

OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 11

June 4, 2018

SUBJECT: BOARD-UP PROCEDURES – COMMERCIAL LOCATIONS – REVISED; BOARD-UP PROCEDURES – RESIDENTIAL LOCATIONS – REVISED; BOARD-UP PROCEDURES – ADMINISTRATIVE APPEAL HEARING – REVISED; BOARD-UP PROCEDURES WAIVER AND RELEASE, FORM 15.90.00 – REVISED; AND, BOARD-UP REPORT, FORM 16.29.05 – REVISED

PURPOSE: This Order transfers the board-up responsibilities from Commission Investigation Division to Fiscal Operations Division. Additionally, the Board-Up Procedures Waiver and Release, Form 15.90.00, and the Board-Up Report, Form 16.29.05, have been revised to reflect updated procedures.

PROCEDURE:

- I. BOARD-UP PROCEDURES – COMMERCIAL LOCATIONS – REVISED.** Attached is the revised Department Manual Section 4/203.70, *Board-Up Procedures - Commercial Locations*, with the revisions indicated in italics.
- II. BOARD-UP PROCEDURES – RESIDENTIAL LOCATIONS – REVISED.** Attached is the revised Department Manual Section 4/203.75, *Board-Up Procedures – Residential Locations*, with the revisions indicated in italics.
- III. BOARD-UP PROCEDURES – ADMINISTRATIVE APPEAL HEARING – REVISED.** Attached is the revised Department Manual Section 4/203.80, *Board-Up Procedures - Administrative Appeal Hearing*, with the revisions indicated in italics.
- IV. BOARD-UP PROCEDURES WAIVER AND RELEASE, FORM 15.90.00 – REVISED.** The Board-Up Procedures Waiver and Release, Form 15.90.00, has been revised to include a checkbox containing the sentence, “The Los Angeles Police Department responded to this location on (date) _____ at (time) _____ and a responsible party was not present. The Department secured this location.” An Incident Number line has been added. Signature blocks were added for the Department Supervisor’s and the Responsible Party’s signatures. A note has been added stating, “A copy is to be given to the resident or if the resident is not present, leave a copy at the location.”

The use and completion of this form remain unchanged.

Distribution.

- 1 - Original, Fiscal Operations Division.
 - 1 - Copy, Area of occurrence.
 - 1 - Copy, Residence (given to the resident or if the resident is not present, left at the location).
- 3 - TOTAL**

- V. **BOARD-UP REPORT, FORM 16.29.05 – REVISED.** The Board-Up Report, Form 16.29.05, has been revised to replace “Commission Investigation Division” with “Fiscal Operations Division” in the Distribution Section. The verbiage “Supervisor” has been replaced with “Department Supervisor” and the verbiage “Board-Up” was added to precede the “vendor(s)” throughout the report. Additionally, Page 2 was added to provide general and appeal process instructions to the business owner.

The use and completion of this form remain unchanged.

Distribution.

- 1 - Original, Fiscal Operations Division.
- 1 - Copy, Area of occurrence.
- 1 - Copy, retained by the vendor completing board-up.
- 1 - Copy, placed at the business location.

4 - TOTAL

FORM AVAILABILITY: The revised Board-Up Procedures Waiver and Release and the Board-Up Report are attached for immediate use and duplication, and are accessible in E-Forms on the Department's Local Area Network. All other versions of these forms shall be marked “obsolete” and placed into the divisional recycling bin.

AMENDMENTS: This Order amends Department Manual Sections 4/203.70, 4/203.75 and 4/203.80 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachments

DISTRIBUTION “D”

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203.70 BOARD-UP PROCEDURES – COMMERCIAL LOCATIONS. The board-up procedures apply only to a commercial location when an officer finds the location unoccupied and unsecured.

Officer's Responsibilities. When an officer finds a commercial location unoccupied and unsecured, the officer shall attempt to contact a responsible party (R/P) to assume responsibility for safeguarding the premises. If the officer is unable to locate an R/P's telephone number on or within the premises, from an alarm company, City Business Tax Registration Certificate, the watch commander's office, or some other available resource, the officer shall request that Communications Division attempt to obtain an emergency telephone number from the Fire Department. The officer shall maintain a record of these efforts in the Computer Aided Dispatch (CAD) Summary Report Incident Disposition comments or the *Daily Field Activities Report* (DFAR), Form 15.52.00.

After an hour of attempting to contact an R/P or if an R/P is contacted but cannot respond within an hour, the officer shall contact a supervisor to determine if a board-up vendor should be requested. With supervisor approval, the officer shall:

- Request that Communications Division contact and dispatch a board-up vendor;
- In addition to any crime or arrest reports, complete the Board-Up Report, Form 16.29.05, and document on *the report* all efforts *made* to contact an R/P or, if an R/P was contacted, the R/P's delay in responding;
- Ensure the board-up vendor completes *his or her* portion of the Board-Up Report;
- Obtain a *Department* supervisor's signature on the form and provide the supervisor with the original and one copy of the form; and,
- Leave the victim's copy of the Board-Up Report in a conspicuous place inside the *business* location.

