

OFFICE OF CONSTITUTIONAL POLICING AND POLICY

NOTICE
1.14

October 25, 2017

TO: All Department Personnel

FROM: Director, Office of Constitutional Policing and Policy

SUBJECT: ENFORCEMENT OF STREET VENDING VIOLATIONS (LAMC SECTION 42.00[b]) UNDER ADMINISTRATIVE CITATION ENFORCEMENT PROGRAM

Los Angeles Municipal Code (LAMC) Section 42.00(b) was recently revised to restrict violations for street vending to be addressed solely under the City's Administrative Citation Enforcement (ACE) Program.

Accordingly, effective immediately, violators of the street vending ordinance shall only be issued ACE citations. Criminal penalties and sanctions are no longer available. Officers shall not arrest individuals for vending violations and shall not confiscate or book a street vendor's property when issuing an ACE citation.

Violations for street vending remain a public offense and individuals reasonably suspected of committing a public offense may be detained for investigation and issuance of an ACE citation. As always, the use of force to effect a detention is dependent on the seriousness of the underlying violation, along with whether the person is actively resisting or attempting to flee. In the case of vending, while a detention is permissible to determine identity and issue the citation, the underlying violation is minor and the Council has determined administrative. Absent active resistance, the appropriate level of force in such a detention would be of the lowest level, such as command presence coupled with low level restraint.

When investigating or issuing an ACE citation for a vending violation, officers should attempt to obtain 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 him or herself as another person, or as fictitious person during a lawful detention, appropriate criminal enforcement is still permissible pursuant to Penal Code Section 148.9(a).

Should you have questions regarding this matter, please contact the Office of Constitutional Policing and Policy at (213) 486-8730.



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Office of Constitutional Policing and Policy

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