

LOS ANGELES POLICE DEPARTMENT

WILLIAM J. BRATTON
Chief of Police



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Ref #: 16.2

November 8, 2007

Ms. Karen L. Sisson
City Administrative Officer
200 North Main Street, Room 1500
Los Angeles, California 90012

Dear Ms. Sisson:

Date: 11/27/07
Submitted in PW Committee
Council File No: 07-1586
Item No.: 11
Deputy: Norm RWD

2007 NOV 15 AM 9:02
CITY ADMINISTRATIVE OFFICES

In 1995, the City's film permit issuance authority was transferred from the Board of Public Works to the Los Angeles Police Department. At a recent meeting with your staff on October 5, 2007, and in preparation for the release of a Request for Proposal for Film Permit Coordination, Notification and Complaint Handling Services, it was requested that the Department provide information concerning recommendations for improvements to the City's film permitting procedures. The enclosed correspondence is intended to provide you with the requested information.

If you have any questions or need additional information, please feel free to contact me at (213) 847-1600.

Very truly yours,

WILLIAM J. BRATTON
Chief of Police

A handwritten signature in black ink, appearing to read "DAVID E. BACA".

DAVID E. BACA, Captain
Commanding Officer,
Emergency Operations Division

Enclosure

RECOMMENDATIONS FOR IMPROVEMENTS CITY FILM PERMIT PROCEDURES

1. FUNDING FOR POLICE DEPARTMENT RESOURCES TO REVIEW AND APPROVE FILM PERMITS:

- In 1995, the City's film permit issuance authority was transferred from the Board of Public Works to the Los Angeles Police Department, Special Events Permit Unit (SEPU), Emergency Operations Division (formerly known as the Special Events Planning Unit, Tactical Planning Section). In addition to reviewing and approving Citywide Film Permits, the SEPU has continually maintained other responsibilities associated with operational functions related to investigations/processing of permits for First Amendment events and major event planning. Despite the added demands, there has been no known funding or personnel resource allocations provided to the SEPU. As a result, Film Permits are currently reviewed and approved on a part-time basis only. This poses obvious liability concerns and is not in the best interest of the City and Department.

At a minimum, at least two full-time Department employees should be dedicated to review and approve Film Permits. Additional responsibilities such as auditing locations and oversight and liaison responsibilities should also be provided by a full-time supervisor. Therefore, it is recommended that the new contract for the City's Film Permit Coordination Services provider be appropriately amended to enable the Department to receive compensation and recover fees and costs associated with Film Permit approvals.

2. FOUR HOUR PERMIT APPROVAL WINDOW:

- Currently, requests for film permit approvals are typically received at the SEPU one to two days prior to date of filming. Per the 1995 Memorandum of Agreement (MOA) between the Department and the contractor (currently Film L.A., Inc.), once received, film permits are deemed approved unless the Department makes contact with Film L.A., Inc. (FLA). This four-hour window is an insufficient approval turnaround time. It is requested that the contractor be required to provide the Department with proposed film permits at least five business days prior to the date of the proposed filming.

3. PERMIT CONTENT – NEED FOR IMPROVEMENTS:

- The Department relies heavily on the contractor to ensure that other involved City/County agencies are aware and have approved the proposed activity described on the film permits. In most cases, permits sent to the Department for approval indicate that notifications to other City/County agencies have been made. However, the actual approvals of these agencies are not clearly indicated on the permit. Therefore, it is requested that the contractor be tasked with clearly indicating actual approvals PRIOR to the permit being sent to the Department.
- In addition to the most common existing activity descriptions (i.e., shots fired, explosions, pyrotechnics, police chases, etc.), activity descriptions indicated on the permits should be improved/enhanced to include a more accurate and thorough description of the proposed activity. For example, the commonly used term "exterior dialog" describes basic performance activity conducted at almost all filming locations. However, this term is not an adequate description when the actual dialog involves unusual noises and sounds emitted while performing the dialog.

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Scenarios involving horror films, music videos, commercials or action adventures where the “dialog” involves additional noises or sounds which will generate public attention or concern (i.e., screams for help, killing noises, cheering crowds, screeching tires, etc.) are of particular concern. Therefore, it is important that the permit (and any related notifications) accurately and thoroughly describe ANY activity which may generate complaints or public concern and attention. As a result, it is recommended that the contractor(s) be held to answer if/when they fail to provide adequate activity descriptions on permits.

