

# ***BANDIT TAXICAB***



# ***OPERATIONAL GUIDELINES***

### **What is a Taxicab?**

A "taxicab" operating in the City of Los Angeles is required to have a seal issued by the Los Angeles Department of Transportation affixed to both front doors. A Los Angeles City Taxi Driver Permit is to be mounted inside the taxicab and display the driver's photo, name, and company. A taxicab is required to have lights on the top of the vehicle or the words "taxi", "cab" or "taxicab" posted on the exteriors of the vehicle. The California Vehicle Code, Section 27908(c), defines a taxicab as:

"A passenger vehicle designed for carrying not more than eight persons, excluding the driver, and used to carry passengers for hire."

The Los Angeles Municipal Code additionally defines a taxicab as a vehicle that is either equipped with a taximeter or a top light or has the words "taxi", "cab" or "taxicab" displayed on the exterior of the vehicle.

Bandit taxicabs are vehicles for hire that provide taxi service within City boundaries but are not franchised by the City of Los Angeles. Bandit taxicabs include (1) taxicabs that lack permits to operate from any jurisdiction but are made to appear to be legitimate taxicabs, (2) individuals providing taxi service in unmarked cars, (3) taxicabs legally permitted in other cities but pickup passengers in Los Angeles without a permit and (4) limousines that are operating as taxicabs.

### **Purpose of Enforcement**

The purpose of conducting undercover and uniformed bandit taxicab task forces is to enforce applicable sections of the Los Angeles Municipal Code that regulate the City's taxicabs and to help insure public safety. Bandit taxicabs are illegal and pose a threat to passenger safety. Most bandit taxicab operators are underinsured or lack insurance. Bandit taxicab operators are not required to comply with safety standards and other public safety strategies integral to the City's taxicab licensing system.

Bandit taxicab operators are not subject to background checks to review their driving record or criminal history. Some bandit taxicab drivers have been known to distribute narcotics, engage in prostitution, and participate in robberies, rapes and even murders. It is the mission of the Los Angeles Police Department's Bandit Taxicab Enforcement Program (BTEP) to arrest and impound these bandit taxicabs. These enforcement efforts will ultimately reduce the incidence illegal bandit taxicabs operating in the City of Los Angeles.

### **Personnel Required**

Bandit taxicab enforcement activities include both undercover operations and targeted traffic enforcement. For undercover operations a typical configuration would consist of nine officers, two supervisors and a lieutenant. The following is a brief description of the role and duties for each officer and supervisor.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Incident Commander

- Usually the Incident Commander (IC) will be a lieutenant but that role may also be assumed by a Detective III or Sergeant II.
- The Incident Commander will assume overall responsibility for the operation.
- [REDACTED]
- Provide liaison between LAPD and DOT.
- Prepare and E-mail to the Commanding Officer, EOD, [REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

**Tactical Considerations**

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

**Factors to Consider When Selecting the Undercover Location**

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

**Notifications**

- Area Commanding Officer and Watch Commander.
- Communications Division.
- Concerned Area Records Unit Principal Clerk.
- Department of Transportation (DOT).

- Official Police Garage.

**Locations to Obtain Bandit Taxicab Telephone Numbers**

- Community contacts.
- Community newspapers.
- Restaurants & bars.
- Stickers on pay phones.
- DOT personnel.

**List of Applicable Statutes**

***Municipal Code***

- 71.02 (a) LAMC      Operating a Vehicle for Hire Without a Franchise Granted by the City of Los Angeles.
- 71.02 (b) LAMC      Operating a Taxicab Without a Franchise Granted by the City of Los Angeles.
- 71.03 (d) LAMC      Operating a Vehicle for Hire without a DOT Permit.
- 71.03 (c) LAMC      Operating a Taxicab without a DOT Permit.
- 71.16 (b) LAMC      Color Schemes Misleading or Intended to Confuse or Defraud Public.
- 43.18 LAMC          Color Scheme/Fake Seals.
- 71.02.3 (c) LAMC    Impound Authority.

