

OFFICE OF THE CHIEF OF POLICE

NOTICE
11.3

November 22, 2022

TO: All Sworn Personnel

FROM: Chief of Police

SUBJECT: ENFORCEMENT GUIDELINES FOR LOS ANGELES MUNICIPAL CODE (LAMC) SECTION 56.11 (AS AMENDED) – STORAGE OF PERSONAL PROPERTY

This Notice updates Office of the Chief of Police Notice, *Reminder Re Suspension of Enforcement of Los Angeles Municipal Code (LAMC) Section 56.11(10)(d) — Resisting, Delaying or Obstructing a City Employee’s Removal of Bulky Items*, dated September 7, 2021, to include enforcement guidelines relating to pertinent amendments to LAMC Section 56.11.

Primarily, LAMC Section 56.11 governs how the City may act against **property** stored in certain public rights-of-way. *With the exception of the following provisions of Section 56.11*, enforcement against a **person** whose conduct violates LAMC Section 56.11 will be for the related subsection of LAMC Section 41.18. Meaning, that if the same conduct regarding the storage of personal property occurs in an area governed by LAMC Section 41.18, the appropriate LAMC 41.18 subsection should be used to cite the individual, consistent with the enforcement parameters in LAMC Section 41.18(f).

Outside the areas governed by the parameters set forth in LAMC Section 41.18, officers may use the following LAMC Section 56.11 provisions to cite violators:

LAMC 56.11(10)(a):

This subsection should be used to cite individuals who **willfully resist, delay, or obstruct** an authorized City employee from moving, removing, or discarding personal property that violates provisions of LAMC Section 56.11 that do **NOT** occur on property governed by LAMC Section 41.18. Specifically:

- LAMC Section 56.11(3)(a): Unattended personal property;
- LAMC Section 56.11(3)(b): Attended excess personal property;
- LAMC Section 56.11(3)(c): Attended or unattended personal property obstructing City operations (including street/sidewalk maintenance or cleaning);
- LAMC Section 56.11(3)(f): Storing personal property in a public area after posted closure time of that Public Area;
- LAMC Section 56.11(3)(g): Attended or unattended personal property constituting an immediate threat to public health or safety; and,

- LAMC Section 56.11(3)(h): Attended or unattended personal property which constitutes evidence of a crime or contraband.

Los Angeles Bureau of Sanitation (LASAN) is the lead agency for the implementation of the subsections referenced here and **will most often be present**. An individual may also be in violation of this subsection for willfully resisting, delaying, or obstructing an officer moving property in furtherance of the Community Caretaking Doctrine, as outlined 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.

Officers should confirm and document that the violator has been given an order to comply and a reasonable amount of time to comply by whichever agency is effecting the property movement or removal. Officers **shall** then give the violator a final order, with compliance forthwith. Under these circumstances, enforcement may proceed for a misdemeanor offense committed in the officer's presence.

Note: Where the violator willfully resists, delays, or obstructs an authorized non-Department City employee from enforcing this subsection (i.e., Environmental Compliance Inspector, Bureau of Street Services, etc.), or willfully refuses to comply with an order by an authorized non-Department City employee, the employee can affect a Private Person Arrest (PPA), Los Angeles Police Department (LAPD) Form 05.02.10.

Violations of this subsection are enforceable by way of an Administrative Citation Enforcement (ACE) citation, a Release from Custody (RFC) for an infraction/misdemeanor, or when appropriate, a custodial arrest **ONLY** if the violator resists, delays, or obstructs an authorized City employee from taking the aforementioned actions.

LAMC 56.11(10)(b):

While this subsection applies to an individual who refuses to take down a tent in an area covered under LAMC Section 41.18, or who willfully resists, delays, or obstructs an authorized City employee from taking said tent down, the violator should be cited under the applicable subsection of LAMC Section 41.18, **NOT** under LAMC Section 56.11(10)(b). Officers should refer to 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-Updated*, dated September 26, 2022 for the applicable subsection of LAMC Section 41.18.

