

OFFICE OF OPERATIONS

NOTICE

1.11

TO: All Commanding Officers

FROM: Director, Office of Operations

SUBJECT: PROTOCOLS WHEN RESPONDING TO COMPLAINTS OF LOUD OR UNRULY GATHERINGS ON A RESIDENTIAL PROPERTY CAUSING A PUBLIC NUISANCE—REMINDER; PROCEDURES FOR VIOLATIONS OF SAFER L.A. PUBLIC ORDER FOR LARGE GATHERINGS

PURPOSE:

This Notice serves as reminder of existing protocols when responding to loud and unruly gatherings and establishes procedures for officers responding to complaints of a business or property in violation of the Mayor's Safer L.A. Public Order. A violation of the Mayor's Public Order will allow for a two-tiered warning process, followed by the submission of an application for a complaint to the City for appropriate further action.

BACKGROUND:

Currently existing protocols when responding to complaints of a Loud or Unruly Gathering are delineated in, Chief of Detectives Notice, *Enforcement Guidelines for Violations of Los Angeles Municipal Code Section 41.58.1* dated, May 22, 2018. The LAMC prohibits Loud or Unruly Gatherings on residential property and deems them a public nuisance.

LAMC section 41.58.1, Loud or Unruly Gathering is defined as "A gathering of persons at any residence where loud or unruly conduct occurs at the Residence or within 500 feet of the residence, and which threatens or interferes with the public health, safety or welfare, or the comfortable enjoyment of life and property."

The ability to enforce LAMC section 41.58.1, will assist the Los Angeles Police Department with mitigating the negative impacts of large gatherings during the COVID-19 pandemic. The LAMC assists the Department by holding Property Owners, and/or Responsible Parties, accountable through the issuance of administrative citations and other penalties.

Furthermore, such gatherings are in violation of the Los Angeles County Department of Public Health guidelines and the existing Safer L.A. Public Order issued by Mayor Eric Garcetti on June 1, 2020 (revised on August 7, 2020).

PROCEDURE:

Los Angeles Municipal Code 41.58.1

Officers may be dispatched by Communications Division to a call for service concerning a complaint of a Loud or Unruly Gathering causing a nuisance. Officers should reference, Chief of Detectives Notice *Enforcement Guidelines for Violations of Los Angeles Municipal Code Section 41.58.1* dated, May 22, 2018 which states officers shall:

- Request a supervisor to the scene;
- Attempt to identify the Owner and/or Responsible Party
- Attempt to gain cooperation from the Owner and/or Responsible Party to stop the Loud or Unruly Conduct;
- If the Owner and Responsible Party is uncooperative, or a warning would be ineffective, determine which enforcement type is most appropriate (ACE citation, RFC, or custodial arrest) and document specific, articulable facts, which support the violation and/or offense occurred.

Note: Officers are reminded of the importance of complying with the Constitution in taking any enforcement action, e.g. ensuring that a warrant or exception to the warrant requirement, such as consent or exigent circumstances, justified entry into a residence or its curtilage.

- If an Administrative Citation Enforcement (ACE) or Release from Custody (RFC) is issued to the Owner and/or Responsible Party at the scene, ensure the violator meets the criteria;
- After enforcement action is taken, the officer shall obtain the required Notice from the supervisor at scene and affix/attach it to the front entrance of the Residence at which the Loud or Unruly Gathering occurred;
- Using a Department camera/smartphone, take a photograph of the residence, which depicts the posted Notice, and submit it with the ACE, RFC, or Arrest Report.
- Advise the Owner and/or Responsible Party it is unlawful for any person to alter, tamper with, deface or remove the posted Notice prior to 30 days from the date posted;
- Present the ACE, RFC, or Arrest Report with supporting documentation, including the photograph of the posted Notice, to the Watch Commander for review and approval.

Note: 41.58.1 LAMC requires a Notice to be posted on the front entrance of the Residence, which shall remain posted for 30 days. When this section is utilized, refer to Office of the Chief of Detectives Notice titled, *Enforcement Guidelines for Violations of Los Angeles Municipal Code Section 41.58.1*, dated May 22, 2018

Safe L.A. Order

An officer may initiate the two-tiered progressive enforcement procedures established by the Mayoral Order, if it has been determined that a gathering has been allowed in violation of Paragraph 3 delineating, all public and private gatherings of any number of people are prohibited, except as to those exempted activities described in Paragraph 5 of the Mayoral Order.

