

TRAINING BULLETIN

Los Angeles Port Police



Ronald J. Boyd, Chief of Police

ENFORCEMENT OF LAMC 63.44 PARK REGULATIONS ON LAHD PROPERTY

PPD Training Bulletin # TB-10-001

PURPOSE

The purpose of this training bulletin is to provide updated information regarding enforcement of Los Angeles Municipal Code (LAMC) section 63.44. This law contains regulations for parks within the City of Los Angeles and their applicability on Port of Los Angeles (Port) properties.

BACKGROUND

In the past, the City Attorney did not file violations of LAMC 63.44 that occurred on Port property because the language of the code applied only to parks, which it defined as follows:

“Park” shall include every public park, roadside rest area, playground, zoological garden, ocean, beach or other recreational facility area, together with any parking lot, reservoir pier, swimming pool, golf course, court, field, bridle path, trail, or other recreational facility, or structure thereon, in the City of Los Angeles and under the control, operation or management of the Board of Recreation and Park Commissioners, the Los Angeles County Department of Parks and Recreation, the Los Angeles County Department of Beaches, or the Los Angeles Memorial Coliseum Commission. “Park” does not include any State Historic Park located within the City of Los Angeles.

This definition therefore did not cover Port property except at Cabrillo Beach, which is Port property permitted (leased) to the City Department of Recreation and Parks.

In 2002, at the urging of local residents, the Los Angeles City Council passed an ordinance amending LAMC 63.44 with the intent of authorizing an off leash dog park on Knoll Hill.

The resulting amendment caused the following additional language to be inserted:

LAMC 63.44 B. Within the limits of any park or other City-owned Harbor Department designated and controlled property within the City of Los Angeles: (Amended by Ord. No. 174,737, Eff. 9/9/02.)

Since that time, the Port has greatly expanded the amount of property that is developed and held out to the public for recreational type uses similar to traditional parks. The rules for parks have developed over the years to cover the primary types of violations that cause public safety and nuisance problems in these types of open spaces. In 2010, the City Attorney's Office at the Harbor Department reviewed the section and issued a memorandum stating the opinion that the plain meaning of LAMC 63.44 could be interpreted to apply on Port property. Based on this opinion, the Port Police requested the Los Angeles City Attorney's office, Criminal Branch, to revise their policy and accept for filing consideration arrests and citations for violations of LAMC 63.44 occurring on Port Property and they have agreed to do so WITH CERTAIN CONDITIONS as explained below.

REPORTING REQUIREMENTS

All reports detailing violations of LAMC 63.44 occurring on Port Property (whether they be Arrest Reports, Release from Custody Reports, Complaint Applications or other) should follow the basic Arrest Report format and headings and MUST include facts indicating that the property where the violation occurred meets the definition of LAMC 63.44 B.

The report must include a statement indicating that the location of the offense was on City Owned, Harbor Department designated and controlled property within the City of Los Angeles.

Evidence of the fact that the property is "designated" may be a description of the property describing the improvements making it amenable to public use. In some cases, such as with areas dedicated and having signs stating they are a "park" this will be easy to prove. Some other areas will require a more detailed description. For example, the area south of Bloch Field has no signs but is improved with grass lawns, sidewalks, lighting, benches and trash cans. This area is "designated" by nature of the fact that it is provided and maintained for public use in a park like manner. Photographs of the area would probably be persuasive evidence of its designated use. Other areas similar to this would be the North Gaffey Green Space walkways, the Promenade walkways, and the Wilmington Buffer zone that is currently under construction.

The City Attorney's Criminal Branch asked that we mention the following when reviewing reporting requirements:

"Please remember that the prosecutor needs to have the conduct fully described in the report so that it is clear what the suspect was doing, along with some reliable way to identify the suspect or something that shows how their identity was checked. If this is not done and recorded in the report, they will say they weren't the one cited and the case will end up being dismissed.

Finally, if the conduct is minor, these cases will likely be set for City Attorney Hearing or referred to the Alternative Prosecution program. If the suspect is someone that has been repeatedly warned by our officers, this should be documented in the report so we know whether or not to elevate our approach.”

CONCLUSION

Any police officer and or City parking control officer can enforce any of the applicable provisions of LAMC 63.44 on Port properties such as parks and associated parking lots if the property meets the definition of City Owned Harbor Department designated and controlled property within the City of Los Angeles.

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