



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 1 6 - 0 2 8 3  
SEP 0 8 2016

**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. This report provides the most recent update as to the program and recommends the addition of the Bureau of Street Services to the pilot program and a request for amendments to the ACE Ordinance.

Recommendation

1. Approve inclusion within the ACE Program the Bureau of Street Services (BOSS).
2. Request City Attorney to prepare and present a draft ordinance to amend Los Angeles Municipal Code Section 11.2.10(a) and (b) to modify the time and manner in which judicial review of an Administrative Order must be sought pursuant to California Code of Civil Procedure Section 1094.6.

Program Implementation

The ACE Pilot Program has been enthusiastically embraced by LAPD and DAS enforcement personnel. The City Attorney's Office continues to review every citation issued and submitted for processing. This practice will continue with each agency until the City Attorney's Office is confident that the agencies are correctly implementing ACE and to maintain quality control. To date the Supervising Deputy City Attorney has reviewed 6,800 citations. The City Attorney's Office also continues to participate in regularly scheduled LAPD and DAS training days to strengthen the program and the collaboration between our offices. Over 3,300 employees have been trained to date.

Earlier this year the City Council approved the expansion of the ACE program to include the Los Angeles Fire Department (LAFD) and the Department of Parks and Recreation's Park Rangers (Park Rangers) thereby authorizing the LAFD and Park Rangers to participate in the ACE Program.

Park Rangers' citation books have been printed. All Park Rangers have been trained and began issuing citations. To date, they have issued 31 citations. ACE is working with LAFD to develop and implement a list of offenses and enforcement strategy that is suitable for the department.

The City Attorney's Office is working collaboratively with BOSS to design and develop citation forms, administrative procedures, training and website materials, and protocols for use by the Department and the citation processing company.

Statistics: Los Angeles Police Department and the Department of Animal Services

From September 1, 2015, through June 30, 2016, there were 3,201 citations written by LAPD for a variety of offenses. Over 81% 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 LAPD citations processed in this reporting period of the ACE Program, offenses were recorded in the following general categories:

- |   |        |
|---|--------|
| • Drinking in public  | 39.27% |
| • Permits   | 18.80% |
| • Illegal vending   | 6.51%  |
| • Violation of City Park ordinances                           | 6.40%  |
| • Spectator, Speed Contest                                    | 5.99%  |
| • Possession of open container on or adjacent to ABC location | 5.58%  |
| • Skateboarding in posted zones                               | 4.54%  |
| • Noise   | 4.50%  |
| • Illegal ticket sales  | 2.53%  |

- Urinating or defecating in public 2.23%
- Trash Handling/ Depositing of Trash 2.23%
- Gambling 0.97%
- All other miscellaneous offenses 0.45%

The following represents the status of the citations written by DAS personnel September 1, 2015, through June 30, 2016:

- ACE citations submitted to the City Attorney for fines to be imposed due to non-compliance 1,326
- Initial review requests 122
- Administrative hearing requests 14
- Administrative hearings 13

#### 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 the request.

During this reporting period, 220 violators cited by LAPD requested an initial review out of a total of 3,201 violations written. Of that number, six of the citations were dismissed for reasons of insufficiency of information or mitigating circumstances. Two hundred and two (202) of the citations were upheld. Violators immediately paid the fines in 141 of the upheld citations.

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, 44 hearings have been held for LAPD citations.

Of the hearings conducted, 39 of the violators were found to be responsible and fined, and five were dismissed. However, three 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. In addition, there were 18 other citation cases referred to the City Attorney's Criminal Branch, Code Enforcement Unit, for Office Hearings for Permit Violations<sup>1</sup>.

#### 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.

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<sup>1</sup> Please refer to Attachment 1, ACE Program Workload Analysis and Data for more detailed information.

As of June 30, 2016, a total of \$446,375.14 has been collected in the form of checks and credit card payments from LAPD citations, \$49,724.71 from DAS citations and \$1,300.00 from Park Ranger citations. The fines and penalties collected by Data Ticket are electronically transferred to the Office of Finance for deposit to the Code Compliance Fund, which was established in the ACE Ordinance. Fines and penalties collected since the inception of the ACE Pilot Program amount to \$497,399.85, as of June 30, 2016.

