



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 5 - 0 2 7 5
OCT 2 0 2015

REPORT RE:

**ADMINISTRATIVE CITATION ENFORCEMENT (ACE) PROGRAM
QUARTERLY 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 the City Attorney to report back on a quarterly basis on the status of the program.

Recommendation

Approve inclusion within the ACE Program two additional departments:

- Los Angeles Park Ranger Division of the Department of Recreation and Parks
- Fire Department

Program Implementation

The City Attorney's Office worked collaboratively with LAPD and DAS to design and develop citation forms, administrative procedures, training and website materials, and protocols for use by the Departments and the citation processing company.

After a series of training sessions for LAPD Senior Lead Officers, the ACE Program was implemented at four Los Angeles Police divisions in mid-January 2015. Within six weeks, the program was expanded to include all of the Valley divisions. To date, all LAPD divisions citywide have been trained and are writing ACE citations.

For DAS, the ACE Pilot Program began on June 1, 2015, in the DAS North Central district and with the License Canvassing Team (citywide). The Department was delayed in piloting this program earlier in 2015 due to the serious impacts of the Da Vinci Fire at the end of 2014. On August 30, 2015, ACE was implemented in South Los Angeles and Harbor districts, as well as in the Wildlife and Permit Teams (citywide). The Department plans to implement ACE in the West Los Angeles, West Valley and East Valley districts in November.

DAS is staggering ACE implementation to ensure a successful program and anticipates a higher volume of citations being issued moving forward. Officers are finding the program very successful, as ACE is saving staff from returning to the same properties multiple times in order to gain compliance.

The ACE Pilot Program has been enthusiastically embraced by LAPD and DAS enforcement personnel. The City Attorney's Office continues to participate in regularly scheduled LAPD and DAS training days to strengthen the program and the collaboration between our offices. Over 750 employees have been trained to date (Attachment 1).

Citation Processing

The City's citation processor, Data Ticket, has been operating for over 20 years and serves approximately 70 other governmental entities for administrative citation processing and parking citation processing. Data Ticket has proven to be an effective and reliable partner, and is efficiently handling the workload of administrative citations sent to it on a daily basis. Data Ticket is cooperating effectively with the Office of Finance in the collection and transmittal of fines and penalties. Data Ticket also provides "read only" access to its data base to personnel in the Office of City Attorney, Office of Finance, LAPD and DAS for statistical analysis of the ACE Program and for tracking citation cases that are in various stages of appeal.

Statistics: Los Angeles Police Department and the ACE Program

In the first eight months of the ACE Program, from January 5, 2015, through August 31, 2015, there were 2,130 citations written by LAPD for a variety of offenses. Over 70% of those citations were processed through the ACE program – the remaining citations were either referred to another program for handling or rejected after being reviewed. As officers become more familiar with the program, we expect the percentage of citations being processed to increase.

Of the citations processed in the first eight months of the ACE Program, offenses were recorded in the following general categories:

- | | |
|---------------------------------------------------------------|-----|
| • Drinking in public | 50% |
| • Illegal vending and ticket sales | 13% |
| • Possession of open container on or adjacent to ABC location | 10% |
| • Violation of City Park ordinances | 8% |
| • Urinating or defecating in public | 5% |
| • Skateboarding in posted zones | 3% |
| • All other miscellaneous offenses | 11% |

Statistics: Department of Animal Services and the ACE Program

DAS enforcement personnel began using the ACE Program in June. Most DAS citations are issued in situations that may be correctable, such as obtaining dog licenses, with the ultimate goal of gaining compliance from the animal owner. These citations offer a cure period, after which, if compliance has not been achieved, the citation is forwarded to the City Attorney for processing and a fine is levied.

The following represents the status of the citations written by DAS personnel as of September 9, 2015:

- 559 ACE citations issued
- 219 ACE citations resolved through compliance
- 107 ACE citations submitted to the City Attorney for fines to be imposed due to non-compliance
- 206 ACE citations are still in the cure period and are pending
- 27 ACE citations have been voided, withdrawn, or issued as a warning

Review and Adjudication of Contested Citations

The City's ACE Ordinance allows for all violators cited through the ACE Program to request an initial review of the citation by a Deputy City Attorney. Those reviews, when requested by the violator, are handled within 48 hours of their request.

