

**OFFICE OF THE CHIEF OF POLICE**

September 26, 2022

**NOTICE**  
11.3

**TO:** All Sworn Personnel

**FROM:** Chief of Police

**SUBJECT:** ENFORCEMENT GUIDELINES FOR LOS ANGELES MUNICIPAL CODE (LAMC) SECTION 41.18 (AS AMENDED) – SITTING, LYING, OR SLEEPING, OR STORING, USING, MAINTAINING, OR PLACING PERSONAL PROPERTY IN THE PUBLIC RIGHT-OF-WAY – UPDATED

This Notice updates Office of the Chief of Police Notice, *Enforcement Guidelines for Los Angeles Municipal Code Section 41.18 (As Amended) - Sitting, Lying, or Sleeping or Storing, Using, Maintaining, or Placing Personal Property in the Public Right-of-way*, dated December 27, 2021, to include enforcement guidelines relating to the newly added LAMC Section 41.18, Subdivision (e).

Effective immediately, and until further notice, Department personnel may continue to enforce LAMC Sections 41.18(a), (b), (c), and begin enforcement of LAMC Section 41.18(e), only under the following circumstances:

**LAMC Section 41.18(a) – Impeding Public Access or Right of Way:**

When an officer observes or receives a complaint of, and thereafter confirms that a person is sitting, lying, sleeping, or storing, using, maintaining, or placing personal property:

<i>41.18(a)(1) LAMC</i>	That obstructs or unreasonably interferes with the minimum clearance of a continuous three-foot wide pathway as required under the Americans with Disabilities Act (ADA);
<i>41.18(a)(2) LAMC</i>	Within ten (10) feet of any operational or utilizable driveway or loading dock;
<i>41.18(a)(3) LAMC</i>	Within five (5) feet of any operational or utilizable building entrance or exit;
<i>41.18(a)(4) LAMC</i>	Within two (2) feet of any fire hydrant, fire plug, or other fire department connection; or,
<i>41.18(a)(5) LAMC</i>	Within the public right-of-way in a manner that obstructs or unreasonably interferes with the use of the right-of-way for any activity for which the City has issued a permit.

**Measurement of Distances for Enforcement of Section 41.18(a)**

Department personnel are advised that the required distances and areas are to be measured as follows:

- **Operational or Utilizable Driveway/Loading Dock:** Ten (10) feet measured perpendicularly from the outer edges of the opening, whether raised or not, and from those points to the curb line.
- **Operational or Utilizable Building Entrance/Exit:** Five (5) feet measured perpendicularly from the outer edges of the opening, along the exterior wall of the building, and from those points to the curb line.
- **Fire Hydrant, Fire Plug, or Other Fire Department Connection:** Two (2) feet measured from the outermost protrusion of the Fire Equipment in all directions.

**LAMC Section 41.18(b) – Blocking the Street, Bike Path, or Other Public Rights of Way:**

When an officer observes or receives a complaint of, and thereafter confirms that a person is sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, anywhere within the street, bike lane, bike path, or other public right-of-way open for use by motor vehicles or bicycles.

**LAMC Section 41.18(c) – Sensitive Use Locations:**

Enforcement of Subdivision (c) may occur when an officer has confirmed the conditions listed in Subdivision (d) have been satisfied, and observes, or receives a complaint of, and confirms, that a person is sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, or otherwise obstructing a public right-of-way:

<i>41.18(c)(1) LAMC</i>	Within the distance stated on the posted signage (up to 500 feet) of a property <u>designated</u> as a Sensitive Use. These properties consist of Public Parks or Public Libraries;
<i>41.18(c)(2) LAMC</i>	Within the distance stated on the posted signage (up to 500 feet) of a <u>designated</u> overpass, underpass, freeway ramp, tunnel, bridge, pedestrian bridge, subway, wash, spreading ground, or active railway. This section requires that the designating resolution determines that the public health, safety, or welfare is served by the prohibition, including, without limitation, by a finding that sleeping or lodging within the stated proximity of the designated area is unhealthy, unsafe, or incompatible with safe <u>passage</u> ;
<i>41.18(c)(3) LAMC</i>	Within the distance stated on the posted signage (up to 1,000 feet) of a <u>designated</u> facility, opened after January 1, 2018, that provides shelter, safe sleeping, safe parking to homeless persons, or that serves as a homeless services <u>navigation center</u> ; or,
<i>41.18(c)(4) LAMC</i>	In or upon any street, sidewalk, or other public right-of-way that has been <u>posted with signage prohibiting such activity</u> (See Note).

For LAMC Section 41.18(c)(4), the City Council shall determine by way of resolution and based on specific findings/documentation that the circumstances of continued sitting, sleeping, lying, storing personal property, or otherwise obstructing the public right-of-way at that location poses a particular and ongoing threat to public health or safety.

**Note:** The prohibitions for this subsection will be effective for a period of time specified in the resolution, but not to exceed one year.

Such circumstances may include, but are not limited to, the death or serious bodily injury of any person at the location due to a hazardous condition, repeated serious or violent crimes, including human trafficking at the location, or the occurrence of fires that resulted in a Fire Department response to the location.