4. ENHANCEMENT OF THE PERMIT “GENERAL TERMS, CONDITIONS AND RESTRICTIONS:”

- The legal language found in the “General Terms, Conditions and Restrictions” page (on the back of every Film Permit) should be reviewed and enhanced to include formal notifications or advisements concerning the following matters:
 - A. It should be made clear that individuals in charge at permitted filming locations (i.e., Location Managers, First AD's and/or Production Managers) who fail or refuse to adhere to permit requirements/conditions could be subject to criminal filings or other sanctions.
 - B. In cases when motion picture police officers are required to be assigned at a location, the production staff hiring or otherwise utilizing these officers are primarily responsible for ensuring that the assigned personnel are appropriately authorized and credentialed by the Department.
 - C. Permit revisions/extensions known as “Riders” should not be allowed for the purpose of extending road closures, time lines, or other activities which generate complaints or otherwise negatively impact the community. Riders may be allowed in most situations but should only be considered for approval upon advice and concurrence of a management level official at FLA/contractor and the assigned Uniformed Fire Safety Officer (UFSO) if any, AND, the assigned motion picture officer (if any).
 - D. Retired and active/off-duty motion picture officers are responsible for ensuring that productions comply with their permit conditions. However, an obvious conflict of interest exists by having these officers paid by production company payrolls. To minimize this conflict, production staff/permitees should be advised that any unwarranted terminations, releases or reassignments of these officers, while conducting activities associated with enforcing permit conditions/requirements, could result in civil liability/litigation, penalties or other sanctions.
 - E. Production staff should be reminded that retired and active off-duty motion picture officers have been granted limited peace officer powers related to traffic and crowd control functions (per Los Angeles Municipal Code (LAMC) Section §80.03). However, these officers do NOT have the authority to suspend, revoke, cancel or amend film permits, nor represent the Department during advance location planning meetings.

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5. DEPARTMENT LACKS SPECIFIC GUIDELINES AND WRITTEN POLICIES ESTABLISHING CRITERIA FOR PERMIT APPROVALS:

- The Department lacks written policies or guidelines necessary to guide personnel during the permit review and approval cycle. Currently, the Department uses a common sense approach which unofficially dictates that primary consideration for approval is based on obvious public safety issues and concerns. For example, SEPU personnel will typically review a proposed film permit for the following content:
- If there are explosions or pyrotechnics being used, is there a UFSO assigned to the location?
 - If stunts, car chases, shots fired or street/lane closures are involved, are police officers assigned? If so, how many?
 - For productions using aircraft, has the Federal Aviation Administration been contacted and/or assigned?

This approach is considered appropriate in as much as the Department's primary role is to ensure that the public safety is being considered. However, this approach may also be somewhat lacking as it only considers a portion of the relevant issues. Inherent problems such as the issue of frequency, zoning, public convenience, noise, parking and traffic congestion play an important role on the public's ability to "enjoy" their neighborhoods. Therefore, it is vitally important that the contractor ensure that these additional relevant issues are adequately and appropriately considered prior to the permit being released for approval.

6. NEED FOR STANDARDIZED, WRITTEN CRITERIA AND INSTRUCTIONS TO DETERMINE WHEN RETIRED/OFF-DUTY MOTION PICTURE OFFICERS ARE REQUIRED AT FILMING LOCATIONS:

- Since the Department/City is not currently involved in the assignment function of the off-duty/retired officers at filming locations, it is extremely important that a standardized, written criteria/policy be provided to the contractor to establish minimal requirements and protocols when officers shall be assigned.

7. COORDINATION OF MOTION PICTURE OFFICER ASSIGNMENTS:

It would be in the best interest of the City to require the contractor to establish a full-time entity tasked with coordinating, scheduling, collecting fees and paying salaries of retired and active/off-duty personnel assigned at filming locations. Such an endeavor would require a significant amount of time and resources to manage and maintain. However, in time, the project has the potential to be financially self-sufficient and likely profitable.

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8. RE-EVALUATION AND CLARIFICATION OF THE CONTRACTOR'S "MONITOR" PROGRAM:

- The Department supports the idea of using FLA "Monitors" to help ensure permit compliance at problematic production locations. However, FLA often reports difficulty in obtaining compliance results when the Monitors have an insufficient amount of authority to make change. Therefore, it is recommended that the level of authority granted to FLA Monitors be re-evaluated.
- It is necessary to develop a more standardized, formal written policy identifying when FLA Monitors shall be assigned to film locations.

9. EVALUATE AND UPDATE CITY ORDINANCE TO ENABLE ON-DUTY POLICE PERSONNEL TO ENFORCE VIOLATIONS AT ACTIVE FILM PERMIT LOCATIONS:

- The City Attorney should be required to examine and update the existing permit language, laws and ordinances for the purpose of enabling on-duty Department supervisors the ability to aggressively enforce permit violations. Consideration should be given toward increased and progressive fines for individuals who willfully violate permit conditions. Currently, the only known enforcement tool available for law enforcement to use to enforce film permit violations is LAMC Section 12.22(a)(13). This section requires productions to have a film permit for commercial filming in any zone in the City. However, this section appears limited and does not appear to be adequate for use in enforcement situations.

Note: The City Attorney has recently offered to examine the existing ordinance and will advise the Department accordingly.

10. IMPROVEMENT OF PROCEDURES AND RESPONSE ASSOCIATED WITH TRAFFIC POSTINGS, RESPONSE AND ENFORCEMENT:

- The Los Angeles Department of Transportation (LADOT) should consider conducting a formal evaluation of procedures associated with posting and removal of Temporary No-Parking signs at filming locations. The level of priority and response procedures for parking enforcement requests by motion picture officers at filming locations should be specifically included in this evaluation.

11. PUBLIC WAY RESERVATION SYSTEM:

- The contractor(s) should be required to enter ALL filming location street/lane closure information into the City's Public Way Reservation System.

Prepared by:
Special Events Permit Unit
Emergency Operations Division