they are often stopping gang members just to put pressure on them. They know who's paroled, they know what the issues are and they're very responsive to when we call them and give them information. They come to our community meetings. They are very accessible.

LBBJ: What about redevelopment dollars? Are you getting those in the 1st District?

Shields: One of the ways I have educated myself with redevelopment is that I'm involved with CPAC (Central Project Area Committee). I've been on that for four or five years. I understand how redevelopment works and understand how we on CPAC can influence what goes on. One example is the old Press-Telegram building on Pine Avenue. That went through CPAC and we had the opportunity to say, "You need to do this, this and this." It was our initiative that forced those guys to redesign it and put in more parking. . . . So that part of redevelopment, they are accountable to us, they listen to us and we have a whole lot of input as citizens.

LBBJ: Does the district have a parking problem, and what about alleys?

Shields: Let me tell you what the issues are. The alleys are declared alleys in the 1st District therefore they have not been maintained for 50 years. But they are really not alleys. We call them "courts" and "ways" because there are houses that face onto these alleys. We can't get redevelopment money because some city attorney way back declared them alleys. They're not alleys. They're courts and ways. They have names.

LBBJ: Do you have a lot of them?

Shields: Oh, there's a bunch of them. We're in the process right now of taking pictures of them and saying, "These are the top 10 that need to be fixed." It's not just potholes, but they're worse than your alley I'm sure. So the courts and ways are a major issue. If we can get this current city attorney to declare them back to courts and ways, then we can get redevelopment money.

Parking is absolutely horrendous. One of the things that

Garcia did is he had this big meeting and we talked about it. . . . One of the old timers says to him, "Don't you guys have files from before? We've been talking about this for the last 10 years. It's just a talk." He says he's going to come up with another 300 parking places, but he's talking about the places of businesses that have parking lots that are not used a lot. Not residential spots.

LBBJ: What about code enforcement issues?

Shields: One of the things that we as a neighborhood [Willmore area] have been able to do for ourselves is to . . . put some teeth into what code enforcement can do. . . . They issue a warning if there's a code enforcement problem, then they can issue citations. That is one of the key things that has gotten our neighborhood cleaned up. If something is in violation, the citation is something to get the absentee landlords working on it. So we work very closely with code enforcement.

Another thing that has started in our district are the block captains. So a person who is working with code enforcement has two blocks they're assigned to. They periodically walk it and say, "There's a major issue with this building." They come to the code enforcement community meeting, and the code enforcement people are right on it. The other thing code enforcement has been doing is they are sending out guys saying, "OK, there are couches and junk sitting here," so they then call the city trash guys and they come pick it up. That has been very much a help. It's our neighborhood that helped get the teeth into code enforcement.

LBBJ: Are there other neighborhoods other than Willmore that are doing the same thing, getting involved?

Shields: Not in the way that we have. What we do has affected the whole city. Another thing that started in our neighborhood was graffiti paint outs. I moved there in 1996, and the guy who lived across the street was a paint contractor. Several years before I moved there, he said, "Zero tolerance on graffiti." He started getting people to paint it out. What we proved to the city was that when you have zero tolerance for graffiti, it really makes a difference. From that has come the [program for] zero tolerance for graffiti in the city.

LBBJ: Your campaign flier says 22 neighborhood liquor stores make alcohol available to minors. Can you talk about that?

Shields: These are all in residential areas. . . . The situation is that where I live, within three blocks there are four little neighborhood markets that you can get liquor at. I drove through the whole district and there are 22 of these. Now these are not the big grocery stores. We're talking the little markets. If some kids want alcohol, all they have to do is pay this guy to go in and buy them alcohol and they've got it. We need to eliminate the number of neighborhood liquor stores in order to help reduce the crime.

LBBJ: Are you supportive of the plans to improve the airport terminal?

Shields: Yes, to improve it, but not for expansion of the number of flights. I used to live under the take off pattern. We as a city need to continue to control it. Improve it so we can use it.

LBBJ: The port has made huge strides over the last few years to reduce emissions. Are you pleased with the progress that has been made?

Shields: I think it's a start. I live on diesel alley, a stone's throw from the I-710. The incidents of asthma in our area is 30 to 40 percent higher than normal. I'm also for keeping independent truckers as part of it. Let's upgrade the trucks, help them buy a cleaner truck.

LBBJ: That's the mayor's program.

Shields: That is the mayor's program, in contrast to the L.A.

program where they're pushing unions. I've stated my position on unions. Let's help the people, but let's not go to the point where they're dictating.

LBBJ: Do you agree that the port is extremely important to the local economy?

Shields: Yes. The idea of ships hooking up to electric outlets and shutting off their engines is great; however we need to upgrade the port to make that available.

LBBJ: Garcia came up with the Equal Benefits Ordinance. Do you support that ordinance?

Shields: I would have to look at the impact. . . . My sense is that Long Beach is already hard for businesses to deal with. It's just not business friendly. It's not contract friendly. If this kind of thing is going to make it even harder, then I question it. We need to make Long Beach more business friendly.

LBBJ: It seems you're pretty much pro-business, at least you understand the importance of business. Yet the Long Beach Chamber supports your opponent. Why is that?

