



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 18 - 0314
OCT 16 2018

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:

This report provides the most recent update to the Administrative Citation Enforcement Program (ACE). ACE continues to be enthusiastically embraced by the Los Angeles Police Department (LAPD), Department of Animal Services (DAS), the Department of Parks and Recreation's Park Rangers (Park Rangers), and the Bureau of Street Services (BOSS) enforcement personnel. The City Attorney's Office reviews every citation issued and submitted for processing and will continue that practice until the City Attorney's Office is confident that the agencies are correctly implementing ACE. To date, the City Attorney's Office has reviewed 32,156 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, 2017, through June 30, 2018, LAPD issued 9,190 citations. Six thousand nine hundred forty-three (6,943), or 76% of those citations, were processed. Those not processed were referred to our Neighborhood Justice Program (NJP) or the Homeless Engagement and Response Team (HEART) for handling. Two thousand two hundred forty-seven (2,247), or 24% were rejected for a variety of legal reasons.

The following is a summary of the citations received from each LAPD division between July 1, 2017, and June 30, 2018.

Division	Citations Received
77th	123
Central	399
Central Traffic	159
Devonshire	582
Foothill	224
Harbor	59
Hollenbeck	361
Hollywood	2403
Mission	967
Newton	165
North Hollywood	438
Northeast	228
Olympic	298
Pacific	513
Rampart	125
Southeast	23
Southwest	112
South Traffic	268
Topanga	357
Valley Traffic	0
Van Nuys	222
West Los Angeles	129
West Traffic	0
West Valley	187
Wishire	431
Commission Investigations Division	274
Security Services	72
Commercial Crimes Division	4
Detective Support and Vice Division	7
Metropolitan Division	28
Emergency Operations Division	29
Metropolitan Transit Authority	1
Major Crimes Division	2

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

- Drinking in public 26.26%
- Possession of open container on or adjacent to ABC location 20.71%
- Required Police Commission Permits 20.20%
- Street vending 4.29%
- Violation of City Park ordinances 16.56%
- Spectator, Speed Contest 5.30%
- Bikes/Skateboards/Sidewalk 1.31%

• Noise	1.50%
• Fireworks	0.33%
• Urinating or defecating in public	1.35%
• Gambling related offenses	1.01%
• All other miscellaneous offenses	1.18%

During this reporting period, 439 violators cited by LAPD requested an initial review out of a total of 6,943 citations processed. Of that number, 62 of the citations were dismissed at the initial review phase for reasons that include insufficient or new evidence presented at the time of the request for initial review. Three hundred forty-four (344) of the citations were upheld.

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, 49 hearings were held for LAPD citations. Of the hearings conducted, 39 of the violators were found to be responsible and fined. Ten cases were dismissed. Seven additional cases have qualified for hearings and are now being scheduled.

Park Rangers Statistics

The following represents the status of citations received between July 1, 2017, and June 30, 2018:

• ACE Citations processed	361
• ACE Citations received	510
• Initial review requests	38
• Referred to the Neighborhood Justice Program	10
• Administrative hearing requests	8
• Administrative hearings conducted	8

BOSS Statistics

The following represents the status of citations received between July 1, 2017, and June 30, 2018:

• ACE Citations Processed	1,133
• ACE Citations received	1,255
• Initial review requests	232
• Referred to the Neighborhood Justice Program	6
• Administrative hearing requests	39
• Administrative hearings conducted	10

DAS Statistics

The following represents the status of the citations submitted by DAS personnel between July 1, 2017, and June 30, 2018:

• ACE Citations processed	2,203
• ACE Citations submitted to the City Attorney for fines to be imposed due to non-compliance	2,958
• Initial review requests	392
• Administrative Hearing requests	21
• Administrative Hearings held	17

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. As of June 30, 2018, the 2017-2018 fiscal year total of collections was \$1,175,568.23 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 refers delinquent fines and penalties that are owed to the City to the California Franchise Tax Board for collection through the tax refund intercept program. Those fines when collected are deposited into the Code Compliance fund.

Data Ticket invoices the City Attorney's Office monthly for its citation processing services, in accordance with its contract. During the 2017-2018 fiscal year, a total of \$192,585.85 was invoiced to the City by 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, 2017, through June 30, 2018, a total of \$95,326.35 has been received from 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, 2017, through June 30, 2018, is \$1,952,753.17. The breakdown by each of the participating Departments is as follows: LAPD \$1,029,867.10; Department of Animal Services \$704,494.47; Recreation and Park Rangers \$35,324.02; and Bureau of Street Services \$183,067.58.

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 City Council is considering employing ACE citations for unlawful street vending and the registration of short term rentals.

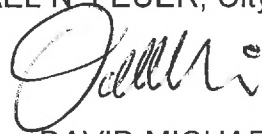
The City Attorney's Office continues to engage in discussions with the Housing and Community Investment Department as to its inclusion in the ACE Program. The City Attorney's Office and the LAPD are also exploring the possibility of expanding ACE enforcement to the University of Southern California, Department of Public Safety (USC DPS), and Los Angeles Unified School District (LAUSD) School Police, through cooperation agreements between the LAPD, USC DPS and LAUSD School Police. The City's ACE Ordinance authorizes inclusion of non-city entities where the entity has a cooperation agreement with the City. We will provide a status update in our next status report.

If you have any further questions regarding the ACE Program, please contact Deputy 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

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