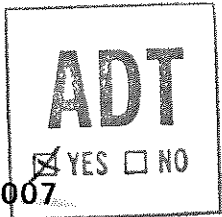


OFFICE OF OPERATIONS

OPERATIONS NOTICE NO. 10

November 30, 2007



SUBJECT: LEWD CONDUCT ENFORCEMENT - REVISED

EFFECTIVE: IMMEDIATELY

It is the goal of the Department to provide fair and consistent enforcement of all laws in an effort to ensure public safety and protect the rights of all individuals living and working in the City of Los Angeles. This Notice establishes guidelines for officers to utilize, when dealing with complaints of lewd conduct activity, and to establish methods for ensuring the public is protected from exposure to acts that may be deemed offensive.

California Penal Code (PC) Section 647(a) makes it a misdemeanor to engage in or solicit any person to engage in an act of lewd conduct in a public place. The California Supreme Court further defined legal requirements indicating Section 647(a) PC applies only under the following conditions:

- * A person engages in or solicits another person to engage in conduct that involves touching of the genitals, buttocks, or female breast;
- * The conduct is for the purpose of either sexual arousal or gratification, or annoyance or offense to others;
- * The conduct takes place in a public place or a place open to the public or exposed to public view; and,
- * The person who engages in or solicits the conduct know or should know that other people are present who may be offended.

The Court ruled that all four criteria must be present in order for the conduct to meet the legal requirements of lewd conduct activity under Section 647(a) PC. Officers should also be aware that it is not a crime to engage in public displays of affection providing the activity does not meet the level of conduct established by the Court under Section 647(a) PC. It is also not illegal to solicit a person to engage in noncommercial sexual activity, provided the solicitation occurs between consenting adults regardless of gender or sexual orientation of the involved parties and the intended activity is to take place in a private location out of public view.

It is also a misdemeanor under Section 647(d) PC to loiter in or near a public restroom for the purpose of engaging in or soliciting an act of lewd conduct. Similar criteria must also be applied in enforcing the provisions of this section. It is the policy of the Department to aggressively address all citizen complaints of lewd conduct activity. The goal in an

investigation involving complained of or conspicuous lewd conduct activity is to eliminate the activity and prevent future complaints. In order to meet Department goals, officers must rely on investigative techniques to address the concerns of the community. Investigative techniques used to eliminate complaints of lewd conduct activity should focus on solving the problem and include, but are not limited to:

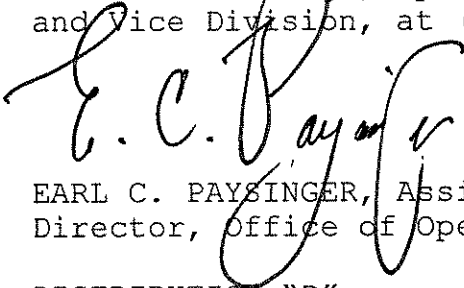
- * **Environmental Redesign** - Improve lighting conditions to reduce the attractiveness of a particular location, reduce or eliminate shrubbery to remove areas of perceived privacy; use warning signs to alert potential violators that lewd conduct activity may lead to criminal prosecution, and the use of video surveillance equipment;
- * **Enhanced Security** - Limiting a location's hours of operation, locking restroom doors prior to hours of darkness, installation of physical barriers to block access to unwanted individuals, and employment of private security officers as a deterrent to unwanted behavior; and,
- * **Uniformed Patrol** - The deployment of uniformed patrol personnel in a highly visible manner can be extremely effective in reducing complaints of lewd conduct activity. Areas not accessible to police vehicles can be reached through the use of foot beats, bicycle patrol, or mounted unit deployment. It should be noted that this type of problem-solving appears to be effective only as long as the police presence is highly visible. Any reduction in deployment may cause the problem to reappear.

The deployment of plainclothes personnel to eliminate complaints of lewd conduct activity appears to have limited effectiveness and shall be utilized as a last resort and only upon pre-approval by the concerned geographic bureau commanding officer. This does not preclude plainclothes personnel from continuing to investigate individual complaints or operating locations that have a high frequency of citizen complaints, but officers must not rely solely on these types of operations as a means of obtaining corrective measures. Area commanding officers shall be notified regarding the need to deploy plainclothes personnel in response to a complaint involving lewd conduct activity.

Note: The commanding officer notification does not prohibit officers from conducting preliminary plainclothes investigations for the purpose of establishing the validity of a complaint.

In order to meet the needs of our communities in dealing with lewd conduct investigations, officers should continue to utilize a problem-solving model. Outside entities, such as the Department of Recreation and Parks, the Department of Building and Safety, and the Bureau of Street Lighting may prove to be valuable assets. Working with concerned property owners may prove to be an officer's most valuable resource and possibly the most effective means of obtaining a long-term solution.

Any questions regarding this Notice should be directed to the Officer in Charge, Special Enforcement Section, Detective Support and Vice Division, at (213) 972-2500.



EARL C. PAYSINGER, Assistant Chief
Director, Office of Operations

DISTRIBUTION "D"