LAMC 56.11(10)(c):

This subsection should be used to cite individuals who refuse to take down, fold, deconstruct, or put away a tent between the hours of 0600 and 2100, or who willfully resist, delay, or obstruct an authorized City employee from doing so when the tent in question is **NOT** located on property governed by LAMC Section 41.18.

With certain exceptions such as rainfall or the temperature being less than 50 degrees Fahrenheit, no person shall refuse to take down, fold, deconstruct, allow to remain erected, or put away any

tent erected or configured between the hours of 0600 and 2100, or willfully resist, delay, or obstruct an authorized City employee from taking down, folding, deconstructing, putting away, moving, removing, impounding, or discarding the tent, including by refusing to vacate the tent.

Note: Where a tent is observed in an area subject to LAMC Section 41.18, the violator should be cited under the applicable subsection of LAMC Section 41.18, **NOT** under LAMC Section 56.11.

Without prior notice, the City may **deconstruct** any tent, whether attended or unattended, in violation of the previously identified parameters.

With prior notice (temporary/permanent posted signage), the City may **impound** any tent in violation of the previously identified parameters.

Persons who violate the aforementioned are NOT subject to citation under this subsection, except where said violator refuses to comply with the direction of the officer or other authorized City employee, or resists, delays, or obstructs an authorized City employee from taking the aforementioned actions.

Therefore, violations of this subsection are enforceable by way of an ACE citation, a RFC for an infraction/misdemeanor, or when appropriate, a custodial arrest **ONLY** if the violator refuses to comply with the direction of the officer or other authorized City employee, or resists, delays, or obstructs City workers from taking the aforementioned actions.

Note: Where the violator willfully resists, delays, or obstructs an authorized non-Department City employee from enforcing this section (i.e., Environmental Compliance Inspector, Bureau of Street Services, etc.), or willfully refuses to comply with an order by an authorized non-Department, City employee, the employee can affect a PPA, LAPD Form 05.02.10.

Enforcement Protocol for LAMC 56.11

In furtherance of the overarching objective of obtaining voluntary compliance with the restrictions in LAMC Section 56.11, when feasible, officers **shall:**

1. Educate the individual by describing what conduct or behavior is in violation of LAMC Section 56.11 (including the specific subsection being violated), and seek voluntary compliance, documented by means of Body Worn Video (BWV);
2. Allow a reasonable amount of time for the person to move the property causing the violation;

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

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:

Note: For enforcement of LAMC Section 56.11(10)(c), officers must warn the violator and then may issue a misdemeanor or infraction citation only if the violator refuses to comply, with the initial warning, or initially complies but then re-engages in the same violative conduct at a later time on **the same day** of the initial warning.

- A violator may be issued an ACE citation or an 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). Officers are reminded that for an ACE citation, "1942 Transient" is not an acceptable address.

- If the violator willfully resists, delays, or obstructs any authorized City employee from enforcing this section (i.e., 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 RFC citation; or,
- If one or more of the criteria set forth in Penal Code Section 853.6, which covers citations for misdemeanors, is present, the officer may effect a misdemeanor custodial arrest for LAMC Section 56.11. 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; or,

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 RFC or custodial arrest.

4. Any misdemeanor citation or report for a violation of LAMC Section 56.11 **shall** include the following information:

- That the violator willfully resisted, delayed, or obstructed an authorized 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; and,
- The name and contact information of the person who was obstructed, and the details surrounding the resistance, obstruction, or refusal to comply.

5. Any misdemeanor citation or report for violation of LAMC Section 56.11 should include the following information:

- Any prior contact with the violator, including prior outreach, offers for resources, 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; and,
- Dates and information about previous infractions or ACE citations for the same conduct.

6. **The only acceptable method for issuing a citation for LAMC Section 56.11 is on an ACE or RFC; traffic citations are NOT accepted.**

Disposition of Personal Property

When conducting enforcement pursuant to LAMC Section 56.11, 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. This will allow the UHRC to coordinate with 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 56.11 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"