Shields: The chamber is wishy-washy. The chamber looks at glitter. The chamber wants to back the candidate that's going to win. No one thinks I'm going to win. And that's fine. I think they're going to be really surprised.

LBBJ: Well that's a good attitude.

Shields: Well Garcia is an outsider. He doesn't know the demographics.

City Prosecutor's Race

Doug Haubert



Doug Haubert, 41, received his bachelor's in political science from the University of California, Santa Barbara, in 1991, and his law degree from the University of Pacific, McGeorge School of Law in 1999. He was hired as a law clerk in the Long Beach City Prosecutor's Office in August 1999. Haubert passed the California Bar and was admitted to practice law in December 1999, at which time he became a deputy city prosecutor under current Long Beach City Prosecutor Tom Reeves. Haubert left the city employment in May 2001. He is currently a partner in the law firm of Aleshire & Wynder, a public law firm in Irvine that contracts with public agencies to provide "a wide spectrum of legal specialties."

Haubert has more than 10 years of experience prosecuting and is a self-proclaimed expert on code enforcement prosecution. His experience includes stints as city attorney, deputy city attorney and/or city prosecutor for several Southern California cities, including Carson, Hesperia, Irwindale, Lawndale, Palos Verdes Estates, Signal Hill and Yucca Valley.

His community service in Long Beach includes work as a PTA and school volunteer, as well as serving on the Long Beach Ethics Task Force, where he advocated for a lobbyist registration ordinance and against "discretionary funds" used by politicians.

Haubert has ties to the city dating back to when his grandfather, Lt. Col. Harvey Stockwell, ran the Junior ROTC programs at Poly, Wilson, Jordan and Millikan high schools.

Haubert is known for successfully prosecuting some press-worthy cases in Long Beach, including the 14th DUI arrest of Philip Webster almost 10 years ago and the trial of slumlord Henry Crossman. His three-point plan for city prosecutor includes getting maximum sentences for misdemeanor criminals, making

schools safer and protecting the quality of life in Long Beach by prosecuting slumlords and following what he calls the “broken-window theory.”

During his interview with the Business Journal, Haubert criticized the experience of his opponent and discussed his involvement in community prosecution and the high number of endorsements he has received.

– Staff Writer Tiffany Rider

LBBJ: Let’s start with this question because this came up not only from your opponent but we’ve also heard this from other people in town. And that is that your original intention was to run for city attorney, thinking the incumbent would be retiring and not running again in 2010. When he announced he would seek another four years and the incumbent city prosecutor said he would run against him, that’s when you decided to focus on running for the city prosecutor’s office. That’s one of the reasons you were able to get all those endorsements so quickly because you already had them lined up for the city attorney race. How do you respond?

Haubert: I was not planning to run for either city attorney or city prosecutor. I’ve lived in Long Beach for a long time, and on occasion people have asked me to consider running for some office. I’ve always said no. I’ve enjoyed what I do right now. I’m a partner at a law firm. I get to be a city attorney and a city prosecutor on a contract basis without being an elected official, and I think I get a lot done that way.

I was not planning to run for city attorney. I was not planning to run for city prosecutor. The reason why I have so many people supporting me is because I have been in the community for a long time and I’ve worked with people on the ethics task force here in Long Beach. If you look at my list of supporters, Doug Otto was on the Long Beach Ethics Task Force with me. Felton Williams was on the ethics task force with me. Ed Barwick was. The principal of Wilson High School, Sandy Blazer, was on the Long Beach Ethics Task Force. Rev. Harden was on the ethics task force. My treasurer, Betty Ann Downey, was on the Long Beach Ethics Task Force with me.

I’ve also served on the airport advisory commission during a very difficult time and people on both sides of the issue support me because I have a clear head, I think things through, I have a balanced approach, and I care about Long Beach. I have a reputation for being passionate about the city and for caring about the city, and I think that’s why I got all these endorsements.

LBBJ: So the bottom line is you had no thought of running for city attorney, as we’ve heard from several people, including your opponent.

Haubert: Nope. I can guarantee you I was expecting Bob Shannon to run for re-election. I never heard that he wasn’t going to run. I expected Tom Reeves to run for re-election, and you never would have met me today if they had just run for reelection. I am sure of that.

LBBJ: Another issue that has come up is your title on the ballot. I have to tell you that we have a little bit of a problem with the title that you’re using which is City Attorney/Prosecutor.

Haubert: There is no way to say what I do that is more truthful and forthright and accurate than saying I am a city attorney and a city prosecutor. There’s just no way to say it other than that. What do I do for a living? I am a city attorney and a city prosecutor. When I go to cities, they refer to me as their city attorney and their city prosecutor. That’s all I do.

LBBJ: If I’m a voter and I don’t know you and I don’t know your opponent, and I don’t understand the role of the prosecutor’s

office, and I look at the ballot and it says “Timothy O’Reilly, Assistant City Prosecutor,” and “Doug Haubert, City Attorney/Prosecutor,” it looks like you’re at a higher level. It’s like you’re a city prosecutor and he works for you.

