


REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: March 4, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations
Committee

FROM: Gerry F. Miller 
Chief Legislative Analyst

Council File No: 13-0002-S15
Assignment No: 13-01-0068

SUBJECT: Resolution (Englander - Buscaino) to support AB 47 and SB 333, which would increase penalties for false 911 reports

CLA RECOMMENDATION: Adopt Resolution (Englander - Buscaino) to include in the City's 2013 – 2014 State Legislative Program SUPPORT for AB 47 and SB 333, which would increase penalties for individuals convicted of making false 911 reports, including jail time and financial responsibility

SUMMARY

On January 25, 2013, a Resolution (Englander - Buscaino) was introduced to support AB 47 (Gatto) and SB 333 (Lieu), bills which would increase the penalties for making false 911 reports. These increased penalties would include jail time, increased fines, and financial responsibility for the cost of a police response.

The Resolution states that recently there has been a rash of "swatting" incidents, where an individual places a false 911 call stating that a robbery, hostage situation, or other serious crime is occurring, in order to draw a strong police response to the home of their victim. The Resolution further states that these situations are highly dangerous, as police believe they are responding to a high-threat call, and that penalties for false 911 calls do not go far enough to penalize individuals responsible for this act. The Resolution, therefore, seeks an official position of the City of Los Angeles to support AB 47 and SB 333, which would impose stricter penalties on individuals convicted of making false 911 reports, including jail time and financial responsibility for the police response.

BACKGROUND

The number of so-called swatting incidents has been increasing throughout Los Angeles and surrounding communities, and poses a threat to public safety. The perpetrators of these pranks use sophisticated measures to obscure their identities and locations, and place emergency calls to report a violent crime in progress in order to draw a large police response to a home or a business. Often, celebrities are the target of these calls, but many private citizens and law enforcement officials have also been targeted.

When these calls result in a large, armed response by police departments, they create the space for a tragic accident. Several officers have been injured during responses to swatting incidences, and law enforcement officials fear that it is only a matter of time before someone is seriously

injured or killed as a result of a swatting call. In addition to the danger false 911 calls pose to those targeted, and the police officers tasked with response, these pranks tie up limited emergency response resources and could affect response times to actual emergencies.

While making a false report via the 911 system is against the law, penalties are not strong enough to act as an effective deterrent, and do not go far enough in punishing those responsible for these incidents. Currently, use of the 911 system to make a false report with the intent to harass or annoy is a misdemeanor, punishable with a fine not to exceed \$1,000, imprisonment in county jail for six months, or both. If an individual knows that their false report will cause great bodily harm, they are guilty of a felony. However, it is difficult to prove prior knowledge and felony charges are rare. AB 47 and SB 333 would amend the current law to increase the penalties for false 911 reports with the intent to harass and annoy, and increase them further on those callers whose prank causes injury or death, regardless of the caller's intent.

Under AB 47, a false 911 report that results in a police response would be a misdemeanor with a sentence of up to one year in county jail, a \$10,000 fine, or both. If the prank call results in injury to another person, the perpetrator would be guilty of a felony, punishable with up to two years in jail, a \$10,000 fine, or both jail time and a fine. Further, an individual convicted in a swatting incident would be liable for all reasonable costs incurred by any unnecessary emergency response as a result of their prank. SB 333 imposes similar penalties.


The Police Department (LAPD) has indicated support for these bills, as there has been a marked increase in swatting incidents in the City, which are a drain on resources and negatively affect emergency response. AB 47 and SB 333, if passed, would assist in deterring this act, and allow for greater punishment for perpetrators of these calls.

DEPARTMENTS NOTIFIED

Police Department

BILL STATUS

12/19/2012	AB 47 introduced
01/14/2013	AB 47 referred to the Committee in Public Safety
02/19/2013	SB 333 introduced



Joshua Drake
Analyst

GFM:SMT:jwd

Attachment: Resolution (Englander - Buscaino)

13-0002-515

RESOLUTION JAN 25 2013

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, there has recently been a rash of "swatting" incidents, where a false report is made to police departments stating that a robbery, hostage situation, or other serious crime is occurring at the home of a celebrity; and

WHEREAS, these incidents are highly dangerous and set the stage for a tragic accident, as police officers believe they are responding to a significant threat; and

WHEREAS, current penalties for making these false 911 reports to the police include up to one year in jail, but offenders could get probation and no jail time; and

WHEREAS, the current penalties do not go far enough in deterring individuals from making false 911 reports; and

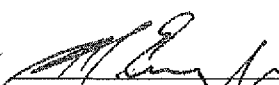
WHEREAS, currently pending before the State Assembly, is a bill, AB 47 (Gatto) relative to increased penalties for false 911 reports; and

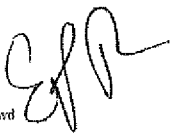
WHEREAS, Senator Lieu has announced he will introduce similar legislation in the State Senate; and


WHEREAS, the proposed legislation would increase penalties against those who are convicted of making false 911 reports, and will more effectively combat the "swatting" trend; and

WHEREAS, the City of Los Angeles should support legislative efforts relative to false 911 reports, as these incidents tie up police resources and pose a threat to the community;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013 - 2014 State Legislative Program SUPPORT of AB 47 (Gatto) and Senator Lieu's legislation, which would increase penalties for those convicted of making false 911 reports, including jail time and financial responsibility.

PRESENTED BY 
MITCHELL ENGLANDER
Councilmember, 12th District


jwd

SECONDED BY 

ORIGINAL

JAN 25 2013