The elements of the crime and City Attorney filing policy require that the undercover officer obtain a dollar amount or a clear reference to money from the bandit taxicab driver.

***California Vehicle Code***

- 21100.4 (a) (1) CVC    Authority for 30-day hold of Taxicabs and Vehicles for Hire.
- 22655.5 (a) CVC        Vehicle Used to Commit a Public Offense.
- 22651 (h) CVC          Impound Authority (driver arrested).

## Vehicle Impounds

California Vehicle Code Section 21100.4 (a) (1) provides a mechanism to hold a vehicle for thirty days if the vehicle was used to violate Los Angeles Municipal Code Sections related to bandit taxicab activity. That statute authorizes a judge to issue a seizure order when presented with an affidavit from a police officer with probable cause to believe that a vehicle is being operated as a bandit taxicab. However, 21100.4 (a) (1) CVC does not provide authority for impounding a vehicle at the time of the driver's arrest. Officers arresting a bandit taxicab driver for one of the applicable Municipal Code Sections will use 22655.5 (a) CVC as the impound authority. The Storage Authority/Reason portion of the Vehicle Report, CHP 180, shall be marked 22655.5 (a) CVC. The Agency Hold box shall be checked.

Emergency Operations Division staff will be responsible for completing a probable cause affidavit, obtaining a seizure order, completing a Follow-up Investigation, Form 3.14, and making necessary notifications to hold the vehicle for thirty days.

## Arrest Reporting

All BTEP related police reports shall be completed prior to concluding the enforcement detail. Each arrest report package shall include all of the items required in the City Attorney filing checklist. Three sets of each arrest package are to be prepared and provided to EOD. The original Nontraffic Notice to Appear (RFC), Form 5.2.2, shall be attached to one of those sets of reports. If the arrestee was booked, the original Disposition of Arrest and Court Action, Form 5.9, shall be attached to one set of those reports. For both bookings and RFCs, the original narrative is left with the Area Records Unit. A file copy shall be prepared for the local Area Records Unit. That file copy need not contain the criminal history and DMV record information.

## **DR Number Issuance**

*\* An incident number is needed before "buying" DR numbers*

<u>RFC</u>	<u>1 DR number.</u>
<u>RFC with a vehicle impound.</u>	<u>2 DR numbers.</u>
<u>RFC with evidence.</u>	<u>2 separate DR numbers.</u>
<u>RFC with a T/C report.</u>	<u>2 separate DR numbers.</u>
<u>RFC with T/C and evidence.</u>	<u>2 separate DR numbers.</u>
<u>RFC with T/C and impound.</u>	<u>2 separate DR numbers.</u>
<u>Multi 2 RFC arrest with 1 vehicle impound.</u>	<u>3 separate DR numbers.</u>

Multi 2 RFC arrest with impound and evidence.                      3 separate DR numbers.  
1 DR for the impound and evidence.  
1 DR for each RFC for a total of 3 DR numbers.

Multi 2 RFC arrest with T/C.    3 separate DR numbers.  
1 DR for the T/C.  
1 DR for each RFC for a total of 3 DR numbers.

Multi 2 RFC with T/C and impound. 3 separate DR numbers.  
1 DR for the T/C and impound.  
1 DR for the each RFC for a total of 3 DR numbers.

Multi 2 RFC with T/C, impound and evidence. 3 separate DR numbers.  
1 DR for T/C, impound and evidence.  
1 DR for each RFC for a total of 3 DR numbers.

Arrest with impound. 1 DR number.  
Arrest with impound and evidence. 1 DR number.  
Arrest with T/C. 1 DR number.  
Arrest with T/C and impound. 1 DR number.  
Arrest with T/C with impound and evidence. 1 DR number.