Haubert: You’re given three words. I didn’t write the elections code. The elections code says you have to list three words.

LBBJ: So you could say “Partner Law Firm.”

Haubert: Well that wouldn’t tell people what I do. As a partner at a law firm, I could be writing wills.

LBBJ: The point is, it looks like on the ballot that you’re his boss. That is misleading to me. Your opponent can’t put anything else – he is the assistant city prosecutor.

Haubert: If Tim O’Reilly were honest with you, he’d tell you that for 17 years he’s been working as a criminal defense attorney. I don’t know if he told you that. I’ll bet he didn’t.

LBBJ: I think we talked about it a little bit, and it’s also in his bio.

Haubert: What’s more accurate: saying he’s a prosecutor when he’s just been a prosecutor for a couple of years, or saying . . .

LBBJ: Prosecutor since 2006 I believe.

Haubert: OK. For 17 years he’s been a criminal defense attorney trying to keep criminals out of jail, trying to keep criminals off the streets, not trying to put them in jail. I’ve been a prosecutor for 10 years. He gets to put on his ballot designation “Assistant City Prosecutor.” That’s the rule. I’m not complaining about his ballot designation. I’m not jumping up and down saying, “He should put criminal defense attorney.”

LBBJ: But his current title is Assistant City Prosecutor. That’s totally legitimate.

Haubert: And mine is city attorney and city prosecutor. That’s what I do.

LBBJ: Where have you been the city attorney?

Haubert: Yucca Valley.

LBBJ: That’s the only place?

Haubert: Correct, where I am the city attorney. Every city designates one person as their city attorney. In that one city I am the city attorney.

LBBJ: Is that out in the desert?

Haubert: It’s out by Palm Springs. Yes.

LBBJ: So you’ve been the city attorney in one city.

Haubert: If I walk into Signal Hill or if I walk into Lawndale and if you ask those folks, “Who is Doug Haubert?” They will reply, “He’s one of our city attorneys.”

LBBJ: I understand that. Wait a minute. You just said Tim O’Reilly has only three and a half years of experience as a city prosecutor. But you’ve just served one city as city attorney. You’ve made it seem like, because of the ballot designation, you’ve served a lot of cities.

Haubert: I do. I have to file form 700s. I do the legal work and I am the city prosecutor for a number of cities. Do you want me to give you some of those cities?

LBBJ: So on the city prosecutor’s side you’ve been with a number of cities?

Haubert: Absolutely. And you know what? If I had put “City Prosecutor” on there, it would have been absolutely legal and truthful, but would you have said that is more misleading than “City Attorney/Prosecutor?” I could have put “City Prosecutor,” and I thought, “I’m going to be honest about this. I’m a city attorney and a prosecutor.”

LBBJ: How about “Part-Time Prosecutor?”

Haubert: That’s what I do? Why would I say part-time?

LBBJ: Well if you’re not doing it full-time . . . If you’re a city attorney in Yucca Valley, you’re not a city prosecutor in Yucca

Valley.

Haubert: I am. I am the city attorney and city prosecutor in Yucca Valley. I'm the city prosecutor in Palos Verdes Estates, by the way. I've been city prosecutor in Signal Hill, in Lawndale . . .

LBBJ: As a city prosecutor, you work for a law firm which is contracted out by these communities that don't have their own city prosecutor or city attorney for whatever reason . . .

Haubert: Most cities don't have their own city prosecutor or attorney.

LBBJ: And that may be for cost reasons or they're not big enough to have a full city attorney's department. So they go to a firm like the one you work for, and they have a contract and they say, "OK, we want to use your people to serve as city attorney and city prosecutor." Your law firm can appoint anybody it wants from within the company.

Haubert: As I said, I've been a city prosecutor for 10 years, and I started off as a deputy city prosecutor right here in Long Beach. I got great trial experience. I had a number of jury trials that received a lot of attention by the press. I've prosecuted DUI [driving under the influence] cases. In fact, in one of my cases, a person got the maximum sentence for a misdemeanor. I thought it should have been a felony. I went to the state assemblyperson's office and she introduced legislation to make it a felony for someone that had four DUI convictions within a seven-year period.

LBBJ: Who was the city prosecutor when you worked here?

Haubert: Tom Reeves.

LBBJ: So you've worked for him?

Haubert: Yes. Tom hired me. I was the second person Tom hired here. After I prosecuted Phillip Webster, who was convicted of his 14th DUI, he went to jail for a year. A year is the maximum sentence that you can get. The judge couldn't give him any more than a year. We thought it should have been a felony, went to the state assemblywoman and she introduced legislation to make it a felony. I've prosecuted slumlords. I've actually put slumlords in jail. Henry Crossman was a famous case on the Westside.

LBBJ: This is during your time working for Reeves, right?

Haubert: Yes . . . Crossman packed two houses with parolees and sex offenders. It got headlines at the time. Newspapers editorialized in favor of the office prosecuting slumlords here in Long Beach. I've actually been a trial prosecutor and I've put people in jail.

LBBJ: Why did you leave? It sounds like you were on a roll.