During the first eight months of the program, 82 violators cited by LAPD requested an initial review out of a total of 2,130 violations written. Of that number, 13 of the citations were dismissed for reasons of insufficiency of information or mitigating circumstances. Sixty-eight of the citations were upheld. Violators immediately paid the fines in 37 of the upheld citations.

The City's ACE Ordinance allows violators an additional appeal by requesting an independent hearing by an Administrative Hearing Officer. The City Attorney's Office has recruited and trained a number of volunteer hearing officers to assist with the ACE Program. During the first eight months of the program, a total of 11 violators have requested administrative hearings. Eight hearings have been held.

Of the hearings conducted, all of the violators were found to be responsible and fined. However, two of the violators were referred to the City Attorney's Neighborhood Justice Program as first time youthful offenders. The referred violators' fines have been held in abeyance pending the successful completion of the Neighborhood Justice Program community service requirements.

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. During the first eight months of the program from January 15, 2015, through September 23, 2015, a total of \$123,190 has been collected in the form of checks and credit card payments from LAPD citations and \$1,700 from DAS citations. The fines and penalties collected by Data Ticket were electronically transferred to the Office of Finance for deposit to the Code Compliance Fund, which was established in the ACE Ordinance.

Data Ticket has invoiced the City Attorney's Office monthly for program services, in accordance with its contract. Upon approval of the invoices by the City Attorney and processing by Office of Finance, the contractor is paid by warrants issued under the authority of the Controller from the monies deposited in the Code Compliance Fund. To date, Data Ticket has been paid approximately \$36,000.

Unpaid Fines and Penalties

The ACE Program is still relatively new. Fines are being received from violators by Data Ticket, Inc., on a daily basis. As citations in the billing inventory age, the unpaid citations will be referred out to private collection agencies. In certain cases as appropriate, the ACE delinquent cases will be referred to the income tax return intercept program of the State's Franchise Tax Board.

Community Briefings

The City Attorney's ACE Program staff have made a number of public presentations of the ACE Program at community meetings during the first five months of the program. The following groups were briefed on the ACE Program and its intended public safety application to neighborhood well-being:

- 1/15/2015 Northeast Silverlake Neighborhood Watch
- 3/4/2015 Retailer Availability Workshop, Koreatown Youth Center
- 4/23/2015 Laurel Canyon Neighborhood Watch
- 5/7/2015 Southeast Community – Police Advisory Board
- 6/16/2015 Arleta Neighborhood Council
- 6/17/2015 Pacoima Neighborhood Council

Expansion of the ACE Program

The City's ACE Ordinance allows for the expansion of the ACE Program to include additional City Departments upon City Council approval. The ordinance further allows for inclusion within the definition of enforcement officers, "non-city entities that have the authority to perform such enforcement through cooperation agreements with the LAPD or other city Departments."

The Office of the City Attorney has received formal requests for inclusion in the ACE Program from:

- Los Angeles Park Ranger Division of the Department of Recreation and Parks (Attachment 2)
- Fire Department (Attachment 3)

We support including these two departments in the ACE Program.

In addition, discussions with the Department of Building and Safety and the Housing and Community Investment Department continue as to their inclusion in the ACE Program. We will provide a status update in our next quarterly report.

Inclusion of Additional Los Angeles Municipal Code Sections in the ACE Program

LAPD recommends use of the ACE Program for enforcement of regulations outlined in Los Angeles Municipal Code Section 103, et seq., which deal with the permitting requirements of many business activities currently under the regulatory authority of the Los Angeles Police Commission. We concur with this recommendation. The additional Los Angeles Municipal Code sections to be included in the ACE Program are listed in Attachment 4.