Note: This provision does not apply to gatherings of people who hold residency within the single household or living unit. However, individuals who do not reside at the household who are present in the gathering will cause a violation of the Mayoral Order.

When an officer elects the progressive enforcement by the City, existing aforementioned procedures as it pertains to responding to a Loud and Unruly gathering should be followed in conjunction with the following steps:

1. Inform and educate the non-essential business or property owner/operator about the Mayoral Order;
2. If, based on officers' observations, a violation of the Public Order is occurring, attempt to gain voluntary compliance;
3. Complete the two-tiered warning process:
 - a. Complete and issue the, "*City of Los Angeles Initial Warning of Noncompliance with City of Los Angeles Safer LA Order*" form. The initial warning should notify the non-compliant property owner/operator that fail to comply with the Order. If the owner/operator cannot be located, the initial warning shall be posted on, at minimum, two prominent locations on the property. Upon issuance of the initial warning, officers do not need to standby for dispersal.
 - b. After 30-minute time period has passed, officers should ensure the initial warning was adhered to. If the non-compliant property owner/operator are still in violation of the Mayoral Order, officers are to complete and issue the "*City of Los Angeles Final Notice of Noncompliance with Safer LA Order*" form.

Note: Documentation of the Initial and Final Notice should be maintained, by way of a photo. An additional photo should be taken of where the final notice was posted. Body Worn Video should be utilized when an officer is equipped. Upon completion of the two-tiered warning process, officers may submit a photo of the "Final Notice of Noncompliance" along with any additional related photos to the Deputy Mayor of Public Safety or his designee via email (SaferAtHome.Compliance@lacity.org) for further City action, including utility shutoffs by the Department of Water and Power.

Note: Upon completion of the two-tiered warning system, no further enforcement action is required. If deemed necessary officers have the discretion, to enforce any of the below options available if criteria is met.

1. Officers should evaluate each call for service on a case by case basis, and are reminded of Los Angeles Administrative Code, Section 8.77, which makes it a misdemeanor for any person during a local emergency to do any act forbidden by any lawful rule, regulation, order, directive issued pursuant to this chapter if such act is of a nature as to imperil the lives of other inhabitants of this City.
 - a. A complaint application, form 05.15.00, may be issued, describing the business or property in violation of the Public Order, the time of the initial response, the approximate number of persons occupying the establishment, the time of the warning, and the time of the supervisor response. Statements and actions should be included when applicable
2. The following is a consolidated list of additional related Los Angeles Municipal Codes (LAMC) eligible for the Administrative Citation Enforcement (ACE) Program to be considered when responding to calls for service concerning loud and unruly gatherings, and noise ordinances:

41.57 LAMC, Loud and Raucous Noise Prohibited

"It is unlawful for any person to cause, allow or permit the emission or transmission of any loud or raucous noise from any sound making or sound amplifying device in his possession or under his control: (1) upon any private property, or (2) upon any public street alley, sidewalk or thoroughfare, or (3) in or upon any public park or other public place or property."

Note: The words "loud and raucous noise" as used herein shall mean any sound or any recording thereof when amplified or increased by any electrical, mechanical, or other device to such volume, intensity or carrying power as to unreasonably interfere with the peace and quiet of other persons within or upon any one or more of such places or areas, or as to unreasonably annoy, disturb, impair or endanger the comfort, repose, health, or safety of other persons within or upon any one or more of such places or areas.

The word "unreasonably" as used herein shall include but not be limited to, consideration of the hour, place, nature, and circumstances of the emission or transmission of any such loud and raucous noise.

116.01 LAMC, Loud, Unnecessary and Unusual Noise

Defined as, "It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- *The level of noise;*

- *Whether the nature of the noise is usual or unusual;*
- *Whether the origin of the noise is natural or unnatural;*
- *The level and intensity of the background noise, if any;*
- *The proximity of the noise to residential sleeping facilities;*
- *The nature and zoning of the area within which the noise emanates;*
- *The density of the inhabitation of the area within which the noise emanates;*
- *The time of the day and night the noise occurs;*
- *The duration of the noise;*
- *Whether the noise is recurrent, intermittent, or constant; and*
- *Whether the noise is produced by a commercial or noncommercial activity."*

112.01 LAMC. Radios, TV Sets and Other Devices

Defined as, "It shall be unlawful to use or operate any radio, musical instrument, phonograph, television receiver, or other machine or device for the producing, reproducing or amplification of the human voice, music, or any other sound, in such a manner, as to disturb the peace, quiet, and comfort of neighbor occupants or any reasonable person residing or working in the area."