Haubert: I had an opportunity to do this for a number of communities. I also wanted the opportunity to not only prosecute under the laws, but to write the laws. One of the problems with the city prosecutor's office is that they see the world with a very narrow focus. They prosecute the crimes, but they have no hand in the actual drafting of the ordinances. One of the problems here in Long Beach is that you have two separate offices and sometimes they don't communicate. So the city attorney's office will write an ordinance, and the city council will adopt the ordinance. The city prosecutor's office will say, "We're not going to enforce that ordinance." Why? I don't know why, but at some point the two offices should be talking. I had the opportunity to actually write ordinances and actually prosecute under those ordinances, so I have those experiences.

LBBJ: Should we merge the two offices? There's been a lot of talk about it.

Haubert: I have an open mind to the subject. One of the biggest differences between my opponent and myself is he seems to have already made up his mind that there is no better way to do it than the way we are currently doing it. I believe if we look at the efficiencies of the two offices and the budget savings from the

two offices . . . if a study showed that it saves taxpayers money and you could do a better job by doing it differently, I would support that.

LBBJ: It doesn't sound like there would be a lot of savings . . . you're not going to eliminate attorneys. You're probably going to have the same number.

Haubert: You might. Tim O'Reilly is a manager. My opponent manages the office. He's not a prosecutor; he's not a trial prosecutor.

LBBJ: Are you saying that Tim O'Reilly is not qualified to serve as city prosecutor?

Haubert: I don't know that he's ever prosecuted a case. I don't know of a single trial that he has brought as a prosecutor. I know that he spent at least 17 years as a criminal defense attorney, but I don't know of a single case that he has prosecuted as a prosecutor.

LBBJ: So your bottom line is you have more experience as a city prosecutor?

Haubert: I have far more experience as a city prosecutor and I have far more experience as a prosecuting attorney prosecuting people for violations of the law than my opponent does. Far more.

LBBJ: What was your involvement in the community prosecution program?

Haubert: Community prosecution is a program that Tom Reeves started. It actually came out of San Diego. The concept is really an extension of community policing. Instead of police officers only responding to calls, they would be proactive. Police officers would meet with the residents and the neighborhood leaders and community leaders and gain their trust. It basically helps to keep crime down because then they know what's happening in the neighborhood without just responding to calls. So Tom brought this program from San Diego called community prosecution, and Tom asked me to be the first community prosecutor. We developed the program. We called it community prosecution at the time. It changed its name to Impact. James Young was the Impact prosecutor after me.

James Young has endorsed me. He has worked with both Tim O'Reilly and myself, and James Young is supporting me because he knows I would bring that community prosecution program back into the office. I think it's important. The quality of life crimes in Long Beach I don't think are being adequately addressed. I know that there are budget issues in Long Beach, but I think the typical response of any bureaucracy is, "We can't do it. There's not enough money." I think the response should be, "We're going to have to work harder and we're going to have to work smarter. We're going to have to be more efficient." Having a proven trial prosecutor, like myself, as the city prosecutor will save money because I can actually try cases as a prosecutor. I have that experience.

LBBJ: In your experience, how have domestic violence cases been handled? Does the office do a good job, or is there more that could be done?

Haubert: Assistant City Prosecutor Sharon Panion who recently retired, was the head of the domestic violence unit in the office for many years. She's endorsed me. The reason she's endorsed me is because she's worked with Tim O'Reilly and she's frustrated over how that program has been dismantled. It was once a model program that other courthouses looked at. . . . That whole program, from what I understand, has been dismantled. There is no longer a prosecutor that's experienced in that area that's dedicated to that area that handles those cases. I understand that part of it has to do with budget, but again I think that's a typical bureaucratic response that, "We just don't have the money to continue

these programs.” I think you have to work harder. By the way, there are more prosecutors in the office now than there were when I was in the office.

LBBJ: Code enforcement is a big issue and affects quality of life. What do you feel you would change that’s currently being done with code enforcement issues, if there is anything to change?

Haubert: I believe in the broken window theory. The broken window theory is rather simple. When people see that nobody cares about a house or apartment building, it sends a message to criminals that they can do what they want at that apartment building or on that block. It sends a message also to the public that nobody cares. One block can easily become two or three blocks, and it sends a message to criminals that this is a place where no one is watching; nobody cares about this neighborhood.

Once you’ve lost a neighborhood, and it starts with that broken window, but once you’ve lost that neighborhood, it’s very hard to win it back. The problem will grow. If we don’t contain crime in Long Beach, crime is going to grow. The broken window theory suggests that early intervention and focusing on the slumlords, who are taking money out of properties in Long Beach and are not putting money into it. I think that’s one of the biggest problems we have here in Long Beach. The mainstream real estate community has always been wonderful. . . . There are a handful of bad apples. There are a handful of slumlords who are not taking care of and maintaining properties and they’re allowing them to go downhill. They’re renting to whomever, whether it’s sex offenders or parolees, whoever they can to make money. Those people aren’t going to complain about housing violations, and that’s how one block becomes a neighborhood of blight.

LBBJ: One of the big issues is overcrowded jails.

Haubert: It’s a big problem.

