OFFICE OF THE CHIEF OF POLICE

NOTICE
11.3

January 19, 2023

TO: All Sworn Personnel

FROM: Chief of Police

SUBJECT: ENFORCEMENT OF LOS ANGELES MUNICIPAL CODE SECTION 63.44 ON RECREATION AND PARKS PROPERTY

The purpose of this Notice is to provide clarity and instruction to Department personnel regarding the enforcement of Los Angeles Municipal Code (LAMC) Section 63.44, which applies to conduct engaged in or on Department of Recreation and Parks (RAP) property, including City parks, beaches, and recreation areas.

Effective immediately and until further notice, Department personnel may continue to enforce LAMC Section 63.44 and its subsections under the circumstances outlined in this Notice.

While the subsections referenced in this Notice represent those with more frequent application, LAMC Section 63.44 contains numerous valid subsections that may be enforced if the facts and circumstances warrant enforcement. The General Enforcement Protocol, Property Disposition, and Body Worn Video (BWV) sections of this Notice shall apply to all subsections of LAMC Section 63.44.

Definitions
The following definitions are contained in LAMC Section 63.44 and shall govern the construction, meaning, and application of words and phrases used in these subsections.

- **"Bulky Item"** means any item that is too large to fit in one of the City's 60-gallon trash containers with the lid closed, including, but not limited to, a mattress, couch, chair, or other furniture or appliance. Bulky Item does not include a portable, collapsible picnic chair or table;
- **"Person"** means any individual, group, business, business trust, company, corporation, joint venture, joint stock company, partnership, entity, association, club, or organization composed of two or more individuals (or manager, lessee, agent servant, officer or employee);
- **"Personal Property"** means any and all tangible property, and includes, but is not limited to, goods, materials, merchandise, tents, tarpaulins, bedding, sleeping bags, hammocks, and personal items such as luggage, backpacks, clothing, documents, medication and household items;
- **"Store," "Stored," or "Storing"** means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location;

- **"Tent"** means any tarpaulin, cover, structure or shelter, made of any material which is not open on all sides and which hinders an unobstructed view behind or into the area surrounded by the tarpaulins, cover, structure or shelter;
- **"Beach"** shall include public seashore and shoreline areas bordering the Pacific Ocean that are owned, managed, or controlled by the City; and,
- **"Camp"** means using a park for living accommodation, such as by:
    - Remaining for prolonged or repetitious periods of time (not associated with ordinary recreational use of a park) with personal possessions or belongings (clothes, backpacks, bedrolls, cooking equipment, etc.); AND,
    - Sleeping, storing personal possessions, making a fire, cooking or consuming meals.

LAMC Section 63.44(B)(14)(a) - Presence in Any City Park Between 2230-0500 Hours:
It shall be unlawful to enter, remain, stay or loiter in any park between the hours of 10:30 p.m. and 5:00 a.m. The supervising employee at such park may extend the 10:30 p.m. closing time for up to 1.5 hours for a RAP-approved event, except in Griffith Park where closing time can only be extended one hour. Any citation or report should include the following information:

- The time the person was in the park;
- Where in the park the person was located;
- Whether or not there is a RAP-approved event that would affect the closing time;
- Prior warnings, if any; and,
- Offers of shelter or services, if any.

LAMC Section 63.44(B)(14)(b) - Presence in Any City Park Consisting of an Ocean Area, Beach, or Pier (Beach Park) Between 0000-0500 Hours:
It shall be unlawful to enter, remain, stay or loiter in any beach park between the hours of 12:00 a.m. and 5:00 a.m. The exception is that no person shall remain, stay or loiter on Royal Palms Beach between the hours of 8:00 p.m. and 5:00 a.m. On any park which consists of an ocean area, beach, or pier subject to this Section, the RAP supervising employee at such site may extend the 12:00 a.m. midnight closing time, or in the case of Royal Palms Beach the 8:00 p.m. closing time. Any citation or report should include the following information:

- The time the person was in the beach park;
- Where in the beach park the person was located;
- Whether or not there is a RAP-approved event that would affect the closing time;
- Prior warnings, if any; and,
- Offers of shelter/services, if any.

LAMC Section 63.44(B)(14)(c) - Presence in Listed City Park/Facility Outside Hours of Operation:
It shall be unlawful to enter, remain, stay or loiter in any **listed** park or facility after its set hours of operation (see LAMC Section 63.44(B)(14)(c) for list of parks and facilities and hours of operation). Any citation or report should include the following information:

- The time the person was in the park/facility and where in the park/facility the person was located;
- What the person was doing in the park/facility;
- Prior warnings, if any; and,
- Offers of shelter/services, if any.

LAMC Section 63.44(B)(26)(c) - Prohibition on Bulky Items in a City Park:
No person shall bring into any park any bulky item without a permit. Any citation or report should include the following information:

- The items the person brought into the park/facility and where in the park/facility the items were located;
- What the person was doing in the park/facility;
- Prior warnings, if any; and,
- Offers of shelter/services, if any.

LAMC Section 63.44(B)(26)(d) - Prohibition on Erecting a Tent in a City Park:
Except for areas expressly designated for camping, no person shall erect, configure or construct a tent in any park. Any citation or report should include the following information:

- Officer observations of the individual erecting, configuring, or constructing a "tent," as defined in LAMC 63.44(B)(26)(b)(5);
- Name and contact information of any witness(es);
- Statement respecting whether the park is expressly designated for camping;
- Photos;
- Previous warnings, if any; and,
- Offers of shelter/services, if any.

