

## CHIEF OF DETECTIVES

### **NOTICE** 8.2

May 22, 2018

**TO:** All Concerned Commanding Officers

**FROM:** Chief of Detectives

**SUBJECT:** ENFORCEMENT GUIDELINES FOR VIOLATIONS OF LOS ANGELES  
MUNICIPAL CODE SECTION 41.58.1

The purpose of this Notice is to establish guidelines for Department personnel when enforcing violations of Los Angeles Municipal Code (LAMC), Section 41.58.1. The ability to enforce this LAMC Section was a direct result of Ordinance No. 185451, passed by the Los Angeles City Council on February 21, 2018. The LAMC prohibits Loud or Unruly Gatherings on residential property and deems them a public nuisance. The ability to enforce LAMC Section 41.58.1 will assist the Los Angeles Police Department (LAPD) with mitigating the negative impacts to the community by holding Property Owners, and/or Responsible Parties, accountable through the issuance of administrative citations and other penalties.

For the purposes of this Notice, a Loud or Unruly Gathering is defined by the Ordinance 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.”* Loud or Unruly Conduct includes any of the actions listed below if it violates any provision of the LAMC or State Law:

- Loud noise;
- Obstruction of a street or public right-of-way, including a sidewalk;
- Public intoxication or drinking in public;
- The service of alcoholic beverages to minors;
- Possession and/or consumption of alcohol by minors;
- Assault, battery, fights, domestic violence or other disturbances of the peace;
- The sale or service of alcoholic beverages without a required State License;
- Vandalism or destruction of property;
- Litter;
- Urinating or defecating in public; or
- Trespassing.

### **PROCEDURE**

The enforcement of LAMC Section 41.58.1, can be applied to the Property Owner (Owner) and/or the person responsible for the Loud or Unruly Gathering.

For the purposes of this Notice, “Owner” is defined as, *“any person who owns the Residence where a Loud or Unruly Gathering occurs,”* and “Responsible Party” is defined as, *“any person who rents, leases or is otherwise in charge of the Residence where a Loud or Unruly Gathering occurs; or, any person who organizes or sponsors a Loud or Unruly Gathering at a Residence.”*

When responding to an incident involving a Loud or Unruly Gathering, an officer has multiple options available to resolve the issue. These options include, but are not limited to, a warning given by the officer, the issuance of a Citation, and/or the arrest of any person committing a criminal violation, or any applicable local or State law.

When enforcement action is taken (Administrative Citation Enforcement (ACE), Release from Field Custody (RFC), or custodial arrest), the officer must articulate specific facts, which support that a Loud or Unruly Gathering, and/or other criminal offense occurred. When determining whether to warn, or conduct enforcement action, officers shall consider relevant factors such as:

- The likelihood a warning would be ineffective;
- The presence of gang, rave or “flyer” party activity;
- The presence of juveniles;
- The presence of other unlawful activity;
- Chronic complaint locations;
- Existence of permit; and,
- The potential for violence at the location.

If an ACE citation or RFC is issued, officers shall comply with LAPD 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 Administrative Citation Enforcement Program Schedule of Los Angeles Municipal Code Violations can be accessed through the Department LAN and will provide officers with the most current violations that are eligible for ACE application.

If the Owner or Responsible Party is not eligible for an ACE citation or RFC, then a custodial arrest may be necessary. Some examples of when a custodial arrest may be appropriate, or required (dependent on investigation), are listed below:

- Domestic Violence Assault;
- Sexual Assault;
- Crime Against Person;
- Existence of felony or misdemeanor warrant;
- Firearm is discharged or involved; and,
- Criminal Threat made against neighbor or witness/complaining party.

When an officer responds to a Loud or Unruly Gathering, the Ordinance requires a Notice to be posted on the front entrance of the Residence, which will remain posted for 30 days. The Owner must be served with copies of the posted Notice, which can be done in person, or by delivery through the United States Post Office, in a sealed envelope, postage prepaid, addressed to the Owner shown on the County’s last equalized property tax assessment roll.

A copy of all related enforcement documentation (ACE citation, RFC, or arrest report, and a copy of the posted Notice) shall be provided to personnel designated by the geographical Area, or division, who will ensure the Property Owner is identified and a copy of the Notice is mailed to them. Additionally, designated personnel will document and retain the date the Notice was mailed.

**Note:** If an Owner was not present during the Loud and Unruly Gathering, they may be issued a citation for any subsequent violation of the LAMC Section 41.58 if the Owner was previously served with a copy of the Notice, or the officer responding has verified a copy of the Notice was mailed to the Owner after ten calendar days have passed.

**OFFICER'S RESPONSIBILITIES.** All sworn personnel who determine a violation of LAMC Section 41.58.1 exists 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/or Responsible Party is uncooperative, or a warning would be ineffective, determine which enforcement type is most appropriate (ACE, 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 ACE or 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, take a photograph of the residence, which depicts the posted Notice, and submit it with the ACE citation, 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 citation, RFC, or Arrest Report with supporting documentation, including the photograph of the posted Notice, to the Watch Commander for review and approval.

**WATCH COMMANDER'S RESPONSIBILITIES.** The watch commander shall review all ACE citations, RFCs and Arrest Reports related to the enforcement of 41.58.1 LAMC to ensure the proper procedure is followed, and that the proper documentation, including the photograph of the posted Notice, is included prior to submission to the Area Record's Unit for processing.

**AREA RECORD'S UNIT RESPONSIBILITY.** The Area Record's Unit shall be responsible for adhering to current Department policy when processing RFCs and Arrest Reports, and will continue to forward the ACE citations to the ACE Unit. In addition, copies of all ACE citations, RFCs, or Arrest Reports related to the enforcement of 41.58.1 LAMC, along with all supporting documentation and photos, shall be forwarded to personnel designated by the Area for additional follow-up. This Notice does not change established Department records retention protocols.

**COMMANDING OFFICER'S RESPONSIBILITIES.** Area Commanding Officers shall designate personnel who will ensure the Property Owner is identified, a copy of the Notice is mailed to them, and the date it was mailed is documented and retained. They will also ensure Department personnel under their command are in compliance with this Notice.


**FORM AVAILABILITY:** The Loud or Unruly Gathering Notice is not available on the Department LAN E-Forms. It is available to order from Publishing Services, Department of General Services, by submitting a Supply Order Form, Form 15.11.00, to the Supply Section, Fiscal Operations Division.

If you have any questions regarding this Notice, please contact Detective Support and Vice Division, at (213) 486-0910.

APPROVED:



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