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August 23, 2010

BPC #10-0322

The Honorable City Council
City of Los Angeles
c/o City Clerk's Office

Dear Honorable Members:

RE: MODIFICATINS TO THE LOS ANGELES MUNICIPAL CODE TO AUTHORIZE THE
EXECUTIVE DIRECTOR TO APPROVE POLICE PERMITS UNDER CERTAIN
CONDITIONS

At the regular meeting of the Board of Police Commissioners held Tuesday, August 3, 2010, the Board APPROVED the Department's report relative to the above matter.

This matter is being forwarded to you for approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS

A handwritten signature in blue ink that reads "Maria Silva".

MARIA SILVA
Commission Executive Assistant

Attachment

c: Chief of Police

INTRADEPARTMENTAL CORRESPONDENCE

July 29, 2010
1.0

TO: The Honorable Board of Police Commissioners

FROM: Executive Director, Board of Police Commissioners

SUBJECT: MODIFICATIONS TO THE LOS ANGELES MUNICIPAL CODE TO AUTHORIZE THE EXECUTIVE DIRECTOR TO APPROVE POLICE PERMITS UNDER CERTAIN CONDITIONS

RECOMMENDATION:

1. That the Board APPROVE the Executive Director's report, and TRANSMIT it to the City Council with the RECOMMENDATION that the City Council DIRECT the Office of the City Attorney to prepare a draft ordinance modifying the Los Angeles Municipal Code, as necessary to authorize the following:
 - a. When the Department recommends approval of an application for a Police Commission Permit with no conditions, or conditions to which the applicant agrees, the Executive Director of the Board of Police Commissioners, or designee may grant the permit.
 - b. When the Department recommends approval of an application for a Police Commission Permit with conditions over which the applicant disagrees or disputes, the application and a department report will be forwarded to the Executive Director of the Board of Police Commissioners, or designee for review. If the Executive Director concurs with the Department's recommendation, the application and the Department's report shall be forwarded to the Police Permit Review Panel for action. Otherwise the Executive Director may grant the permit without conditions.
 - c. When the Department recommends a denial of an application, the application and the department report will be forwarded to the Executive Director of the Board of Police Commissioners, or designee for concurrence. If the Executive Director concurs with the Department's recommendation the application and the Department's report shall be forwarded to the Police Permit Review Panel for action to grant or deny the application. Otherwise the Executive Director may grant the permit.

BACKGROUND:

On January 13, 2010, the Board directed Commission Staff to create a project and examine the permit process as it relates to the Police Commission's authority to issue permits, with the goal of ensuring that qualified applicants are able to begin work or open their businesses as expeditiously as possible.

DISCUSSION:

In July of 1991, the Report of the Independent Commission on the Los Angeles Police Department (also known as the Christopher Commission) found that the Board of Police Commissioners was spending an inordinate amount of its time on Police Permit matters. To mitigate this problem the City Council adopted an ordinance in 1994 establishing the Police Permit Review Panel, and authorizing the Board to delegate any matter relating to the issuance, denial, suspension, revocation, or conditioning of any permit under its jurisdiction to the Panel. The Board delegated all permit related matters to the Police Permit Review Panel, with the exception of Parades, Ammunition Sales, Firearm Sales, and Noise Variances.

In 2005, the City Council, at the request of the Board amended Los Angeles Municipal Code Section 103.111, to authorize the Executive Director of the Board of Police Commissioners, or designee to approve Parade Permits, on behalf of the Board when the Department recommends the granting of the permit. Similarly, the Board requested the City Council to amend Los Angeles Municipal Code Section 41.40 in 2007, to authorize the Executive Director to approve noise variances on behalf of the Board. In each of these examples, Commission Staff has been able to reduce the processing and approval time, significantly expediting the approval time from weeks to days.

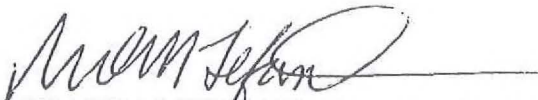
Each month Commission Investigation Division (CID) receives approximately 1,250 applications for various Police Commission Permits. These permits range from alarms, key duplicators, automobile parking lots, dance halls, and pool rooms. The vast majority of these permits are routine and processed by staff. Staff investigates and reviews the applicant's background, business operation, and impact on the community. Staff then makes a recommendation to the Police Permit Review to grant or deny the permit. Most unqualified applicants withdraw from the process prior to it being sent to the Panel for action. In calendar year 2009, 15,411 permits were submitted to the Panel for review. 15,391, were approved, and 20 were denied. However, many of approved businesses were required to wait up to an additional month after their permit has been processed to be granted a permit. This is due to the fact that the Los Angeles Municipal Code requires that all Police Commission permits must be granted by an action of the Police Permit Review Panel. The Panel's review of these applications involves only a cursory review and is largely a perfunctory task. As a consequence of this delay applicants are often prevented from commencing their business operations or the activities for which the permits are sought.

Staff recommends streamlining this process by modifying the Los Angeles Municipal Code to authorize the Executive Director of the Board of Police Commissioners, or designee to approve

permits on behalf of the Board, when the Department recommends approval of the application, the applicant has no serious adverse history, and the permitted activity will not significantly affect the communities where they are located. This would be a very significant and positive change for those individuals and organizations that require a Police Commission Permit to lawfully operate their business or event as well as creating a more business friendly environment. Additionally it will result in efficiencies with Commission staff and certainly be an enhancement in customer service. Permits that are more complex, have controversial issues, or significantly impact the community, would continue to be referred to the Police Permit Review Panel, along with those applicants that have serious adverse history or a history of poor compliance.

There are two precedents for the Executive Director approving permits in the Los Angeles Municipal Code. The first can be found in Section 103.11 Parades and Assemblies which authorizes the Executive Director, to approve parades, protest, mass rallies, etc. The second example is found in Section 41.40, the City's noise ordinance, in which the Executive Director is authorized to grant construction noise variances.

Should you have any questions regarding this matter please feel free to contact Detective III Benjamin Jones, Commission Investigation Division, (213) 996-1275.



RICHARD M. TEFANK, Executive Director
Board of Police Commissioners

**BOARD OF
POLICE COMMISSIONERS**

Approved *August 3, 2010*
Secretary *Maria Silva*