

14-0139

JAN 29 2014  
PUBLIC SAFETY

MOTION

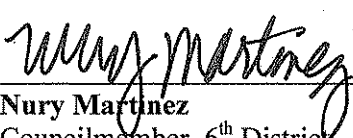
Illicit activities have long been a problem along our commercial corridors in various areas of the City of Los Angeles. In recent years, the Police Department and the City Attorney's Office have utilized various techniques to combat illegal activities at the local level, one of which includes hotel registry checks.

LAMC Section 41.49 states that a record shall be kept on a hotel premises for a period of 90 days from and after the date of the last entry in the record and shall be made available to any officer of the Police Department for inspection. The review of these records is a crucial tool used to promote its community caretaking function.

On December 24, 2013 the 9th Circuit Court of Appeals issued its opinion in the case of *Patel v. The City of Los Angeles* and found that LAMC 41.49's requirement that hotel guest registers be made available to any LAPD officer for inspection to be facially invalid under the Fourth Amendment insofar as it authorized inspections of those records without affording an opportunity to obtain judicial review of the reasonableness of the demand prior to suffering penalties for refusing to comply. This ruling has hindered the ability of our local enforcement agencies to lead a coordinated effort to promote and provide a safe environment for the citizens of our communities.

I THEREFORE MOVE that the City Attorney with the participation of the Police Department be requested to report on the status of the recent U.S. 9th Circuit Court of Appeals ruling in the case of *Patel v. The City of Los Angeles* which ruled unconstitutional, LAMC Section 41.49's requirement to make the hotel guest registers available to LAPD officers for inspection, as well as to present enforcement options as a result of this ruling.

PRESENTED BY:   
**Felipe Fuentes**  
Councilmember, 7<sup>th</sup> District

PRESENTED BY:   
**Nury Martinez**  
Councilmember, 6<sup>th</sup> District

SECONDED BY: 

ORIGINAL

JAN 29 2014

