

OFFICE OF THE CHIEF OF POLICE

NOTICE

October 4, 2021

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TO: All Sworn Personnel

FROM: Chief of Police

SUBJECT: AMENDMENT TO LOS ANGELES MUNICIPAL CODE SECTIONS 56.45(a) AND 56.45(e) – TARGETED RESIDENTIAL PICKETING PROHIBITED

The purpose of this Notice is to inform patrol personnel of the recent amendments to Los Angeles Municipal Code (LAMC) Sections 56.45(a) and 56.45(e), which prohibit targeted picketing at a private residence. Demonstrators have engaged in increased picketing at the residences of government and elected officials. Los Angeles Municipal Code Section 56.45(e), as previously written, prohibited a person from picketing within 100 feet of a private residence, where that residence is the focus of the picketing. However, the City's law had not been applied to prevent picketers who parade back and forth in front of a targeted residence.

On September 29, 2021, the Los Angeles City Mayor and City Council acted to afford greater protection against targeted picketing at a private residence by defining "Residential dwelling" and "Targeted," extending the previous 100-foot requirement to 300 feet and including a prohibition against picketing activity that proceeds on a course or route within 300 feet of a targeted residence.

Effective immediately, Department personnel may enforce LAMC Section 56.45(e), and shall be guided by the enforcement and evidentiary guidelines outlined in this Notice.

Los Angeles Municipal Code Section 56.45(a)

The following definitions have been added to LAMC Section 56.45(a):

- **Residential dwelling:** *Any permanent building being used by one or more occupants for nontransient residential uses.*
- **Targeted:** *Picketing activity that is targeted at a particular Residential dwelling and occurs in front of the Residential dwelling or proceeds on a course or route in front of or around that particular Residential dwelling.*

Los Angeles Municipal Code Section 56.45(e)

LAMC Section 56.45(e) is amended to read as follows:

Targeted residential picketing prohibited – *No person shall engage in Targeted picketing activity at or within 300 feet of the Targeted Residential dwelling. This subsection does not and shall not be interpreted to preclude picketing in a residential area that is not Targeted at a particular Residential dwelling.*

Note: The 300 feet are measured from the Residential dwelling structure. When necessary, officers may request the Department Operation Center (DOC) to facilitate contact with the City Attorney's Office for further legal guidance regarding measurement accuracy or enforcement of this section.

Enforcement of Los Angeles Municipal Code Section 56.45(e)

When officers either receive a complaint of, or observe, and thereafter confirm that such individual(s) is targeting a Residential dwelling by means of picketing (i.e., stationary or moving on a course or route, within 300 feet of the Targeted Residential dwelling structure) in violation of LAMC Section 56.45(e), officers shall:

1. Establish contact with the individual(s) in violation;
2. Educate the individual(s) by describing what conduct constitutes the violative behavior, and attempt to obtain voluntary compliance, documented by means of body worn video (BWV);
3. Request a supervisor to respond to the location of the incident;
4. When it is necessary to take enforcement action, officers have the following enforcement options:

- Administrative Citation Enforcement (ACE) citation;

Note: When investigating or issuing an ACE citation for the violation, officers should attempt to obtain the most current address available through means of physical identification from the individual by requesting permanent state, federal, or foreign consulate identification, or if the violator possesses no physical identification, by a verbal representation. Where probable cause exists that a person has falsely represented or identified themselves as another person, or as a fictitious person during a lawful detention, criminal enforcement is permissible pursuant to Penal Code Section 148.9(a).

- Non-Traffic Release from Custody (RFC); or,
- Custodial arrest for LAMC Section 56.45(e).

Evidentiary Guidelines

Officers shall consider the following evidentiary guidelines in the preparation of documentation for any enforcement action:

- Identify the Residential dwelling by street address and the name of the occupants being targeted;
- Describe where the suspect was located throughout the incident and identify witnesses who can testify to each individual suspect;

- Indicate and document how it was determined that the suspect was within 300 feet of the Residential dwelling (i.e., identify officers/witnesses who can testify to these observations);
- Document the length of time the suspect was present within 300 feet of the Residential dwelling, to include witness/victim statements;
- Describe the suspect's actions with specificity (i.e., moving on a course or route in front of or around the Residential dwelling), including at which points the suspect was within 300 feet;
- Document the number of times the suspect was observed walking a repetitive route or course in front of or around the Residential dwelling, and identify who can testify to these observations;
- Include all facts that prove the suspect was targeting a particular Residential dwelling (i.e., chants, signs, announcements, etc.);
- Identify all digital evidence relevant to support the elements of the crime (i.e., BWV, photographs, video, etc.), noting what digital evidence is relevant to each individual suspect;
- In multi-suspect cases, identify all individuals, each officer and witness who can testify to support the elements of the crime as they pertain to each individual suspect;
- Include any statements made by the suspect on the date of the incident or any prior incidents; and,
- Describe prior contacts/warnings with the suspect for Targeted Residential picketing and if available, the previous officer(s) who warned or cited the suspect (i.e., prior reports, field interview cards, or digital evidence).

Body Worn Video

Department personnel are reminded that BWV cameras shall 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 the provisions outlined in this Notice.

Mission of Police Officers

The critical mission of Police Officers is to protect the constitutional rights of all members of the public. These constitutional rights apply to individuals participating in lawful activities such as marches, demonstrations, pickets, and rallies. The thoughtful application of crowd management and intervention strategies will generally promote the facilitation of First Amendment activity and reverence for life, fairness, respect, and dignity for every individual. However, in circumstances where Targeted picketing at a Residential dwelling appears to be reaching the level of an unlawful assembly, officers shall refer to Use of Force Tactics Directive No. 11.2, *Crowd, Management, Intervention, and Control*, published in April 2021.

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



MICHEL R. MOORE
Chief of Police

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