LBBJ: If you’ve got thousands of cases a year that you’re dealing with as city prosecutor, how do you deal with the fact that you might put somebody away and the next day they’re out?

Haubert: It’s very frustrating.

LBBJ: Are there any other ways to deal with this?

Haubert: Obviously I want to work with the other agencies. Sheriff Lee Baca is endorsing me.

LBBJ: He’s one of the ones letting prisoners out early.

Haubert: Every sheriff in the state is letting people out early. There is no room in the jails. I think the city prosecutor needs to be part of the solution, but I think that’s not the primary focuses of the prosecutor. But I do think that is one of the biggest problems with public safety today is that the police are arresting people, the prosecutors are convicting them, and there’s no room in the jails to hold them so they’re back out on the streets again.

LBBJ: So do you have any answers for that? Do you want to build more jails?

Haubert: Well, ultimately we’re going to have to, but I also think that intervention and prevention programs need to work too. We need to keep kids out of gangs at an early age. My opponent also thinks there’s no role for the city prosecutor’s office in deterring kids from getting into gangs.

LBBJ: That’s troubling to hear.

Haubert: Did you talk to him about it?

LBBJ: We talked about gangs and he seemed pretty aggressive on the issue.

Haubert: I believe that by working with the schools, we can keep kids out of gangs. I’m willing to spend my own personal time whenever necessary to work with the school districts to keep the kids out of gangs. Every member of the Long Beach School Board has endorsed me. Superintendent Chris Steinhauser has endorsed me. I want to make our schools the safest schools in America.

We’ve already built the best urban school district in America and Long Beach Unified has been recognized as one of the best. I want to make our schools the safest urban school district in America.

LBBJ: How much money have you raised thus far?

Haubert: I’ve raised around \$65,000.

LBBJ: How much do you think you need to raise?

Haubert: I hope by the end of this that I have \$80,000 to \$100,000.

LBBJ: Is there anything that we haven’t brought up that you would like to talk about?

Haubert: My opponent has started a negative campaign in order to deflect attention to the fact that he’s been a criminal defense attorney for 17 years.

LBBJ: How has he started a negative campaign?

Haubert: I’ll send you the letter. He’s lied about me. He’s sent out a letter to people with lies about me. I’ll send you that letter. He’s been a criminal defense attorney for 17 years. He’s been working to not put people in jail but to get people out of jail, and he doesn’t want to talk about that. I think that is the most important issue of this whole race, the fact that the vast majority of his experience has been as a criminal defense attorney effectively working against prosecutors. He doesn’t want to talk about that, and there’s a reason why he doesn’t want to talk about it. It’s because he doesn’t have the experience that I have. He certainly doesn’t have the support that I have in the community. ■



Timothy O'Reilly

In his 20th year of practicing law in Long Beach, Assistant City Prosecutor Timothy O'Reilly is a military man. He was commissioned into the United States Army as a field artillery officer after graduating from California State University, Long Beach (CSULB), where he was named a distinguished military graduate. O'Reilly earned a bachelor's degree in political science with a focus in public law at CSULB. He earned his law degree from Whittier College School of Law.

O'Reilly was appointed to the California Army National Guard in 1986 and was mobilized several times during his 24-year military career. This includes leading soldiers during the 1992 Los Angeles Riots and peacekeeping service after the 1994 Northridge earthquake.

The 45-year-old was last deployed in 2005 for a yearlong stint as part of Operation Enduring Freedom and was assigned to the Joint Detention Operations Group in Guantanamo Bay, Cuba, where he supervised a guard force of several hundred troops. After returning from his overseas deployment, he joined the Long Beach City Prosecutor's Office as a deputy city prosecutor and in 2007 was promoted to assistant city prosecutor.

O'Reilly is a past president of both the Long Beach Bar Association and the Long Beach Barristers. He currently serves as an instructor in the laws of arrest and the laws of evidence for new recruits at the Long Beach Police Academy. O'Reilly is still involved in the Army National Guard as a lieutenant colonel. He serves as commander, Training Site (Garrison), Joint Forces Training base, Los Alamitos.

O'Reilly sat down with the Business Journal to discuss the role of the city prosecutor, as well as his plans to combat gang violence, jail sex offenders and improve the quality of life through code enforcement.

– Staff Writer Tiffany Rider

LBBJ: Explain to our readers the role of the city prosecutor is.

O'Reilly: Long Beach is very blessed to have a city prosecutor's office. There are very few cities that have an independently elected city prosecutor. It is a form of government, much like the county has, where you divide your criminal prosecution to the district attorney's office and they have their civil responsibilities in the county counsel's office. Long Beach has its criminal responsibilities in its city prosecutor's office and its civil responsibilities in the city attorney's office. This is a form of government that was designed I believe back in the 1920s to essentially avoid some of the conflicts that arise commonly in municipal government, in municipal prosecution. Like the City of Los Angeles, they have a unified system. They have one elected official, but immediately below that elected official there is basically a head of the criminal division and a head of the civil division who answer to the city attorney himself. Overall I like our system because I think that system has a problem with conflicts of interest; the legal conflicts where you have to turn, quite often, to outside council. When you have a conflict come up – say maybe it's a use of force case where police had to use force against a person to subdue them and they resist arrest and we begin prosecuting them for resisting arrest, and then say that same person turns around and sues the city. Oftentimes there's a legal conflict there where the city can't represent itself because now you have a unified decision-maker saying, "I'm going to prosecute you because you violated this law." You have to then take the civil aspect of it and assign it out. If we haven't learned anything recently in some of our cities with outside council, it gets very expensive very fast. I think this is a system that frankly provides a better form of government, and it certainly provides a system that best protects the citizen of Long Beach both from the criminal side where you've got an independent elected official making those decisions as to what cases you proceed and don't proceed, and also protecting the city's pocket book as best as possible. Again, it's an independent body that's making decisions.