If there is no record clerk, you must call another Area for a DR number. If no help is available from an Area Records Unit then contact the Special Reports Distribution Unit (SRDU) at (213) 485-2156. If the RD is outside you must call SRDU.

### **NECS Down**

If NECS is down you must "BUY" a Manual DR number for the Area of occurrence by calling the appropriate Area Records Unit. If the RD is outside you must call SRDU at (213) 485-2156.

### **Distribution**

Three copies of the arrest report with the original RFC will be prepared for Hollywood Court. Staple the original citation to the original continuation sheet and make the copies. Collate the copies in the following order: Copy of Citation and Continuation Sheet, City Attorney Disclosure form, DMV driver history and vehicle registration printouts, CII rap sheet and CCHRS. Records and Identification Division will receive a copy (with the original narrative). An additional copy shall be prepared for the local Area Records Unit.

**NOTE:** The Original RFC and a Copy of the Continuation sheet goes to court.  
A Copy of the RFC and the ORIGINAL continuation sheet goes to R&I.

### **Sergeant's Log**

The primary supervisor shall complete a Sergeant's Daily Report that includes a statistical recap. The Incident Commander shall E-mail a statistical recap and summary of activities to the Commanding Officer, EOD, prior to end of watch. The Sergeant's Daily Report, used as an E-mail attachment, will suffice for that purpose.

### **Case Filing**

Unless other arrangements have been made, staff from EOD is responsible for filing the criminal cases and obtaining seizure orders for 30-day holds under 21100.4 CVC. All noncustody bandit taxicab related arrests will be filed in Hollywood Court. The correct court shall be indicated

using the checkbox provided on the RFC. When a booking is necessary for a taxicab related Municipal Code violation the jailer should be advised to cite the person back to Hollywood Court if the jailer later releases the arrestee from custody.

### Overtime

With the exception of staff from EOD and certain on duty lieutenants, all BTEP work is intended to be completed on overtime. All BTEP Overtime Reports shall be completed and approved by the end of watch. All BTEP Overtime Reports shall be coded with the BTEP specific overtime code. The codes are 6057 for extended watch activities or 6257 for work completed on a regular day off. The Overtime Reports shall indicate the name of the BTEP lieutenant authorizing the overtime. Officers are responsible for the timely submittal of Overtime Reports to their assigned Area/Division for entry into the Department's Online Overtime System. A copy of each Overtime Report shall be provided to EOD.

### City Attorney Checklist

Three sets of reports for filing for each arrestee should include the following:

- The reports should clearly indicate which Area/division the undercover officer works for subpoena purposes.
- All officers participating in the task force must be listed in the report (serial numbers and divisions).
- If civilian witnesses are involved (specifically as potential fares), make sure to get all contact information (even if out of state) and obtain a statement detailing their negotiation and or interaction with the suspect.
- Include information for all prior arrests and/or convictions (including case numbers, dates of arrest/conviction, which agency, etc.).
- Give a detailed description of the vehicle (taxi or vehicle for hire).
- Indicate that a search of DOT records reveals there was no taxicab franchise given or that the suspect did not possess a DOT driver permit.
- Do not forget to ask for any additional charges if applicable, e.g. 14601 or 12500 (a) VC.
- Criminal History Information (RAP Sheets) from CCHRS and CII. If no record is found include a printout to that effect.
- DMV driver and vehicle information. If no record is found include a printout to that effect.



- Include copies of digital photos of suspect, vehicle, and meter (if applicable).
- Copies of business cards for taxi service.
- Copies of Thomas Guide map page of the location of the arrest.
- Copies of authorized taxicab companies in the City of Los Angeles.

When discussing the elements of the crime, please remember that it is very important to prove that the suspect was using his/her vehicle for hire (rather than acting as a Good Samaritan or just doing a favor). A typical defense that is raised is, "I wasn't going to charge the person." Also, if the suspect is streetwise and will not discuss the cost of the fare, write down the circumstantial evidence such as "pulled down the meter handle" or "did hand gestures."

