

OFFICE OF OPERATIONS

NOTICE

1.11

August 13, 2018

TO: All Personnel

FROM: Director, Office of Operations

SUBJECT: REMINDER – ENFORCEMENT OF LOS ANGELES MUNICIPAL CODE (LAMC) SECTION 41.18(d) - SIDEWALKS, PEDESTRIAN SUBWAYS - LOITERING

The purpose of this Notice is to remind personnel of the procedures governing enforcement of Los Angeles Municipal Code (LAMC) §41.18(d) - Sidewalks, Pedestrian Subways - Loitering, arising from the settlement of litigation against the City of Los Angeles (See *Jones V. City of Los Angeles*, Case No. 04-55324).

LAMC §41.18(d) currently provides that no person shall sit, lie, or sleep in or upon any street, sidewalk, or other public way. In *Jones*, six homeless individuals who were cited or arrested for violating LAMC §41.18(d) challenged enforcement of the ordinance. Due to the lack of an adequate number of shelter beds for persons experiencing homelessness in the City, the Court found that homeless individuals have no other option but to sit, lie, or sleep on public streets or sidewalks. Consistent with the Court's direction, the City entered into a Settlement Agreement whereby officers must not issue a citation or otherwise effect an arrest for violation of LAMC §41.18(d) between 2100 to 0600 hours (times inclusive) unless the individual is sitting, sleeping or lying within (10) feet of any operational and utilizable entrance or exit of a building, driveway, or loading dock. Personnel are reminded to measure distance as follows:

- Entrance/Exit to Building: 10 feet measured perpendicularly from the outer edges of the opening, along the exterior wall of the building, and from those points the area encompassed by the measurement shall extend to the curb line;
- Entrance/Exit to Parking Lot: 10 feet measured perpendicularly from the outer edges of the driveway and from those points the area encompassed by the measurement shall extend to the curb; and,
- Loading Dock: 10 feet measured perpendicularly from the outer edges of the opening, whether raised or not, and from those points the area encompassed by the measurement shall extend to the curb line.

Officers may issue a citation or effect an arrest for violation of LAMC §41.18(d) between 0600 and 2100 hours (times exclusive).

Regardless of the hour, officers shall not issue a citation or arrest an individual for a violation of LAMC §41.18(d) unless the officer has first given the person a verbal warning regarding the LAMC section, they have had reasonable time to move and the person has not complied with that warning.

The above described enforcement of LAMC §41.18(d) shall continue to apply Citywide and shall continue to not be restricted to any particular Area or division.

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Consistent with the Department's comprehensive homelessness strategy, recommended enforcement protocols for LAMC 41.18(d) are attached for your review.

If you have questions regarding this Notice, please contact the Evaluation and Administration Section, Office of Operations, at (213) 486-6050.



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

Distribution "D"

Attachment

**LOS ANGELES POLICE DEPARTMENT
RECOMMENDED ENFORCEMENT PROTOCOLS
LAMC §41.18(d)
SITTING, LYING, OR SLEEPING
ON A STREET, SIDEWALK, OR PUBLIC WAY**

- Prior to issuing a citation or effecting an arrest, officers shall give the violator a verbal warning regarding the violation of LAMC §41.18(d) AND reasonable time to stop the offending behavior.
- Any citation or arrest report for violation of LAMC §41.18(d) should include specific facts supporting (1) that the suspect was sleeping, sitting, or lying; (2) on a sidewalk, street, or public way, and identify the specific location of the violation; and (3) that the individual was warned for violating Section 41.18(d), offered a reasonable period of time to stop the offending behavior and failed to do so.
- When the violation is observed to be occurring in front of or within 10 feet of an operational entrance, exit, driveway, or loading dock, this information should also be included on the citation or in the report.
- Officers are expected to include photographs documenting the violation and include sufficient facts to support a reasonable suspicion for the detention.
- Consistent with the Department's comprehensive homelessness strategy, it is recommended that officers have three (3) prior documented contacts with the suspect during which warnings were given, outreach was provided, or services were offered. When possible, officers should provide copies of documentation reflecting these efforts (e.g., copies of FI cards, name and serial number of Department personnel present when services were offered, or prior photographs of the violation when warnings were given).