LBBJ: Part of our job is to educate our readers on the role of the prosecutor's office. It's probably the most misunderstood office in city government.

O'Reilly: We work predominately on a case-by-case basis where the police department comes in and presents a set of facts, and a lawyer . . . looks at what that fact pattern is and says, "Yes, it appears there has been a crime committed and yes, there's enough evidence that can prove that case beyond a reasonable doubt in front of a jury."

LBBJ: How long have you been the assistant city prosecutor?

O'Reilly: I've been the assistant since 2007. I'm coming up on my third year.

LBBJ: So what exactly does the assistant do?

O'Reilly: There are two management personnel in the office; one is the elected official, which is Tom Reeves. I'm the other one. I basically supervise, evaluate, guide decisions on what cases get prosecuted and don't get prosecuted. I set policies with the consultation of the elected official. Basically it's a policy-making position, supervising all that goes on in the office.

LBBJ: Do you go to court?

O'Reilly: Yes. I go to court. I don't often handle trials anymore since becoming assistant. I've had a number of occasions where we have come up short lawyers and I've grabbed files and jumped in and said, "I will answer ready for this trial on this case," just to make sure we've got enough lawyers.

LBBJ: I'm sure that you get thousands of cases.

O'Reilly: There are thousands of cases over the course of a year. Our office handles the misdemeanors. We don't handle the

felonies. The felonies are handled by the district attorney's office. All misdemeanors that occur in the City of Long Beach are within the jurisdiction of our office. When you start looking at what the work of the police department is, it winds up that 80 percent of what they do is misdemeanor stuff that comes in because these are the offenses that most of us see. They file about 200 felonies a month with the district attorney's office. With our office, we get somewhere around 2,000 cases a month.

LBBJ: So give us an example of what kinds of cases we're talking about.

O'Reilly: On the lower end of things you might have littering. Believe it or not, spitting on the sidewalk is illegal in Long Beach.

LBBJ: You haven't prosecuted anyone for that, have you?

O'Reilly: Believe it or not, we have. We had a gentleman – this was about a year and a half ago – he was a serial spitter. He not only took his serial spitting to the sidewalk but he began spitting on families.

LBBJ: Well that's a little different.

O'Reilly: Has it been prosecuted? Yes, it has been. But those are the kinds of offenses that you try to basically regulate. You don't sit there and compare that to a domestic violence case we handle, or a drunk driving case. When I was a deputy in the office, I tried a stabbing case that the district attorney's office did not take because there were some problems with identification of actually who did . . .

LBBJ: So you have the option to pursue if the D.A. turns down a case?

O'Reilly: Yes. Oftentimes what happens is that they will make a determination that there's no felony-level conduct. We'll get cases that are all kinds of crimes that are both felonies and misdemeanors. The term we use for them is wobblers. The district attorney's office will look at those crimes that are wobblers. Domestic violence is a very good example. On a domestic violence case, they could, if the injuries are serious enough and the conduct is serious enough, they can take that and prosecute those cases as a felony. Oftentimes they don't because of problems with proof, or injuries aren't severe enough, those kinds of things, and they'll refer it to our office. In fact, we handle the bulk of the domestic violence cases in Long Beach.

LBBJ: How many are we talking about in a given year?

O'Reilly: I think 700 is about what we filed last year and it has been higher in the course of a year.

LBBJ: For just domestic violence?

O'Reilly: Yes, for domestic violence alone.

LBBJ: So you're talking two to three a day?

O'Reilly: Yes.

LBBJ: What else do you deal with?

O'Reilly: We deal with sex offender registrants. This is a huge issue that we're dealing with right now as the requirements get more onerous. We're getting more and more people not registering at a residence address. They're registering as homeless, and that creates a huge increase in work on the police department. Instead of it being an annual requirement, it then becomes a monthly requirement and if a sex registrant fails to register on a monthly basis, that's a misdemeanor. It's not a felony. If they register homeless and they fail to make their homeless registration, it's a misdemeanor offense. If they fail to make their annual registration and they have been convicted of a felony, that's a felony.

LBBJ: How many registered sex offenders do we have in Long Beach?

O'Reilly: The number is around 1,000. The majority of them are listed online. There are some sex offenses that are not part of the Jessica's Law database.

LBBJ: Isn't it true, with the jails filled, that it's tough to put people in jail and keep them there?