# **BANDIT TAXICAB ENFORCEMENT PROGRAM**

## **LAMC LAWS**

### **SEC. 71.00. SCOPE AND DEFINITIONS.**

For the purposes of this chapter, the following words and phrases are defined and shall be construed as hereinafter set out, unless it shall be apparent from the context that they have a different meaning:

**“Automobile-For-Hire”** shall mean every automobile, other than taxicabs, used for prearranged transportation of passengers over the streets of this City and not over a defined route within the boundary limits of said City at rates per mile, per trip, per hour, per day, per week or per month. Such vehicle shall not be equipped with a taximeter or facsimile thereof, shall not display advertisements or possess a top light, is not required to display a company logo or maintain a two-way radio and is not permitted to solicit passengers from City streets, sidewalks or other public areas.

**“Driver”** shall mean every person who drives or is in actual physical control of a vehicle defined in this section, either as an agent, employee or otherwise.

**“Operator”** shall mean any person or corporation who conducts or manages a business using the vehicles defined in Section 71.00.

**“Taxicab”** shall mean every automobile or motor propelled vehicle which is designed to carry not more than eight persons, excluding the driver, and either is equipped with a taximeter or a top light or has the words **“taxi”**, **“cab”** or **“taxicab”** displayed on the exterior of the vehicle, and used for the transportation of passengers for hire over the streets of this City, irrespective of whether the operations extend beyond the boundary limits of said City, at rates for distance traveled, or for zones, or for waiting, standby or traffic delay time, or for any combination of such rates, and not operating over a defined route but routed under the direction of such passengers or persons hiring the same.

**“Taximeter”** shall mean a device that automatically calculates at predetermined rate or rates, and indicates the charge for hire of a vehicle.

### **SEC. 71.02. OPERATION OF VEHICLES – PERMITS OR FRANCHISES REQUIRED. (Amended by Ord. No. 174,058, Eff. 8/9/01.)**

**(b) No person or corporation or membership organization shall drive or operate a taxicab without a franchise granted by the City of Los Angeles. The Board may grant a taxicab vehicle permit to grantee or a member of grantee for each vehicle operated under a taxicab franchise. No taxicab shall be operated under a franchise unless the Board has issued such a permit for each specific vehicle. A taxicab operated under a franchise may not continue in service if the taxicab vehicle permit is expired, suspended, canceled or revoked. The Board may**

authorize the decaling of each individual taxicab by the Department as approval for a taxicab vehicle permit.

**(d) In no event shall any person or corporation who drives or operates a taxicab in the City of Los Angeles publish, advertise or broadcast in any manner, written or oral, a telephone number either by itself or connected to a rotary or call forwarding system for taxicab service, which is the same telephone number as that for other vehicles for hire.**

### **SEC. 71.02.3. USE OF PUBLIC RIGHTS-OF-WAY.**

**(Added by Ord. No. 170,068, Eff. 11/18/94.)**

**(a) It shall be unlawful for any person, corporation, association or cooperative to operate, maintain, drive or park any vehicle, as defined in Section 71.00, on any street, roadway, thoroughfare, highway or public right-of-way within the boundaries of the City of Los Angeles without a permit or business license granted or issued for the operation of the specified vehicle by an authorized governmental entity in the State of California.**

**(b) Violation of this section will subject the violator to impoundment of the unlawful vehicle by the City of Los Angeles and is deemed a misdemeanor.**

**(c) Whenever any peace officer, public officer or employee of the City of Los Angeles arrests any person for violation of this section, the officer or employee shall impound and retain possession of any vehicle used in violation of this section until a court of competent jurisdiction or an officer or employee of the City of Los Angeles shall release said vehicle.**