Note: This section is not eligible for the ACE program.

Upon issuance of an ACE citation or Release from Custody, officers shall comply with Los Angeles Police Department Manual Sections 4/216.62 through 4/216.68, and with Special Order No.1, Administrative Citation Enforcement Program Procedures, dated January 6, 2015. Additionally, the ACE Program Schedule of Los Angeles Municipal Code Violations can be accessed through the Department Local Area Network and will provide officers with the most current violations that are eligible for ACE application.

Attached to this Notice is a checklist to utilize when conducting a loud party investigation for reference. Should you have any questions regarding this Notice, please contact the Office of Operations, Evaluation and Administration Section, at (213) 486-6050.



ROBERT N. ARCOS, Assistant Chief
Director, Office of Operations

APPROVED:



DOMINIC H. CHOI, Deputy Chief
Chief of Staff
Office of the Chief of Police

DISTRIBUTION "D"

**CITY OF LOS ANGELES
INITIAL WARNING OF NONCOMPLIANCE WITH
CITY OF LOS ANGELES SAFER LA ORDER DATED JUNE 1, 2020
(Non-Compliant Property)**

From: City of Los Angeles

Date: _____, 2020

Property Address: _____

Let this serve as an INITIAL WARNING by the City of Los Angeles that it has been determined that a gathering has been allowed on this property in violation of paragraph 3 of the Mayor's Public Order, dated June 1, 2020 (as subsequently revised), and that violation must cease within 30 minutes.

Violations of said Order are subject to criminal penalties, (Los Angeles Administrative Code Section 8.77.) Additionally, failure of that gathering to cease within 30 minutes of issuance and/or posting of this Initial Warning or a future violation of the Order on the property may result in a referral to the City of Los Angeles Deputy Mayor of Public Safety or his designee for review and issuance of a directive to the Department of Water and Power to disconnect utility service to the above. (Order, paragraph 8)

Should you have any questions, you may send an email to SaferAtHome.Compliance@lacity.org or call (213) 596-8255. Please include a telephone number where the City may reach you.

Date issued: _____, 2020

Time issued: _____ AM/PM

Issued by (Name): _____

Title: _____

Signature: _____

**CITY OF LOS ANGELES
FINAL NOTICE OF NONCOMPLIANCE WITH
CITY OF LOS ANGELES SAFER LA ORDER DATED JUNE 1, 2020
(Non-Compliant Property)**

From: City of Los Angeles

Date: _____, 2020

Property Address: _____

Let this serve as the FINAL NOTICE of the City of Los Angeles that it has been determined that a gathering has been allowed on the property in violation of paragraph 3 of the Mayor's Public Order, dated June 1, 2020 (as subsequently revised).

Violations of said Order are subject to criminal penalties (Los Angeles Administrative Code Section 8.77) Additionally, this Final Notice may be referred to the City of Los Angeles Deputy Mayor of Public Safety or his designee for review and issuance of a directive to the Department of Water and Power to disconnect utility service to the above location without any further notice to you. (Order, paragraph 8)

You may send an email to SaferAtHome.Compliance@lacity.org or call (213) 596-8255 providing any information that you believe establishes that a violation did not occur. Please include a telephone number where the City may reach you with follow-up questions. Any correspondence of this type must be submitted within 8 hours of issuance of this Final Notice. Please be advised that submitting such an email does not mean that the City will refrain from disconnecting water and/or power service.

Should your water and/or power service be disconnected pursuant to this Notice, you should send an email to SaferAtHome.Compliance@lacity.org or call (213) 596-8255 to appeal the disconnection and/or to determine a reconnection date which will be based on the specific facts of the situation, including the likelihood of subsequent violations.

Date issued: _____, 2020

Time issued: _____ AM/PM

Issued by (Name): _____

Title: _____

Signature: _____

For Official Use Only:

Prior Warning re Non-Compliant Property:

Date written Initial Warning issued: _____, 2020

Warning issued by (Name): _____ Title: _____