

OFFICE OF THE CHIEF OF POLICE

NOTICE
1.11

October 22, 2018

TO: All Sworn Personnel

FROM: Chief of Police

SUBJECT: RESTRICTED ENFORCEMENT OF LOS ANGELES MUNICIPAL CODE SECTION 41.18(a) & (d); SUSPENSION OF ENFORCEMENT OF SECTIONS 41.18(b) & (c)

The purpose of this Notice is to provide instructions to Department personnel regarding the enforcement of Los Angeles Municipal Code Section 41.18 in light of a recently issued federal appellate court decision.

Judicial Decision

On September 4, 2018, the Ninth Circuit Court of Appeals held that a Boise, Idaho ordinance, with similarities to provisions of Los Angeles Municipal Code (LAMC) Section 41.18, was unconstitutional. Although the City of Boise has filed a petition for the court to reconsider its ruling, the published opinion remains in effect and its holding may impact the City's ability to enforce certain provisions of LAMC Section 41.18.

Accordingly, effective immediately and until further notice:

- *Department personnel shall suspend enforcement of LAMC Sections 41.18(b) & (c); and*
- *Department personnel may continue to enforce LAMC Sections 41.18(a) & (d) only under the following circumstances:*
 1. *When a person or a person's property obstructs or unreasonably interferes with the minimum clearance of a continuous three-foot wide pathway as required under the Americans with Disabilities Act (ADA) (§41.18(a)); or*
 2. *When a person is sitting, sleeping, or lying within ten (10) feet of any operational and utilizable entrance or exit of a building, driveway, or loading dock (§41.18(d)).*

Measurement of Distances for Enforcement of Section 41.18(d) Only

Department personnel are reminded that the required distances and area are measured as follows:

- **Entrance/Exit to Building:** Ten (10) feet measured perpendicularly from the outer edges of the opening, along the exterior wall of the building, and from those points to the curb line;
- **Entrance/Exit to Parking Lot:** Ten (10) feet measured perpendicularly from the outer edges of the driveway and from those points extended to the curb; and,

- **Loading Dock:** Ten (10) feet measured perpendicularly from the outer edges of the opening, whether raised or not, and from those points to the curb line.

Verbal Warning

Officers shall not issue a citation or arrest an individual for a violation of LAMC Sections 41.18(a) or (d) unless the officer has first given a verbal warning regarding the LAMC section, has allowed reasonable time for the person, or time to move his or her property if applicable, and the person fails to move, or fails to move the property, from the properly measured access way.

Documentation

Officers shall ensure that any associated arrest report specifies the facts and circumstances regarding the location of the violation, a description of the specific area of the violation, the warning provided, the reasonable amount of time given for the person to comply, and the suspect's statements and actions that constituted failure to comply with the warning. In addition, the report shall set forth the facts and circumstances regarding:

- (1) The obstruction or unreasonable interference by a person or person's property in violation of Section 41.18(a); or
- (2) The person's actions of sleeping, sitting, or lying on a sidewalk, street, or public way in violation of Section 41.18(d).

If the violation is enforced to comply with ADA standards, officers shall specify the distances measured. If the violation involves an operational entrance, exit, driveway, or loading dock, this information shall also be included in the report.

Body Worn Video

Department personnel are also reminded that body worn video cameras must be activated prior to the initiation of any investigative or enforcement activity with a member of the public. Accordingly, officers shall record the contact, warning, and enforcement of these provisions.

Applicable to All Personnel in All Areas of the City

This Notice and its instructions apply to all Department personnel and enforcement of Section 41.18 anywhere in the City of Los Angeles.

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



MICHEL R. MOORE
Chief of Police

Distribution "A"