Officers **SHALL NOT** offer board-up service to an R/P who is already at the scene. Officers may refer the R/P to the local telephone book for a board-up *vendor*. Officers shall notify the R/P that once an officer makes a request to Communications Division and the *board-up* vendor begins responding, the business will be assessed the surcharge imposed by the City. *Additionally, the R/P* may be charged some or all of the board-up fees, even if the R/P arrives at the scene prior to the *board-up* vendor and cancels the *board-up* vendor's response.

Officers shall remain at the scene until the board-up service has secured the location.

Supervisor's Responsibilities. A supervisor shall respond to the location where a board-up service request is being considered to determine if board-up services should be requested. If the supervisor determines that board-up *service* is appropriate, the supervisor shall approve the request and direct the officer to request board-up *vendor* response *via* Communications Division. Additionally, the supervisor shall:

- Review and approve the Board-Up Report at the scene, so the victim's copy of the form can be left inside the *business* location;

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- Summarize the incident in the Sergeant's Daily Report, Form 15.48.00, and include the total amount of standby time provided by the Department; and,
- Submit the original and Area copies of the Board-Up Report to the watch commander, along with copies of the following documents:
 - Sergeant's Daily Report with all other unrelated entries redacted from the log;
 - Completed Incident History printout for the call;
 - Any crime and/or arrest report; and,
 - Any other related reports or documents *that* may assist during an appeal hearing.

Watch Commander's Responsibilities. Upon receiving the original and Area copies of the Board-Up Report, the watch commander shall:

- Review the form and attachments for completeness;
- Forward the original *form to the* Board-Up Coordinator, *Fiscal Operations Division (FOD)*; and,
- Submit the Area copy and attachments to the Area office for review and retention.

Note: All Board-Up Reports and attachments shall be maintained in the Area for no less than three years, and shall be submitted to the Board-Up Coordinator, *FOD*, within 10 *business days* of *FOD's* request.

203.75 BOARD-UP PROCEDURES – RESIDENTIAL LOCATIONS. The following procedures apply to securing a residential location.

Officer's Responsibilities. An officer responding to an incident involving an unsecured residential location shall attempt to locate or telephonically contact a *responsible party (R/P)*. If attempts to contact an R/P are unsuccessful, or when the R/P is present but unable to secure the location due to exigent circumstances, the officer shall notify a supervisor and be guided by the supervisor's advice.

Supervisor's Responsibilities. When notified, a supervisor shall respond to the location and ensure that reasonable attempts have been made to locate the R/P *of the residence*.

When all options have been exhausted and an R/P is not located, the supervisor shall determine if a unit should remain at the scene or if minor repairs will secure the location. When an R/P is present and unable to secure the location due to exigent circumstances, the supervisor may, at his or her discretion, opt to direct the officers to make minor repairs to secure the location. When the supervisor opts to direct the officers to make minor repairs, and/or materials or tools are not available at the location, the supervisor should:

- Dispatch a unit to Property Division, *180 N. Los Angeles Street*, or Valley Property Section, *6240 Sylmar Ave*, to retrieve the appropriate supplies (i.e., plywood, nails, hammer, and saw);

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- Present a *Board-Up Procedures Waiver and Release*, Form 15.90.00, for the R/P's and *Department Supervisor's* signature and provide a copy to the R/P;
- Ensure that officers have made the necessary repairs to secure the location and returned the *unused* supplies to Property Division or *Valley Property Section*;
- *Ensure that a copy of the completed Board-Up Procedures Waiver and Release is left at the location in a conspicuous place, preferably within the residence, if an R/P is unavailable;*
- Document the incident on the Sergeant's Daily Report, Form 15.48.00; and,
- Attach the *original* completed *Board-Up Procedures Waiver and Release* to the Sergeant's Daily Report, *which the Area will forward to the watch commander from the Area of occurrence for review and retention.*

203.80 BOARD-UP PROCEDURES – ADMINISTRATIVE APPEAL HEARING. The Board-Up Ordinance allows a business owner or representative to appeal a board-up to determine if the board-up was necessary and/or if the officer(s) adhered to the board-up procedures. The request for appeal must occur within *10* calendar days of the board-up service.

Watch Commander's Responsibilities. The *administrative* hearing for a board-up service shall be heard by a watch commander from the Area of occurrence. Whenever practical, the hearing should be adjudicated by the watch commander on-duty at the time of the incident; however, the hearing shall not be held by the supervisor who approved the board-up. The watch commander conducting the hearing shall:

- Schedule a hearing date, preferably within two days of the request (excluding weekends and holidays), but in no event later than seven calendar days after the request is made;
- Notify *Fiscal Operations Division (FOD)* of the appeal request and the date and time of the hearing;
- Collect and review all documentation for the incident;
- Conduct the board-up appeal hearing to determine if the officers followed the procedures outlined in *Department Manual Section 4/203.70* and inform the *responsible party (R/P)* of the decision;
- Summarize the facts of the incident and the hearing in an Employee's Report, Form 15.07.00, including the reason for the appeal, the reason for any extension beyond the two-day hearing requirement, and the rationale for the decision; and,
- Forward the Employee's Report, along with a copy of *any* related reports (e.g., Crime Report, *Sergeant's* Daily Report, *Form 15.48.00*, and Incident History) to the Area commanding officer.