### **SEC. 71.03. DRIVING OF VEHICLES – PERMITS REQUIRED.**

**(Amended by Ord. No. 173,901, Eff. 5/31/01.)**

**(c) No person shall drive or operate a taxicab as defined in Section 71.00 without first having obtained a taxicab driver permit from the Board.**

**(d) No person shall drive or operate any other type of vehicle defined in Section 71.00 without first having obtained a driver permit from the Board.**

### **SEC. 71.16. TAXICAB IDENTIFICATION.**

**(a) No taxicab shall be operated by any person without a distinctive and uniform color scheme or identification which designates the operator of said vehicle and which has been approved by the Department. (Amended by Ord. No. 149,526, Eff. 5/21/77.)**

**(b) No color scheme, name, monogram, or identification shall be in conflict with or imitate any color scheme, monogram, or name of identification used by another taxicab grantee in such a manner as to be misleading or to tend to confuse or defraud the public. (Amended by Ord. No. 165,491, Eff. 3/19/90.)**

(c) Each taxicab operated under a franchise shall be identified as a City of Los Angeles authorized taxicab by decals or other suitable means as adopted by the Board. Identifying decals shall be provided by the Board for such purpose upon payment of the Taxicab Vehicle Decal fee specified in Section 71.06.1. No person shall identify any vehicle by means of such decal, or any facsimile thereof, unless authorized to do so by the regulations of the Board. (Amended by Ord. No. 174,058, Eff. 3/9/01.)

(d) No person shall identify any vehicle by means of a City of Los Angeles decal or facsimile thereof unless authorized to do so by the Board. (Added by Ord. No. 175,004, Eff. 1/26/03.)

#### **SEC. 71.20. TAXICAB SIGNS.**

(a) Every taxicab shall display in both the front seat and the rear seat, in full view of passengers in either of said seats, in letters and figures which are clearly legible and not less than one-quarter inches high the rates to be charged. The rate display shall either be of a permanent character or be protected by glass or other suitable transparent material and shall have printed thereon the name under which the owner of said taxicab operates and the business address and telephone number of such owner.

(b) Every taxicab shall have lettered upon the sides of said taxicab the name under which the owner thereof operates together with the telephone number and the cab number of such owner. The number of the cab shall also be displayed in such a manner that it is plainly visible from the rear. All of the lettering mentioned in this subsection shall be of not less than 2 inches in height and not less than 5/16-inch stroke.

(c) Every taxicab may display an electrically lighted identification or vacant sign or combination of both attached to the top of such cab. Every such sign shall not be more than 34 inches in length, 10 inches in height, or 10 inches in width.

#### **SEC. 71.22. TAXIMETERS.**

(a) No owner operating any taxicab shall operate such vehicle unless it is equipped with a taximeter of such type and design as has been accepted by the Department of Agriculture. Every owner using any taximeter shall at all times keep such meter accurate as established by order as adopted by the California Department of Agriculture.

(f) No operator of any taxicab, upon receiving payment of a fare as indicated by the taximeter thereon, or as determined by a zone rate established by the Board shall refuse to give a receipt upon the request of any passenger making said payment.

Vehicles for Hire: "TCP See PC 654.1 & LAMC 71.03(c), taxicab driver permit required  
Poaching:  
Continuous Trips

## **PENAL CODE**

654.1. It shall be unlawful for any person, acting individually or as an officer or employee of a corporation, or as a member of a copartnership or as a commission agent or employee of another person, firm or corporation, to sell or offer for sale or, to negotiate, provide or arrange for, or to advertise or hold himself out as one who sells or offers for sale or negotiates, provides or arranges for transportation of a person or persons on an individual fare basis over the public highways of the State of California unless such transportation is to be furnished or provided solely by, and such sale is authorized by, a carrier having a valid and existing certificate of convenience and necessity, or other valid and existing permit from the Public Utilities Commission of the State of California, or from the Interstate Commerce Commission of the United States, authorizing the holder of such certificate or permit to provide such transportation.