

PUBLIC SAFETY and PERSONNEL AND ANIMAL WELFARE JOINT REPORT relative to the implementation of the Administrative Citation Enforcement (ACE) Pilot Program.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. REQUEST the City Attorney to:

- a. Prepare a new ordinance similar to the Ordinance dated June 18, 2014 (attached to the Council file), as amended to:
 - i. Modify the list of ACE Pilot Program citations to delete Operating a Parking Lot Without a Permit and Selling of Tobacco Without the Required Retail Permit; and, add a citation for the use of gas-powered leaf blowers with discretion given to LAPD to issue the citation to the property owners for whom the gardeners work.
 - ii. Change mailing notice from 15 to 20 days, and incorporate any other necessary technical amendment(s).
- b. In conjunction with the Los Angeles Police Department (LAPD) and Department of Animal Services (DAS), to report on a quarterly basis to the Public Safety and Personnel and Animal Welfare Committees relative to the number of citations issued and hearings requested; days needed to make determinations of validity; and, the number of timely, late, or delinquent ACE payments to date.

2. RESOLVE that the following positions are APPROVED and CONFIRMED for nine months in the corresponding Departments:

<u>No.</u>	<u>Classification</u>	<u>Department</u>
1	Accountant II	Office of Finance
1	Clerk Typist	Department of Animal Services
1	Administrative Coordinator III	City Attorney
1	Paralegal I	City Attorney
1	Legal Secretary II	City Attorney
1	Legal Clerk I	City Attorney

3. APPROVE the proposed program costs estimates discussed in Attachment B of the City Attorney's report.
4. APPROVE a contract with the selected vendor to perform various ACE pilot program process and administrative functions after citations have been issued.

Fiscal Impact Statement: The City Attorney reports that the annual cost of implementing the ACE Pilot Program is \$577,603 for City staff responsible for the critical elements of this program. These costs will be covered by the revenue generated by the program.

Community Impact Statement: None submitted.

SUMMARY

Accompanying a report to Council dated June 18, 2014 (attached to the Council file), the City Attorney presents Ordinance amending the Los Angeles Administrative Code to modify time to pay a fine and revising definition of a Continuing Violation, and amending the fee schedule for animal related violations. ACE is an alternative method of enforcement for violations of the Los Angeles Municipal Code. An administrative citation would be issued to a violator in place of a criminal citation or an arrest. Presently, a citation results in a criminal conviction with penalties that may include probation, fines, and jail. An administrative citation, on the other hand, can be resolved through the payment of a fine and there is no resulting criminal record, probation, or threat of jail.

The City Attorney was asked to lead a working group of City departments to report back to the City Council on the actions needed to implement the ACE Pilot Program, including identifying and allocating resources, determining technology interface requirements, developing systems to process and track citations, and creating an appeals process for issued citations. In conjunction with LAPD and DAS, a list of eligible offenses was developed that could be referred to ACE for processing.

According to the City Attorney, the working group determined that the program would be best developed in partnership with an outside vendor. Under this model, once a citation is issued by LAPD or DAS personnel, the vendor would process and track the citation, send payment notices, collect payment, transfer revenues to the City and provide regular reports of enforcement activities. Developing a program entirely in-house will take longer to implement.

The City Attorney anticipates first year net revenue of approximately \$468,241. Net revenue is expected to grow substantially in future years. ACE fines start at \$100 and increase to \$250 for a second offense, \$500 for a third offense, and \$1,000 for a fourth offense.

At their joint meeting held August 15, 2014, the Public Safety and the Personnel and Animal Welfare Committees discussed this matter with representatives of the City Attorney, LAPD, and DAS. The City Attorney representative stated that ACE is a more appropriate enforcement program for certain low-level violations of the Los Angeles Municipal Code. Hearings can be requested by violators. Independent judges and others will be retained to conduct the hearings. Initial funding is needed to start the program. The LAPD representative stated that the Department will retain the discretion to issue criminal citations for infractions.

Support for the program was expressed by members of the public during the public comment period.

Councilmembers Englander and Buscaino expressed concerns regarding whether certain quality of life violations such as public drinking and urinating or defecating in public should be included in the ACE Pilot Program. It was further stated that even though LAPD would retain discretion to issue criminal citation for such offenses, in the future there may be pressure within in the Department for police officers to not issue misdemeanor citations for such offenses. Other Councilmembers expressed full support for the proposal with certain amendments. The Public Safety Committee and Personnel and Animal Welfare Committees recommended (Buscaino voting no) to request that the City Attorney prepare a revised ordinance to delete Operating a Parking Lot Without a Permit and Selling of Tobacco Without the Required Retail Permit; and, to

add a citation for the use of gas-powered leaf blowers with discretion given to LAPD to issue the citation to the property owners for whom the gardeners work. The Committees also approved other amendments, the program contract, and the cost estimates and positions authorities presented by the City Attorney. Finally, a recommendation was made for LAPD and DAS to provide quarterly status reports.

Respectfully Submitted,

PUBLIC SAFETY COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
ENGLANDER:	YES
BUSCAINO:	NO
BONIN:	YES
O'FARRELL:	YES
MARTINEZ:	YES

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PERSONNEL AND ANIMAL WELFARE COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
KORETZ:	YES
O'FARRELL:	YES
FUENTES:	YES

-NOT OFFICIAL UNTIL COUNCIL ACTS-