

## OFFICE OF OPERATIONS

NOTICE NO. 13

April 7, 1997

TO: All Personnel, Office of Operations

FROM: Director, Office of Operations

SUBJECT: NARCOTIC OFFENDER EVICTION REFERRALS

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PLANNING AND RESEARCH  
DIVISIONBACKGROUND

Recent legislation intended to expedite eviction proceedings against gang or drug offenders committing offenses on or near their place of residence provides an effective law enforcement tool in the war on drug offenders. An understanding of Los Angeles Municipal Code (LAMC) Section 47.50 mandates that all officers include critical information in any drug-related arrest report.

The New Law: Los Angeles Municipal Code Section 47.50

The new law, LAMC Section 47.50 provides in relevant part:

A landlord shall not cause or permit:

1. The premises to be used or maintained for any illegal drug activity, drug-related nuisance or gang-related crime, and;
2. A tenant to use or occupy the premises if the tenant commits, permits, maintains, or is involved in any illegal drug activity, gang-related crime, or drug-related nuisance or gang-related crime;

A landlord may bring an action to recover possession of a rental unit upon one of the following grounds:

1. The tenant is committing or permitting to exist any illegal drug activity, gang-related crime, or drug-related nuisance on the premises or within a 1,000 foot radius from the boundary line on the premises, or;
2. The tenant has been convicted of a crime wherein the underlying offense involves illegal drug activity, drug-related nuisance activity, or a gang-related crime on the premises.

If the City Attorney's Office determines that the landlord has failed to comply with the provisions of this section after receiving notice, then the City Attorney's Office may file an action for injunctive relief or take any other appropriate action to require the landlord to comply with the provisions of this section.

In sum, this legislation requires landlords to evict drug or gang offenders. Adequate notice of the offense must therefore be provided to such landlords as soon after the offense as possible to permit these landlords to begin timely eviction procedures. A notice will be provided by Deputy City Attorneys

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assigned to the Narcotics Abatement Unit's (NAU) Narcotics Enforcement Surveillance Team (NEST). In the event that the landlord fails to take steps to remove a problem tenant, the City Attorney's Office is authorized to pursue civil and/or criminal actions against the landlord.

PROCEDURE

In order to ensure effective notice to landlords in their eviction of drug offenders, the following procedures shall be implemented:

1. In all narcotics-related arrests, officers shall determine whether a drug-related offense occurred within the 1,000 foot radius of the arrestee's residence. If so, the arrest report shall include that information, and a copy of the arrest report shall be sent immediately to the Los Angeles City Attorney located at NAU NEST, 1645 Corinth Avenue, Room 213, Mail Stop 149.
  - A. Every narcotics-related arrest report shall include the precise location of the offense with reference to the closest legal address.
  - B. Because the precise distance may become a critical issue in subsequent eviction proceedings against the arrestee, in all but the most obvious of cases (such as where the defendant is arrested inside his home or outside the front door), the officer shall measure or reliably estimate the distance between the offense location and the arrestee's residence . (The average City block is 800 feet.)
2. Copies of all arrest reports which arise out of search warrants where narcotics are recovered shall be sent immediately to the NAU NEST City Attorney for review. A copy of the search warrants involved shall be included.

If additional information is required, Lieutenant Stan Embry, Officer-in-Charge, Narcotics Group NAU, can be contacted at (310) 575-8910.



BAYAN LEWIS, Assistant Chief  
Director  
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Distribution "A"