



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 21-0279
SEP 22 2021

REPORT RE:

**ADMINISTRATIVE CITATION ENFORCEMENT (ACE) PROGRAM
STATUS REPORT**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

On June 21, 2013, your Council adopted the Administrative Citation Enforcement (ACE) Program Ordinance (Council File 10-0085) and requested that the City Attorney's Office develop an ACE Pilot Program involving the Los Angeles Police Department (LAPD) and the Department of Animal Services (DAS). On November 5, 2014, the City Council adopted an implementation plan for the pilot program, and as part of that plan, requested that the City Attorney report on the status of the program. This report provides the most recent update for the program and recommends the addition of the Los Angeles Sanitation and Environment Bureau to the ACE program (see attached request from the Chief Environmental Compliance Officer).

Recommendation

1. Approve that the Los Angeles Sanitation (LASAN) bureau is authorized to participate in the ACE Program. (See Attached Exhibit A - LASAN Request for Inclusion.) Previously, a request for ACE participation was submitted; however, the matter was inadvertently filed without Council action approving LASAN's participation.

2. Receive and file this Annual 2020-2021 ACE Program Status Report.

Program Implementation

The ACE Program is currently utilized by enforcement personnel in the Los Angeles Police Department (LAPD), Department of Animal Services (DAS), Department of Parks and Recreation's Park Rangers (Park Rangers), and the Bureau of Street Services (BOSS). The Los Angeles Housing Department (LAHD) and Los Angeles Department of Building and Safety (LADBS) began using the ACE Program in 2020 in connection with the City's Home Sharing Ordinance (advertising home-sharing without a City registration number).

The City Attorney's Office continues to review every citation issued and submitted for processing. To date, the Supervising Assistant City Attorney has reviewed approximately 60,828 citations.

LAPD Statistics

From July 1, 2020, through June 30, 2021, LAPD issued 5,262 citations. Over 76% of those citations were processed; the remaining citations were either referred to another program for handling or rejected after being reviewed. The following is a summary of the citations received from each LAPD division between July 1, 2020, and June 30, 2021.

Division	Citations Received
77th	26
Central	43
Central Traffic	331
Devonshire	154
Foothill	22
Harbor	199
Hollenbeck	194
Hollywood	467
Mission	353
Newton	135
North Hollywood	57
Northeast	151
Olympic	385
Pacific	396
Rampart	20
Southeast	45
Southwest	476

South Traffic	206
Topanga	73
Valley Traffic	0
Van Nuys	368
West Los Angeles	89
West Traffic	3
West Valley	50
Wilshire	177
Commission Investigations Division	75
Security Services	19
Commercial Crimes Division	0
Detective Support and Vice Division	0
Metropolitan Division	0
Emergency Operations Division	0
Metropolitan Transit Authority	0
Major Crimes Division	0
Office of Operations/Film Unit	23
Transit Services Division	1

Of the LAPD citations processed in this reporting period of the ACE Program, offenses were recorded in the following general categories:

- Drinking in public 26.87%
- Possession of open container on or adjacent to ABC location 2.57%
- Required police commission permits 7.82%
- Street vending .20%
- Violation of City park ordinances 4.80%
- Spectator, speed contest 15.16%
- Loud parties 7.67%
- Noise 5.24%
- Fireworks 2.60%
- Gambling related offenses 7.27%
- Marijuana enforcement citations 11.99%
- Miscellaneous offenses 7.82%

During this reporting period, 371 violators cited by LAPD requested an initial review out of a total of 4,004 citations processed.

The City's ACE Ordinance allows violators an additional appeal by requesting an independent hearing, which is conducted by an Administrative Hearing Officer.

During this reporting period, eight hearings were held for LAPD citations. Additionally, 145 LAPD citations were referred to the Homeless Engagement and Response Team (HEART) program and two LAPD citations were referred for criminal prosecution.

Park Rangers Statistics:

The following represents the status of citations received between July 1, 2020, and June 30, 2021:

BOSS Statistics:

The following represents the status of citations received between July 1, 2020, and June 30, 2021:

DAS Statistics:

The following represents the status of the citations submitted by DAS personnel between July 1, 2020, and June 30, 2021:

LADBS Statistics for Home Sharing Violation:

The following represents the status of citations submitted by LADBS personnel between July 1, 2020, and June 30, 2021:

LAHD Statistics for Home Sharing:

The following represents the status of citations submitted by HCID personnel between July 1, 2020, and June 30, 2021.