**LAMC Section 41.18(d) – Enforcement Requirements for LAMC 41.18(c):**

No person shall be found in violation of LAMC Section 41.18(c) unless and until the following occurs:

1. The City Council has acted, by resolution, to designate a specified area or areas for enforcement against sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, or otherwise obstructing the public right-of-way;
2. The City has posted signage at the designated area or areas set forth in the resolution, with such signage including reference to any required findings adopted in the resolution, and giving notice of the date after which no sitting, lying, sleeping, or storing, using, maintaining, or placing personal property, or otherwise obstructing the public right-of-way is permitted; and,
3. At least 14 calendar days have passed from the date the signage is posted at the designated area or areas.

**LAMC Section 41.18(e) – School and Day Care Center Locations:**

No person shall sit, lie, sleep, or store, use, maintain, or place personal property, in or upon any street, sidewalk, or other public property within 500 feet of a School or Day Care Center, as these terms are defined. In addition to the distance requirement, the School or Day Care Center must meet the definitions set forth in LAMC Section 105.01, as follows:

- **Day Care Center** is defined as a child care-infant center, child care center, or child care center preschool licensed by the State of California Department of Social Services that is not located on a residentially zoned property (LAMC 105.01).
- **School** is defined as an institution of learning for minors, whether public or private, which offers in-person instruction in grades K through 12 in those courses of study required by the California Education Code and is licensed by the State Board of Education. This definition includes kindergarten, elementary, junior high, senior high, or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution

of higher education, including a community or junior college, college or university (LAMC 105.01).

**Note:** Though not specified, charter schools are included in the definition of school, per the Office of the City Attorney.

**Although there may be School/Day Care Center locations which have posted signs identifying the location, no posting of signage is required prior to enforcement.**

If an officer is unable to verify that a Day Care Center is licensed by the State of California Department of Social Services or a School is licensed by the State Board of Education, the State must be contacted to verify that the location in question is licensed prior to the enforcement of this subsection.

**Note:** Because this LAMC subsection does not require posted signage, officers are reminded that the primary objective is to obtain voluntary compliance, which may include first notifying the individual of their proximity to a Day Care Center or School and affording the person an opportunity to stop the offending behavior or move their property, prior to taking enforcement against the individual. This notification should be documented on BWV and through the completion of a field identification card prior to any enforcement.

#### **Enforcement Protocol for 41.18**

In furtherance of the overarching objective of obtaining voluntary compliance with the restrictions in Section 41.18, officers **shall**:

1. Educate the individual by describing what conduct or behavior is in violation of LAMC Sections 41.18 (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 **shall** 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, regardless of elapsed time from the initial direction to comply, officers may consider the following enforcement options:

- Prior to any enforcement action of LAMC Section 41.18(c), an officer **shall** verify and document by means of Body Worn Video (BWV) that the posted signage displays the details that demonstrate the required aforementioned actions set forth by LAMC Section 41.18(d) have been satisfied.

- A violator may be issued an Administrative Citation Enforcement (ACE) citation or a Release from Custody (RFC) for an infraction; 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). When issuing an ACE citation, "1942 Transient" is not an acceptable address.

- If the violator willfully resists, delays, or obstructs any City employee from enforcing this section (i.e., LAPD, Environmental Compliance Inspector, Bureau of Street Services, etc.), or willfully refuses to comply with an order by an authorized City employee, such person is subject to a misdemeanor (completed on a Release From Custody citation); or,
- 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 41.18. 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.

**Note:** The conduct of a chronic violator may evidence "willfulness" even when the chronic violator ceases the violative behavior when first requested by officers. Repeated violations after documented warnings and/or issuance of ACE or infraction citations can be evidence that the suspect "willfully resisted, delayed or obstructed" and therefore subject the suspect to a misdemeanor citation/custodial arrest.

4. Officers **shall** include the City Council file number and the date the sign was posted, which may be found on the sign itself, on any citation or report for a violation of Section 41.18(c).

5. Any misdemeanor citation or report for a violation of LAMC Section 41.18 **shall** include the following information:

- That the violator willfully resisted, delayed, or obstructed a City employee from enforcing this section; **or**,
- That the violator willfully refused to comply after being requested to do so by an authorized City employee.
- The name and contact information of the person who was obstructed, and the details surrounding the resistance, obstruction, or refusal to comply.

6. Any misdemeanor citation or report for violation of LAMC Section 41.18 should include the following information:

- Any prior contact with the violator, including prior outreach, offers for service, and/or warning for the same conduct.

- Photographs and/or BWV from the date of the incident and prior contacts, if available.
- Statements made by the violator.
- Dates and information about previous infractions or ACE citations for the same conduct.

**7. The only acceptable method for issuing a citation for LAMC 41.18 is on an ACE or RFC; traffic citations are NOT accepted.**

**Disposition of Personal Property**

When conducting enforcement pursuant to LAMC Section 41.18, 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 and forward the photographs to the Unified Homelessness Response Center (UHRC) via email to [uhrc@lapd.online](mailto:uhrc@lapd.online).

This will allow the UHRC to coordinate with Los Angeles Bureau of Sanitation (LASAN) 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:** 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.

**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 the LAMC section described herein.

**Applicable to All Personnel in All Areas of the City**

This Notice applies to the enforcement of LAMC Section 41.18 anywhere in the City, and to all Department personnel.

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



MICHEL R. MOORE  
Chief of Police

DISTRIBUTION "A"