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 \$108,612.81 since the program began in December 2014.

#### Unpaid Fines and Penalties

The total of unpaid fines since the beginning of the ACE Pilot Program until August 15, 2016, is \$1,137,733. The breakdown by each of the participating Departments is as follows: LAPD \$756,319.79; Department of Animal Services \$375,463.79; Recreation and Park Rangers \$5,950.

Approximately 1,200 unpaid citations have been referred to the income tax return intercept program of the State's Franchise Tax Board. As of the end of June 2016, a total of \$5,398.27 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.

#### Expansion of Additional Los Angeles Municipal Code Sections in the ACE Program

LAPD currently utilizes the ACE Program for enforcement of many Los Angeles Municipal Code Sections, including parts of Section 103.203, which deals with the permitting requirements of Valet Parking Operations under the regulatory authority of the Los Angeles Police Commission. LAPD will now include Section 103.203 in its entirety. This will allow the Department to enforce the valet parking operating conditions. We concur with this recommendation.

The ACE Program has been integrated into COMPSTAT. To date, LAPD has provided advance notice to Council of all Municipal Code Sections LAPD intends to enforce through the ACE Program. However, in the future, LAPD has indicated that it will use its discretion in adding additional Municipal Code Sections without providing advance notice to Council.

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 Office of the City Attorney has received a request from the Department of Public Works for inclusion of BOSS in the ACE Program. (Attachment 2).

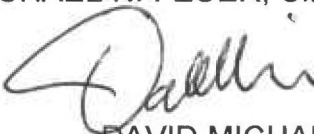
BOSS recommends use of the ACE Program for enforcement of regulations outlined in the Los Angeles Municipal Code. We concur with this recommendation. The Los Angeles Municipal Code sections to be included in the ACE Program for BOSS enforcement are listed in Attachment 3.

In addition, discussions with the Housing and Community Investment Department continue 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) through a cooperation agreement between the LAPD and USC DPS. 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 quarterly report.

If you have any further questions regarding the ACE Program, please contact Deputy 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:RHV:pj  
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  
Kevin James, President, Board of Public Works

## ATTACHMENT 1

### ACE Program Workload Analysis and Data:

9/1/2015 to 6/30/2016

The line chart (Figure A) depicts the various workload measures of the City Attorney's ACE Unit in handling the citations produced by the LAPD and the Animal Services Department.

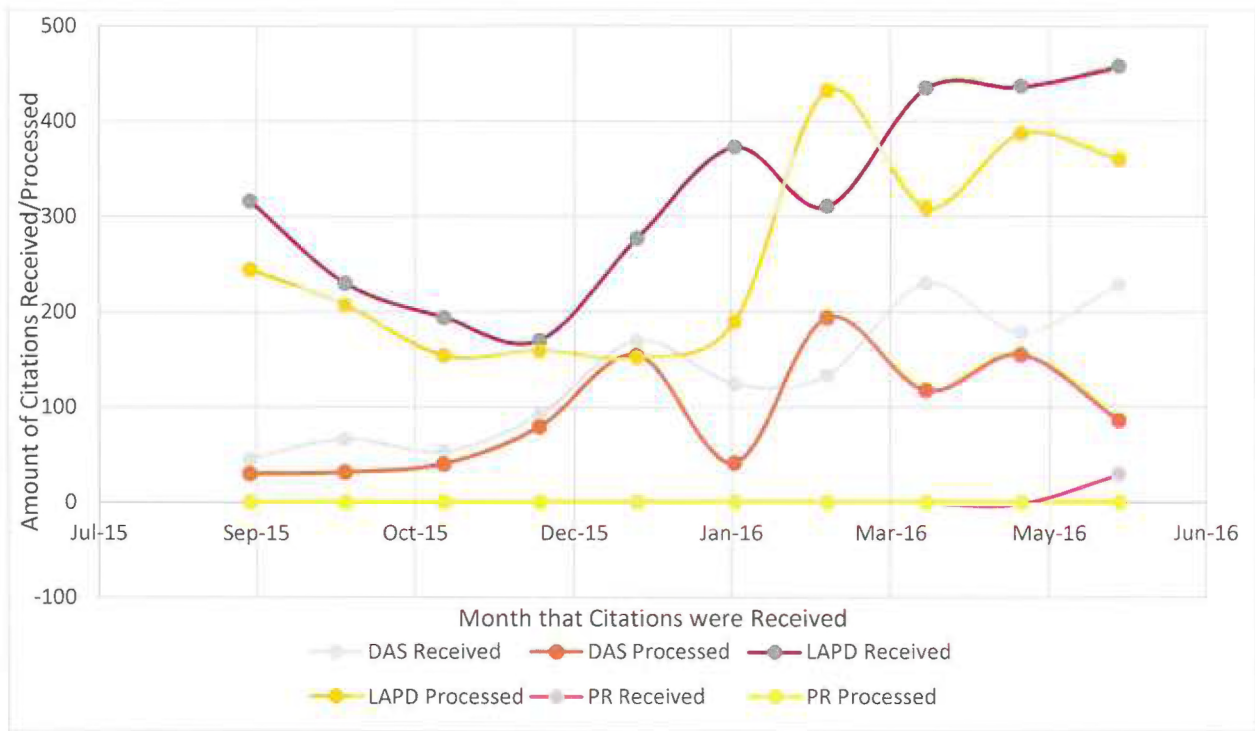
For each Department, a trend line is shown for the number of monthly citations written and forwarded to the ACE Unit (Reviewed Citations).