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

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM:jk
Attachments

Cc: Honorable Eric Garcetti, Mayor
Honorable Ron Galperin, Controller
Sharon Tso, Chief Legislative Analyst
Miguel Santana, City Administrative Officer
Charlie Beck, Chief of Police
Ralph M. Terrazas, Fire Chief
Brenda F. Barnette, General Manager, Animal Services
Michael Shull, General Manager, Recreation and Parks

ACE Trainings *

- October 15th- LAPD Deaton Hall (Neighborhood Prosecutors, Senior lead Officers (SLOs) from Southwest, North Hollywood, Rampart and Pacific Divisions) **(40)**
- January 20th- Operation Valley Bureau (SLOs, Watch Commanders, Vice OICs, and Training coordinators) **(50)**
- January 21st- Los Angeles City Attorney- Tobacco Enforcement Unit **(6)**
- February 26th- Operation West Bureau (SLOs from Hollywood, Wilshire, West Los Angeles, Pacific and Olympic Divisions) **(30)**
- March 5th- Operation Central Bureau (SLOs from Rampart, Hollenbeck, Newton, Central and Northeast) **(60)**
- March 5th- Police Commission Investigation Division **(25)**
- March 9th- Operation Valley Bureau (SLOs from Devonshire Division) **(15)**
- March 24th- Operation Central Bureau (Newton- SLOs and Bicycle Patrol Officers) **(45)**
- March 25th- Pacific Division (Bicycle Patrol Officers) **(20)**
- March 31st- LAPD 77th Division (SLOs) **(15)**
- April 2nd- Southeast Division (SLOs) **(20)**
- April 6th- Central Bureau Vice Units (Dodger training) **(50)**
- April 9th- Wilshire Division (roll call training) **(60)**
- April 10th- Hollywood Division (roll call training) **(50)**
- April 15th- Harbor Division (SLOs) **(10)**
- May 1st- Hollywood Division (Reserves) **(10)**
- May 18th- Hollenbeck Division (Bike Unit/Foot beat) **(25)**
- May 19th- LAPD Security Services Division **(20)**
- May 27th- Department of Animal Services Training (Animal Control Officers) **(15)**
- May 29th- Department of Animal Services Training (Animal Control Officers) **(10)**
- July 9th- Valley Traffic Division (Commanding Officers) **(45)**
- August 19th- Department of Animal Services Training (Animal Control Officers/Canvassers) **(50)**
- September 23rd- West Los Angeles Division (Patrol Officers) **(40)**
- September 24th- West Los Angeles Division (Patrol Officers) **(45)**

***Approximately 755 total employees trained**

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MICHAEL A. SHULL
GENERAL MANAGER

To: **Mary Clare Molidor**
Chief Assistant City Attorney
Criminal Branch

From: **Joe Salaices**
Superintendent
Griffith Region

The City of Los Angeles Park Ranger Division would like to be added to the ACE Program, Administrative Citation Program, currently being run by the City Attorney's Office. We believe the program would be beneficial for Recreation and Parks Park Ranger Division by diverting many citations now being processed in the court system to the ACE Program. This program will allow Rangers to spend more time in the field patrolling and addressing violations rather than completing paperwork in the station. The Park Ranger Division requests the City Attorney to assist with implementing, training and providing our personnel with the required information to issue these citations.

Please contact Sr. Ranger Patrick Joyce at [818-415-7819](tel:818-415-7819) and he will work with you to implement this program.

CC: Deputy City Attorney Rita Venegas, ACE Unit
Office of the City Attorney
Suite 800, City Hall East
200 N. Main St.
Los Angeles, Ca. 90012

CC: William Mangan, City Attorney Admin Crd III
Office of the City Attorney
Suite 800, City Hall East
200 N. Main St.
Los Angeles, Ca. 90012



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FAX: (213) 978-3815

[HTTP://WWW.LAFD.ORG](http://www.lafd.org)

October 6, 2015

Mary Clare Molidor
Chief Assistant City Attorney
Criminal Branch
200 North Main Street, 9th Floor
Los Angeles, CA 90012

Dear Miss Molidor:

ADMINISTRATIVE CITATION PROGRAM

The Los Angeles Fire Department (LAFD) would like to be added to the Administrative Citation Program (ACE) currently being run by the City Attorney's office. We believe the program would be beneficial for the LAFD by diverting many citations now being processed in the court system to the ACE Program. This program will allow fire personnel to spend more time in the field addressing violations rather than completing paperwork in the station. The LAFD is requesting that the City Attorney assist with implementation, training and providing our personnel with the information required to issue these citations.