O'Reilly: It really is. . . . I do believe in alternative sentencing. The reality is that we've had cases where you can put somebody in jail, say a public drunk. . . . The police come and take this person away, and maybe they're a habitual drunk and they wind up getting a substantial jail time sentence. The county jail is full enough that that person will oftentimes spend little to no time, once they hit the county system. . . . So alternative sentencing is definitely something the next city prosecutor has got to understand.

LBBJ: What are some examples?

O'Reilly: We have a program that we run – this is something that [City Prosecutor] Tom Reeves set up – called community service work where there are literally thousands of hours dedicated in our city by people who have committed a violation. . . . For most of those offenses, we'll say, "Look, you violated the law. Do us a favor and go work in the park for a day. If you work in the park for a day, we won't prosecute you for this." We see that for a myriad of minor offenses where people maybe lose their cool. . . . This is not something we really want to use the resources of a prosecutor full time, taking it to court and a jury if we can avoid it.

LBBJ: You're involved in gang-related crimes, right?

O'Reilly: We absolutely are. The prosecutor's office has had two gang injunctions in place since early in Tom Reeves' first term. We just got a third one from the courts dealing with the Insane Crip gang. This was the gang involved in the Melody Ross shooting. The area where their gang originates from has been designated by the courts as a safe zone. Again, that was just granted last week and we have been very aggressive in doing this because it is designed to give police tools to talk to these people, contact these people, find out if they're up to anything.

LBBJ: So if gang members are found in a particular area, the police could arrest them for violation of curfew or whatever. . . .

O'Reilly: I think I see where you're going with this, but in order to answer that correctly, this person would have to have been served with a gang injunction and subject to it. If a person is subject, they're listed on the gang injunction. . . . maybe that person is violating curfew. Can the police go and contact that person and arrest that person? The answer is yes. This is exactly what the injunction is designed to do; focus on the types of offenses that are predicate offenses for gang activity and to stop it before it goes too far.

LBBJ: And then they turn it over to you?

O'Reilly: Yes. They turn it over to us as a violation of a court order. Then we begin prosecuting.

LBBJ: Do you get involved in prostitution cases?

O'Reilly: Yes.

LBBJ: Do you do stings?

O'Reilly: The police do. You bet.

LBBJ: Do they work with your department on that?

O'Reilly: Sometimes we'll help educate them on what things they can and can't do.

LBBJ: What about use of illegal fireworks?

O'Reilly: Use of illegal fireworks is something we prosecute. Absolutely.

LBBJ: How about recent issues in Belmont Shore with some of the bars?

O'Reilly: The rowdiness? You bet. Oftentimes it's either fighting in public or drunk in public cases. Most of those come to us as drunk in public cases.

LBBJ: Can you shut down a bar?

O'Reilly: Generally speaking, that's something that crosses over into the civil realm. Certainly the number of contacts the police have can help determine if the place is a nuisance. We can file nuisance abatement actions as a criminal action, but that is rarely used.

LBBJ: Are you involved in the approval of alcoholic beverage licenses?

O'Reilly: No. Generally we are involved in the prosecution of the people who violate the terms of their license. We do a lot of sales to minors and underage drinking cases, but the city attorney's office generally deals with the licensing.

LBBJ: So with all of these different types of cases, within a day or two the information gets to the city prosecutor's office?

O'Reilly: Depending on the nature of the case, we will have them sometimes within several hours of the arrest. If the person is in custody, the police have 48 hours in which to get the paperwork to us and have us file it with the courts.

LBBJ: And it's the sole discretion of the prosecutor's office as to which cases it pursues and which are let go, correct?

O'Reilly: That is absolutely true. That's exactly the prosecutor's function is to look at what the police has done and say, "Yes, a crime has been committed," or as oftentimes – and this is probably one of the most frustrating things as a prosecutor – is that you will know that a crime has been committed but the evidence isn't there. We have to make that determination. Someone could say, "We know he did it." We can say, "Yes, you're probably correct." It's very frustrating to sit there and tell a citizen, "Yes, I understand that this happened, but I don't have the evidence that I can present to 12 people and have them believe beyond a reasonable doubt our side of the story."

LBBJ: So most of these individuals are put back on the street, right? You can't hold them in jail.

O'Reilly: No, that's not true. A lot of misdemeanants are set on bail, but with the vast majority there's not room enough to hold all of them. . . . People coming from Long Beach alone, pending trial in 30 days, would overwhelm the jail system. You think you've got jail overcrowding now; try keeping your misdemeanor offenders in custody and you will swamp that system in the course of a week.

LBBJ: Do you have the right to pull somebody's driver's license? Say, a drunk driver?

O'Reilly: The legislature amended the law in 2005 and took that away from the courts as a general rule. They gave that power to the Department of Motor Vehicles (DMV). There's a very narrowly defined area of the law where a license can be taken away from somebody by the courts, specifically driving on a suspended license. For drunk driving, as strange as that may sound, the court no longer has the power to suspend someone's license.

LBBJ: So does your office encourage the DMV to do that?