If an appeal is successful, the appellant does not need to pay the board-up fee. *Fiscal Operations Division shall* notify the *Office of Finance*. A successful appeal results in a waiver of the board-up cost for the business, requiring the City to pay the cost.

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Note: Any issue regarding the proper identity of the person billed (owner, landlord, tenant, etc.) shall be referred to *FOD*.

Commanding Officer's Responsibilities. When the Area commanding officer receives a *Board-Up Appeal Report*, the commanding officer shall review the report for completeness and forward the original report to *FOD*. The Area shall retain a copy of the appeal report in its files.

City of Los Angeles
BOARD-UP PROCEDURES
WAIVER AND RELEASE

I, _____, as the Responsible Party of said residence located at

_____, do hereby agree that all repair work at said residence is complete and satisfactory and do expressly waive, release, discharge, indemnify and hold harmless the City of Los Angeles (City), including, but not limited to, the Los Angeles Police Department (Department), its employees, Board of Police Commissioners members, agents, attorneys, and volunteers from any and all claims, demands, causes of action, damages and liability of any kind or description, related to or arising out of the repair work provided by the City or its contractors at the address listed above.

This Waiver and Release extends to all claims or demands of every nature and kind whatsoever, known or unknown, suspected or unsuspected, existing, claimed to exist, or which may hereinafter arise out of or result from repair work performed by the City or its contractors at the residence listed above, and I hereby waive the provisions of Section 1542 of the California Civil Code which provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her, must have materially affected his or her settlement with the debtor."

No member, official, employee, agent, or volunteer of the City shall be personally liable to the signed party or any successor in interest, as a result of any repair work at the address listed above. This Waiver and Release is the only and entire agreement between the signed party below and the City and we have not relied on any other statements made by employees or others on behalf of the City or the Department with respect to this matter.

The Los Angeles Police Department responded to this location on (date) _____ at (time) _____ and a responsible party was not present. The Department secured this location.

Incident Number: _____.

By signing below, I acknowledge that I have read, fully understand and agree to comply with all of the terms and conditions of this Waiver and Release.

Department Supervisor's Signature: _____ Date: _____

Responsible Party's Signature: _____ Date: _____

** Note: A copy is to be given to the resident or if the resident is not present, leave a copy at the location.*

**LOS ANGELES POLICE DEPARTMENT
BOARD-UP REPORT**

16.29.05 (06/18)

Date/Time (Form Completed):		Date/Time (Incident Created):		DR #:	Incident #:																
Business Name:			Address:		RD:																
Officer:	Serial #:	Officer:	Serial #:	Unit:																	
<p>Notifications: Los Angeles Police Department supervisors <i>shall</i> insure that the following four steps have been taken <i>prior</i> to approving a request for a board-up vendor at a business location:</p> <ol style="list-style-type: none"> 1. Inspected the premises for the responsible party's (R/P) phone numbers; 2. Contacted Communications Division for the Fire Department's list of R/P phone numbers; 3. Contacted the watch commander for a list of phone numbers for the location; and, 4. One hour has been spent attempting to contact the R/P or R/P cannot respond within one hour of being contacted. <p>All attempts to contact an R/P <i>shall</i> be documented below.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Phone Number (Incl. Area Code)</th> <th style="width: 30%;">Where Number Obtained</th> <th style="width: 15%;">Time of Call</th> <th style="width: 25%;">Results</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>						Phone Number (Incl. Area Code)	Where Number Obtained	Time of Call	Results	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Phone Number (Incl. Area Code)	Where Number Obtained	Time of Call	Results																		
_____	_____	_____	_____																		
_____	_____	_____	_____																		
_____	_____	_____	_____																		
Board-Up Vendor's Company Name:			Department Supervisor's Name: Serial #:																		
Address:			Department Supervisor's Unit: Area/Division:																		
Phone Number:			Watch Commander's Phone Number:																		
Board-Up Vendor's Signature:			Department Supervisor's Signature:																		
<p>Narrative (Nature of call, brief account of the incident, and efforts to contact the R/P).</p> 																					

- Distribution:**
1. (Original) Fiscal Operations Division.
 2. (Copy) Area of Occurrence.
 3. (Copy) Board-Up Vendor.
 4. (Copy) Left in a conspicuous place inside the business location.

BOARD-UP REPORT

Notice to Business Owner

General Instructions:

Officers responded to a call for service and discovered your business unoccupied and unsecured. In accordance with Los Angeles Municipal Code (LAMC) Sections 103.206.2 and 21.8, officers attempted to contact you and/or an alternate with unsuccessful results. Please call your local Fire Department and Police Department to update the contact names for your business.

You will receive a bill via United States Postal Service for these services from the City of Los Angeles in approximately 4 to 6 weeks.

Appeal Process Instructions:

Should you choose to appeal this service, contact the watch commander at the Los Angeles Police Department as identified on the front of this form within 10 calendar days. Keep this form available when you contact the Los Angeles Police Department. You will receive further instructions and an appointment at that time.