A separate trend line is illustrated for the actual number of citations approved, upon review, and sent to the citation processor, Data Ticket, Inc. (Processed Citations).

The difference between the numbers of reviewed and processed citations each month, are the citations that are referred to other City Attorney Diversion programs, citations held for further investigation, or citations rejected. (The following page shows the month-to-month statistics for reviewed and processed citations.)

During the ten-month period shown, 81% of LAPD citations under review were processed, and 70% of Department of Animal Service citations which were reviewed were forwarded for processing by the contractor.

**Figure A**



**Figure B**

Month Citations Received	DAS Received	DAS Processed	LAPD Received	LAPD Processed	Parks Received	Parks Processed
Sep-15	45	29	316	244	0	0
Oct-15	66	31	230	207	0	0
Nov-15	53	40	194	154	0	0
Dec-15	92	79	170	159	0	0
Jan-16	170	155	277	152	0	0
Feb-16	125	42	373	190	0	0
Mar-16	134	195	311	432	0	0
Apr-16	231	119	435	310	0	0
May-16	180	157	437	388	0	0
Jun-16	230	88	458	361	31	0
<b>TOTALS</b>	<b>1326</b>	<b>935</b>	<b>3201</b>	<b>2597</b>	<b>31</b>	<b>0</b>

**ATTACHMENT 2**  
**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

**DATE:** September 8, 2016

**TO:** Mary Clare Molidor  
Chief Assistant City Attorney  
Criminal Branch  
*Coary Harris*

**FROM:** Gary Harris, Chief Street Services Investigator II  
Bureau of Street Services  
Investigation and Enforcement Division

**AGENCY REQUEST FOR INCLUSION - ADMINISTRATIVE CITATION PROGRAM**

The City of Los Angeles Department of Public Works, Bureau of Street Services, Investigation and Enforcement Division would like to be added to the ACE Program, Administrative Citation Program, currently being run by the City Attorney's Office.

The Bureau believes the program would be beneficial for the Investigation and Enforcement Division by diverting many citations now being processed in the court system to the ACE Program. This program will allow Street Services Investigators to spend more time in the field patrolling and addressing violations rather than completing paperwork in the station.

The Investigation and Enforcement Division requests the City Attorney to assist with implementing, training and providing Bureau law enforcement personnel with the required information to issue these citations. Please contact Tom Caraballo, Chief Street Services Investigator I at (213) 847-6000 and he will work with you to implement this program.