- ACE citations received 87
- Initial review requests 103
- Administrative hearing requests 9

Payment of Fines and Transfer of Fines to Code Compliance Fund

The City's citation processing company, Data Ticket, collects fines and late penalties from persons who have been cited through the ACE Program and whose citations have been screened and referred for processing by the City Attorney's Office.

The 2020-2021 fiscal year total of collections was \$1,246,486.71 for the ACE Program. The fines and penalties collected by Data Ticket are electronically transferred to the Office of Finance monthly for deposit to the Code Compliance Fund, which was established in the ACE Ordinance.

Data Ticket invoices the City Attorney's Office monthly for its citation processing services, in accordance with its contract. During the 2020-2021 fiscal year, a total of \$154,548.21 was paid by the City to the contractor for processing, noticing, and collection services.

Unpaid Citations Referred to Franchise Tax Board

Unpaid citations are referred to the Franchise Tax Board's Intercept Program. From July 1, 2020, through June 30, 2021, a total of \$1,481.96 has been deposited to the Code Compliance Fund from income tax refund intercepts by the Franchise Tax Board. Referrals to the income tax return intercept program through the State's Franchise Tax Board was paused last year due to Covid-19. Collections resumed on all intercept operations August 1, 2021. The last check was received on 02/16/21. This is the primary reason the total amount collected for unpaid citation referrals to the Franchise Tax Board is low for this fiscal year.

Unpaid Fines and Penalties:

The total of unpaid fines from July 1, 2020, through June 30, 2021, was \$1,330,040.50. The breakdown by each of the participating departments is as follows:

- Los Angeles Police Department: \$638,147.50
- Department of Animal Services: \$179,281.00
- Department of Recreation and Parks: \$115,207.00
- Bureau of Street Services: \$298,255.00
- Los Angeles Department of Building and Safety (Home Sharing): \$72,800.00
- Housing and Community Investment Department (Home Sharing): \$26,850.00

Expansion of the ACE Pilot Program

The City's ACE Ordinance allows for the expansion of the ACE Pilot Program to include additional City departments upon City Council approval. The request to participate from the LASAN (Los Angeles Sanitation and Environment Bureau) is attached.

If you have any further questions regarding the ACE Program, please contact Assistant City Attorney Rita Hernandez-Venegas at (213) 978-2021.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:RHV:jv
Attachments (1)

cc: Honorable Eric Garcetti, Mayor
Honorable Ron Galperin, Controller
Matt Szabo, City Administrative Officer
Sharon Tso, Chief Legislative Analyst
Dana Brown, General Manager, Animal Services
Michael Shull, General Manager, Recreation and Parks
Greg Good, President, Board of Public Works
Ann Sewill, General Manager HCID
Osama Younan, General Manager, LADBS
Barbara Romero, Director/General Manager, LASAN

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: August 22, 2019

TO: Mary Clare Molitor
Chief Assistant City Attorney
Criminal Branch

FROM: Steven Pedersen
Chief Environmental Compliance Officer
LASAN/WPD Environmental Enforcement & Emergency Response Unit

SUBJECT: LASAN Request to be added to the ACE Program

The City of Los Angeles Sanitation and Environment (LASAN) requests to be added to the Administrative Citation Enforcement Program (ACE), currently being facilitated by the City Attorney's Office. The ACE program is an alternative method of enforcement for violations of the municipal code. LASAN believes that this program is an added enforcement tool for some of its current and future administrative enforcement programs. Additionally, LASAN requests the City Attorney's Office to assist with implementation and training of the ACE program for all necessary LASAN staff.

Please contact Assistant Chief ECO Gonzalo Barriga at 213-725-8862 to assist with the implementation of LASAN into the ACE Program.

CC:

Enrique Zaldivar
Traci Minamide
Lisa Mowery
Mas Dojiri
Shahram Kharaghani
Alex Helou
Gonzalo Barriga
Howard Wong
Dan Myers
Michael Simpson
Bhupendra Patel
Theodore Higgins
Reina Pereira
Tri Tran
Rita Venegas, ACE Unit
William Mangan, City Attorney Admin Crd III