LAMC Section 63.44(D)(4) - No Camping and No Tents in Non-Beach Park:
No person shall camp in a park, except in locations designated for such purposes, **or** erect, maintain, use, or occupy any tent, excluding umbrellas and sun shades. Any citation or report should include the following information:

- A detailed description of how long the person has been in the park;
- Documented evidence, including observations that the person was sleeping, storing personal property, making a fire, cooking, or eating at the park (evidence of "camping"), **or** that the person was maintaining, using, or occupying a tent; and,
- For violations involving a tent, the report must contain a detailed description of the tent and evidence that the tent was observed being erected, maintained, used or occupied by the violator.

LAMC Section 63.44(I)(9) - No Camping and No Tents/Attachments on Beaches:
No person shall camp or engage in camping on a beach, except in locations designated for such purposes, **or** erect, maintain, use, or occupy any tent, excluding umbrellas or sun shades. Nor shall any person fasten or maintain any wire, rope, or exterior bracing or support of any kind

between such umbrella or sun shade or any portion thereof, and any structure, stake, pole, tree, rock, fence, or thing outside of such umbrella or sun shade. Any citation or report should include the following information:

- A detailed description of how long the person has been on the beach;
- Documented evidence, including observations that the person was sleeping, storing personal property, making a fire, cooking, or eating on the beach (evidence of "camping"), **or** that the person was maintaining, using or occupying a tent **or** utilizing any attachments; and,
- For violations involving a tent, the report must contain a detailed description of the "tent" and evidence that the tent was erected, maintained, used or occupied by the violator.

LAMC Section 63.44(I)(13)(d) - Prohibition on Erecting a Tent in a City Beach Park:
Except for areas expressly designated for camping, no person shall erect, configure or construct a tent in any beach park. Any citation or report should include the following information:

- Officer observations of the individual erecting, configuring, or constructing a tent, as defined in LAMC Section 63.44(B)(26)(b)(5);
- Name and contact information of any witness(es);
- Statement respecting whether the beach park is expressly designated for camping;
- Photos;
- Previous warnings, if any; and,
- Offers of shelter/services, if any.

General Enforcement Protocol for LAMC Section 63.44:
In furtherance of the overarching objective of obtaining voluntary compliance with the restrictions in Section 63.44, when feasible officers should:

1. Educate the individual by describing what conduct or behavior is in violation of LAMC Section 63.44 (including the specific subsection being violated), and seek voluntary compliance, documented by means of BWV;

2. Allow a reasonable amount of time for the person in violation to cease the offending behavior, or move their property (if applicable), depending on the nature of the violation observed;

> **Note:** If the person in violation begins to comply with such warning, such person should be given a reasonable amount of time to comply.

3. If the person remains in violation after being warned and afforded reasonable time to comply, or initially complies but subsequently re-engages in the same violative conduct, officers may consider the following enforcement options:

- A violator may be issued an Administrative Citation Enforcement (ACE) citation or a Release from Custody (RFC) for an infraction or misdemeanor; or,

Note: When investigating or issuing an ACE citation for the violation, officers should attempt to obtain the most current address available through means of physical identification from the individual by requesting permanent state, federal, or foreign consulate identification, or if the violator possesses no physical identification, by a verbal representation. Where probable cause exists that a person has falsely represented or identified themselves as another person, or as a fictitious person during a lawful detention, criminal enforcement is permissible pursuant to Penal Code Section 148.9(a). The use of "1942 Transient" is not an acceptable address for an ACE citation.

- If one or more of the criteria set forth in Penal Code Section 853.6 is present, the officer may effect a misdemeanor custodial arrest for LAMC Section 63.44. If the violator has previous contacts with City entities and has been offered services, such prior contacts and refusal of services should be included in the arrest report.

4. The only acceptable method for issuing a citation for LAMC 63.44 is on an ACE or RFC; traffic citations are NOT acceptable.

Disposition of Personal Property:
When conducting enforcement pursuant to LAMC Section 63.44, and the violator refuses to move their offending property, or the offending property is unattended and poses an immediate safety hazard (regardless of the size of the item), officers should take photographs of the location and property, then forward the photographs to the Unified Homelessness Response Center (UHRC) via email to uhrc@lapd.online.

Note: Officers shall follow the procedures set forth in Office of the Chief of Police Notice, *Procedures on the Seizure, Booking, and Storage of Personal Property Following a Custodial Arrest*, dated September 6, 2019, when determining to seize or book personal property following a custodial arrest.

This will allow the UHRC to coordinate with Los Angeles Bureau of Sanitation (LASAN) and RAP to process the offending property, and once the property is processed, LASAN will advise the property owner where they may retrieve any stored property.

Note: The RAP can request LASAN to conduct a Comprehensive Cleaning and Rapid Engagement (CARE)+ operation on RAP property under the direction of RAP personnel. The LASAN will seize and store property pursuant to LASAN protocols. Under normal circumstances, LASAN will use the Council Office's dedicated CARE+ operation team for an operation on RAP property. Therefore, RAP operations are done in partnership with the Council Office. Further, the Council Office may request that outreach is performed on RAP property before any clean-up operation commences. Therefore, officers should notify RAP of any potential need for such operations.

Body Worn Video:
Department personnel are reminded that BWV cameras shall be activated prior to the initiation of any investigative or enforcement activity with any member of the public. Accordingly, officers shall record any contact, education, warning, or enforcement action taken against violators of LAMC Section 63.44 described herein.

Applicable to All Personnel in All Areas of the City
This Notice applies to the enforcement of LAMC Section 63.44 anywhere in the City, and to all Department personnel.

If you have any questions regarding this matter, please contact the Unified Homelessness Response Center or the Department Homeless Coordinator's Office at (213) 486-6633.

MICHEL R. MOORE
Chief of Police

DISTRIBUTION "A"