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CITY ATTORNEY

REPORT NO. R 20 - 0 3 0 9
OCT 29 2020

REPORT RE:

**ADMINISTRATIVE CITATION ENFORCEMENT
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 periodically 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 the request of the City of Los Angeles Sanitation and Environment (LASAN)/Watershed Protection Division (WPD) Environmental Enforcement and Emergency Response Unit to participate in the ACE Program. A previous request for inclusion of LASAN in the ACE Program was listed in the 2018 – 2019 ACE Program annual report, but due to the COVID-19 pandemic, the request was continued indefinitely on 2/20/2020 by the Public Safety Committee. This latest request is a repeat of the former request.

2. Receive and file the Annual 2019 – 2020 Fiscal Year Status Report.

Program Implementation

The ACE Pilot Program has been enthusiastically embraced by LAPD, Department of Animal Services (DAS), Department of Parks and Recreation's Park Rangers (Park Rangers), and the Bureau of Street Services (BOSS) enforcement personnel. The Home-Sharing Ordinance was adopted on December 11, 2018, and the regulations became effective on July 01, 2019. Los Angeles Housing and Community Investment Department (HCIDLA) and Los Angeles Department of Building and Safety (LADBS) began issuing citations in late February 2020 for 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 52,000 citations. The City Attorney's Office also continues to participate in regularly scheduled LAPD, DAS, Park Rangers and BOSS trainings to strengthen the program and the collaboration between our offices.

LAPD Statistics

From July 1, 2019, through June 30, 2020, LAPD issued 5,978 citations. Over 77% 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, 2019, and June 30, 2020.

Division	Citations Received
77th	206
Central	296
Central Traffic	171
Devonshire	286
Foothill	85
Harbor	197
Hollenbeck	258
Hollywood	665
Mission	128
Newton	442
North Hollywood	303
Northeast	196
Olympic	237
Pacific	149

Rampart	108
Southeast	41
Southwest	359
South Traffic	130
Topanga	236
Valley Traffic	1
Van Nuys	534
West Los Angeles	26
West Traffic	0
West Valley	60
Wilshire	133
Commission Investigations Division	220
Security Services	116
Commercial Crimes Division	0
Detective Support and Vice Division	0
Metropolitan Division	8
Emergency Operations Division	0
Metropolitan Transit Authority	0
Major Crimes Division	0
Office of Operations/Film Unit	34
Transit Services Division	0

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

- Drinking in public 27.61%
- Possession of open container on or adjacent to ABC location 9.01%
- Required police commission permits 18.79%
- Street vending 2.08%
- Violation of City park ordinances 7.02%
- Spectator, speed contest 6.39%
- Loud parties 1.19%
- Noise 2.71%
- Fireworks 1.45%
- Gambling related offenses 1.60%
- Marijuana enforcement citations 8.43%
- Miscellaneous offenses 13.72%

During this reporting period, 360 violators cited by LAPD requested an initial review out of a total of 4,615 citations processed.

The City's ACE Ordinance allows violators an appeal by requesting an independent hearing which is conducted by an Administrative Hearing Officer. During this reporting period, 32 hearings were held for LAPD citations. Additionally, 42 LAPD citations were referred to the Homeless Engagement and Response Team (HEART) program and 4 LAPD citations were referred for criminal prosecution.

Park Rangers Statistics

Park Rangers began issuing citations in July 2016. The following represents the status of citations received between July 1, 2019, and June 30, 2020:

- ACE citations received 977
- Initial review requests 71
- Administrative hearings conducted 9
- HEART referrals 3

BOSS Statistics

BOSS began issuing citations in February 2017. The following represents the status of citations received between July 1, 2019, and June 30, 2020:

- ACE citations received 1,110
- Initial review requests 170
- Administrative hearings conducted 14

DAS Statistics

The following represents the status of the citations submitted by DAS personnel between July 1, 2019, and June 30, 2020:

- ACE citations received 979
- Initial review requests 142
- Administrative hearings held 8

LADBS Statistics for Home Sharing Violation

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

- ACE citations received 373
- Initial review requests 120
- Administrative hearing requests 23

HCIDLA Statistics for Home Sharing

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

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|-----------------------------------|-----|
| • ACE citations received | 115 |
| • Initial review requests | 53 |
| • Administrative hearing requests | 8 |

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 2019-2020 fiscal year total of collections was \$1,220,062.67 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 2019-2020 fiscal year, a total of \$165,137.56 was paid by the City to the contractor for processing, noticing, and collection services.

Unpaid citations are referred to the income tax return intercept program of the State's Franchise Tax Board. From July 1, 2019, through June 30, 2020, a total of \$95,244.19 has been deposited to the Code Compliance Fund from income tax refund intercepts by the Franchise Tax Board. As more cited persons become eligible for State income tax refunds, additional payments to the City are likely to be received.

Unpaid Fines and Penalties

The total of unpaid fines from July 1, 2019, through June 30, 2020, was \$1,405,604.55. The breakdown by each of the participating departments is as follows:

- Los Angeles Police Department: \$795,370.18
- Department of Animal Services: \$264,778.88
- Department of Recreation and Parks: \$100,902.50
- Bureau of Street Services: \$82,375.00
- Los Angeles Department of Building and Safety (Home Sharing): \$124,377.99
- Housing and Community Investment Department (Home Sharing): \$37,800

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:pj
Attachment

cc: Honorable Eric Garcetti, Mayor
Honorable Ron Galperin, Controller
Sharon Tso, Chief Legislative Analyst
Richard Llewellyn, City Administrative Officer
Michel Moore, Chief of Police
Brenda F. Barnette, General Manager, Animal Services
Michael Shull, General Manager, Recreation and Parks
Kevin James, President, Board of Public Works