O'Reilly: The DMV operates as an independent judicial body. So our encouragement or lack of encouragement is not really a factor. Certainly we work with the DMV very closely. We send them abstracts. The court system is supposed to be reporting all this to the DMV. Sometimes it doesn't get there because our courts and our clerks are overwhelmed with what they're trying to do. So we will coordinate with the DMV on that level, but their process is an administrative one, follows a very strict set of rules and if you violate those rules you lose your license.

LBBJ: What about code enforcement?

O'Reilly: Essentially the city has a series of inspectors. They

will go around and they will take complaints from citizens as far as, “Hey, this house over here looks really bad or it’s falling down.” They will go and see if they can find any violations or see if there’s something there that the house is not complying with [such as] building requirements, health requirements. Maybe there’s a fire code violation. They will then contact the property owner saying, “We need to get this in compliance.”

This is one of those areas where there are differences in prosecutorial philosophy. Some people take the perspective of, “Hey, you know what? Code enforcement is an area we can go in and get money from a landlord.” The other philosophy that I come from is, that the city has a huge number of people dedicated to this process: code enforcement, fire department, health department people. You’ve got to let them go through their process of trying to get people in compliance, because ultimately that’s what we do.

Let’s say you have some house that is not in good repair and I come in and prosecute you for it. You plead guilty day one of my prosecution. If you are one of these people we were talking about earlier with the attitude, “Forget it. Put me in jail,” what have I changed on the ground? The answer is I changed nothing. I still have a house within this community that is not meeting regular decent standards. If you start off with the prosecutorial mentality on these, you’ve already lost the battle. Not only that, but you’ve wasted tremendous resources in doing it.

You let the code enforcement workers do their citation process, do their warning letters, work with the owners . . . That is really the effective use of a prosecutor’s power, to me. It’s reserved as an ultimate threat if you will, but you’ve got to let the rest of the processes of the city work their way through.

Because of budget cuts, we’ve had a lot of reduction in our code enforcement staff. Within the office, we used to have four lawyers doing nothing but code enforcement work. They would go out in the community and try to figure out what the specific problems were. But as the budgets were being cut, that’s one of those programs that becomes essentially a duplicative function of things that are already being done by qualified city inspectors.

LBBJ: I believe we have a much better understanding of the role of the city prosecutor’s office.

O’Reilly: The city prosecutor’s office, I think, is really one of the unsung heroes of our government. Tom Reeves has done a phenomenal job in creating a very efficient, orderly system. He has brought in a series of policies over the years that have allowed the prosecutors to use objective standards in evaluating cases. I think it’s gone a long way to serve the citizens of this community very well. Let’s take business licenses. If someone doesn’t pay their business license, what’s going to happen to them if they don’t? If everybody in the city decides, “Forget business licenses, we’re not paying for any of those anymore,” who is going to do anything about it? Who is going to do something about it is the city prosecutor’s office.

LBBJ: How’s fundraising?

O’Reilly: Fundraising is very hard.

LBBJ: It’s the first time you’ve done it, right?

O’Reilly: Yes. It’s the first time I’ve ever done it and I don’t have a lot of political contacts. My upbringing has all been in the legal system of this city. I’ve chaired many of the committees. I’m part of the local bar association. I’ve been an officer of the local bar. I was its president in 2004.

LBBJ: Your opponent is very well known in town.

O’Reilly: He’s very well known in the political realm.

LBBJ: He knows a lot of people. You’ve been an assistant

city prosecutor – not exactly the position that puts you on the front page. You’ve been the behind-the-scenes guy.

O’Reilly: We come with two very different backgrounds and experience levels. If you look at Martindale-Hubbell – a Web site that all lawyers use as a reference – they have a peer rating system as to what other lawyers think of that lawyer. I’m what they call AV-rated. That’s the highest rating you can get. Most lawyers are not rated at all.

LBBJ: Is your opponent rated?

O’Reilly: No. He is not rated. If you look at it, there’s some self-description on there. I haven’t changed mine since I left private practice, but you’ll see it asks, “What do you practice in?” Mine says criminal law, appellate work and civil or personal injury work. His is focused on, if I remember correctly, its land use, political advisement and one other thing; none of it dealing with the criminal courts. This is a very different set of essentially experience that we’re bringing in. If you look at where I’ve come from, I almost can’t help myself because of my military background. I have a bad habit of leading things, of being in charge of things. I stand up. I’m willing to take charge. Unfortunately, I think this is one of the greatest differences between Haubert and myself, I don’t think there’s anything he’s led on.

LBBJ: Is there anything else you’d like to discuss?

O’Reilly: This is an extremely important office to our city. Granted, many people don’t know what its function is and they don’t understand what it does, but this is really one of the best tools of government we have. We basically take the work that the police department has done and make it mean something. We’re where the rubber meets the road in saying, “Yes, these arrests you’ve made, these citations you’ve done, it’s worthy of prosecuting as a crime and we’re going to try to make the citizens safer.” This is really a phenomenal office. We need somebody in this office who is independent, who is not beholden to the political powers and the political structures as they may be in this office. You need to have somebody who’s got the leadership experience and the strength to be able to deal with this city on an objective, fair basis. I bring that to the table. ■