Please contact Inspector John Novela at (213)978-3587, he will be the point of contact for implementation of this program.

Sincerely,

John N. Vidovich
Fire Marshal

Cc: Deputy City Attorney Rita Venegas, ACE Unit
William Mangan, City Attorney Admin CRD III

LAMC Section Permit Required	Type of Business
52.34.B1	Private Patrol
103.101 (a)	Arcade, Picture
103.101.3 (b)	Arcade, Game
103.101.4 (b)	Cyber Café
103.102 (c)	Café Entertainment and Shows, Except Live Theatrical Productions in a Theatre with a Seating Capacity of 99 Persons or Less
103.102 (c)	Café Entertainment and Shows, Exempt; live theatrical in theatre, 99 seats or less
103.103 (b)	Card Club/School
103.104 (b)	Carnival [prev 522]
103.105 (b)	Dancing Academy
103.106 (b)	Dance Hall
103.106 (b)	Dance, One Night Public
103.106 (b)	Dancing Club
103.106.1 (b)	Hostess, Dance Hall
103.107 (b)	Escort Bureau
103.107.1 (b)	Escort
103.109 (b)	Motion Picture Show
103.111 (c)	Parades Call (213) 236-1400 to apply for parade permit
103.112 (b)	Bowling Alley
103.112 (b)	Pool Room - Single
103.112 (b)	Pool Room (2+ Tables)
103.112.1 (b)	Family Billiard Room
103.113 (b)	Rides (Mechanical) [prev 568]
103.115 (b)	Skating Rink
103.116 (b)	Game/Skill/Science
103.117 no sub	Shooting Gallery
103.118 (b)	Dance, Teenage Public
103.202 (b)	Auto Park (also see Master permit for operators of more than one lot)
103.202 (b)	Master Auto Park
103.203 (b)	Master Valet Parking Operator
103.203 (b)	Valet Parking Operator (also see Master permit for more than one location)
103.203.1(b)	Valet Parking Attendant
103.204 (b)	Towing Operation
103.204.1 (a)(1)	Tow Unit Operator
103.205 (b)	Massage Business
103.205 (e)	Massage Business-Off Premises
103.205.1 (b)	Massage Therapist
103.205.1 (b)	Massage Therapist - Off Premises
103.205.2 (b)	Bath/Tanning Salon
103.206 (b)	Alarm System Subscriber
103.208 (b)	Key Duplicator
103.212	Firefighter Organization
103.212	Firefighter Organization-Promoter
103.212	Firefighter Organization-Solicitor
103.212 (d)(1)	Peace Officer Organization
103.212 (d)(1)	Peace Officer Organization-Promoter
103.212 (e)(1)	Peace Officer Organization-Solicitor
103.213 (c)	Figure Studio
103.301 (b)	Antique Shop
103.301.1 (b)	Collectors Exchange or Antique Show Promoter
103.304 (b)	Junk Collector
103.305 (b)	Junk Dealer
103.306 (b)	Pawnbroker
103.307 (b)	Rummage Sale (Annual)
103.308 (b)	Close-Out Sale [prev 924]
103.308 (b)	Fire Sale [prev 936]
103.309 (b)	Secondhand (Auto Parts)
103.310 (b)	Secondhand (Books/Mags)
103.311 (b)	Secondhand (General)
103.311 (b)	Secondhand (Jewelry)
103.311 (2)	Swap Meet Operator
103.314 (c)	Firearms Vendor
103.314.1 (b)	Ammunitions Vendor
103.314.1.(b)	Firearm/Ammunition Salesperson