Cc: Rita Venegas: Deputy City Attorney, ACE Unit  
William Mangan, City Attorney Admin Crd III  
Nazario Saucedo, Director Bureau of Street Services  
Ron Lorenzen, Assistant Director Bureau of Street Services

**ATTACHMENT 3**  
**ADMINISTRATIVE CITATION ENFORCEMENT PROGRAM**  
**SCHEDULE OF LOS ANGELES MUNICIPAL CODE VIOLATIONS**  
(The officer has the discretion to cite either as a misdemeanor or under ACE)

Code:	Description:
28.04	Illegal Sign Posting
41.20	Special Event Permit Required
41.27(c)	Drinking in Public.
41.27(d)	Possession of Open Container On or Adjacent to Posted ABC Licensed Location.
41.40	Noise Due to Construction/Excavation Work - Prohibited 9 PM to 7 AM.
41.42	Music Reproducing Devices, Owner/Manager/person in charge of resort allows playing – Prohibited 2 AM to 5 AM.
41.46	Sidewalks – Cleaning of (failure to keep clean).
41.47.2	Urinating or Defecating in Public.
41.50 B2(c)	Smoking in an Outdoor Dining Area.
41.50 B2(c)	Allowing Smoking in an Outdoor Dining Area.
41.50 C(1)	Failure to Post “No Smoking” sign.
41.50.1(B)	Smokeless Tobacco Prohibited at Sport Events
41.57	Loud and Raucous Noise Prohibited.
42.00(b)	Street Vending Prohibited.
42.03	Selling of Tickets of Admission to Places of public Assemblage in Public Places and Places Open to the Public Prohibited – Exceptions.
42.15	Vending and Excessive Noise on Beaches Prohibited.
43.01	Gambling – Dice Shaking.
47.11	Display of Aerosol Spray Paint Containers and Marker Pens.
47.15	Spectators Prohibited at Speed Contests and Exhibitions of Speed.
53.55	Dogs on Beach Prohibited (guide, service and signal dogs - Exception).
56.08	Sidewalks – Streets – Obstructions by Property Owner.
56.15	Bicycle Riding Sidewalks (willful/wanton disregard for public safety and/or on prohibited path).
56.15.1	Use of Skateboards (Standing, Towing, Intersections, Traffic Controls).
57.5608.1.2	Possession/Use of Fireworks.
63.44	Regulations Affecting Park and Recreation Areas (All Subsections).
66.25	Depositing Solid Waste on Streets or in the Los Angeles River Prohibited.
66.28	Solid Waste - Tampering With (refuse, rubbish or salvage).
67.02	Construction of Signs on Streets or Other Public Property (posting without permission).
85.07	Regulation of Roller-skating, Skateboarding or Bicycling (in violation of posted sign).
103.20(a)	Display of Permit, (fixed location of business).
103.20(b)	Display of Permit, (no fixed location of business).
103.102(c)	Cafe Entertainment and Shows (without a permit).
103.106(b)	Dance Halls, Dancing Clubs, Public Dances (operating without a permit).
103.112(b)	Billiard Room, Poolrooms, Bowling Alleys (operating without a permit).
112.02	Air Conditioning, Refrigeration, Heating, Pumping, Filtering Equipment (Exceeding ambient noise level more than 5 decibels).
112.04	Powered equipment Intended for Repetitive Use in Residential Areas and Other Machinery, Equipment, and Devices Prohibited.
112.05	Maximum Noise Level of Powered Equipment or Powered Hand Tools.
112.06	Place of Public Entertainment-Amplified Sound (sign required if over 95 decibels).
113.01	Rubbish and Garbage Collection and Disposal Prohibited 9 PM to 6 AM.
114.01	Vehicle Repairs in Restricted Area Prohibited hours 8 PM to 8 AM.
114.02	Motor Driven Vehicles, unreasonable sound (horn, engine warning device etc.).
114.03	Vehicles – Loading and Unloading Prohibited 10 PM to 7 AM.
114.04	Audible Signaling Devices (horns, loud speakers).
114.05	Audible Advertising Devices – Commercial Food Vendors Prohibited 9 PM to 7 AM.
115.02	Prohibition and Regulations of Sound Amplifying Devices or Loud Speakers on Public Property
116.01	Loud, Unnecessary and Unusual Noise