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EXECUTIVE OFFICE  
POLICE ADMINISTRATION BUILDING  
100 WEST FIRST STREET, SUITE 134  
LOS ANGELES, CA 90012-4112

(213) 236-1400 PHONE  
(213) 236-1410 FAX  
(213) 236-1440 TDD

September 30, 2014

BPC #14-0352

Office of the City Clerk,  
Ad Hoc Committee on Film and TV Production Jobs  
City Hall, Room 395  
Los Angeles, CA 90012  
Attn: Richard Williams

Dear Honorable Members:

RE: AD HOC COMMITTEE ON FILM AND TELEVISION PRODUCTION JOBS  
(COUNCIL FILE NO. 14-0471)

At the regular meeting of the Board of Police Commissioners held, September 30, 2014, 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 II

Attachment

c: Chief of Police

INTRADEPARTMENTAL CORRESPONDENCE

8C

September 22, 2014  
16.2

RECEIVED

SEP 23 2014

REVIEWED POLICE COMMISSION

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

*Richard M. Tefank*  
RICHARD M. TEFANK  
EXECUTIVE DIRECTOR  
9/24/14  
DATE

SUBJECT: AD HOC COMMITTEE ON FILM AND TELEVISION PRODUCTION JOBS  
(COUNCIL FILE NO. 14-0471)

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners (Board) REVIEW and APPROVE this report; and,
2. That the Board TRANSMIT this report to the Ad Hoc Committee on Film and TV Production Jobs.

BACKGROUND

On April 17, 2014, the Ad Hoc Committee on Film and Television Production Jobs met and approved recommendations in a Motion relative to eliminating impediments to filming in Los Angeles and improving efficiency and coordination of film permits (Council File No. 14-0471). The Motion instructed the Department to report on the feasibility of creating a "rapid response capability to deploy officers near location shoots when notified that individuals near productions are engaging in extortive behavior against filming."

SUMMARY OF FINDINGS

Los Angeles Municipal Code (LAMC) Section 12.22(A) (13), allows commercial filming and commercial still photography to be conducted in all zones of the City on an infrequent basis. In 1995, City Council transferred the responsibility of the issuance of film permits to a private, non-profit, public benefit corporation currently known as FilmLA, Inc. (FilmLA). Currently, FilmLA streamlines the film permit process and provides production companies with the convenience of one stop filming assistance. The Los Angeles Police Department, Emergency Operations Division (EOD), Film Unit (FU) is responsible for the final review and approval of film permits. The FU and FilmLA work together to ensure commercial filming and still photography are conducted in compliance with the applicable City ordinances and in a manner that protects the public interest, including public safety, and balances the needs of the affected communities with the needs of the filmmakers.

### Background and Protocols of the Film Unit

In 2009, the FU was created and currently consists of a sergeant and six officers. The FU is currently responsible for the following matters related to filming:

- Serve as the City's designated "permit authority" by providing final review and approval of all City film permits processed and issued by FilmLA;
- Serve as the primary enforcement tool to regulate film permit compliance and reduce the number of calls and complaints at filming locations Citywide;
- Monitor and supervise retired police officers authorized to work in uniform at permitted filming locations; and,
- Act as a liaison and provide expertise, advice and training to Department/City agencies, FilmLA, and other involved City, State and local partners.

On average, the FU receives one to five calls for service per day. When the FU is not handling calls for service or conducting criminal investigations, they conduct unannounced enforcement checks, known as "spot checks" at filming locations Citywide. The FU is generally deployed Monday through Friday, between 0700 and 1900 hours, and occasionally on Saturdays. Sundays are generally low impact filming days and deployment is not scheduled unless required due to a special filming event.

### Enforcement Efforts

Over the past four and a half years, from 2010 through 2013, the FU responded to 39 calls for service related to interference situations, for an average of ten per year. From January through June of 2014, year-to-date, the FU has responded to four calls for service related to filming interference. The FU and FilmLA have successfully reduced filming-related crimes and complaints and have assisted the community and the film industry with resolving countless disputes and maintaining the difficult and delicate balance needed to enable filming to thrive, while ensuring affected communities are not unreasonably disrupted or disturbed.

### Clarification of Extortion vs. Interference

Interference cases usually involve someone who is intentionally interrupting, disturbing or interfering with permitted commercial filming and/or still photography, while seeking illegitimate compensation from the involved production. Occasionally production companies will provide compensation to private property owners/managers. This occurs when the properties are specifically targeted or intended for use in the film/photography, or when the private property or a portion of the private property is adversely affected by the filming or photography activity.

In October 2009, LAMC Section 41.20 was revised to include regulations covering permitted filming/photography in addition to permitted special events. The ordinance makes it a misdemeanor crime to "interfere" with permitted filming activity. In 2010, the City Attorney's Office (CA) opined that the amended ordinance was applicable and appropriate for film permit enforcement purposes.

On July 21, 2014, EOD met with members of the CA to clarify parameters and determine what constitutes “extortion” and “interference” relating to the Department’s film permit enforcement efforts. It was determined the term “extortion” did not apply and should not be used in the same context of “interference” as intended in LAMC 41.20(a).

The CA provided guidance regarding the documentation process for issues of “interference” at filming locations. The criminal interfering with a production is an intent crime and a pattern of conduct needs to be established to document a “pattern of conduct”. The incident will be documented via a Department Investigative Report, Form No. 03.01.00. After several instances have been documented involving the suspect(s) or his/her agents, the CA will then take appropriate action. This procedure will also be utilized during incidents of “interference” where intent is difficult to establish.

Rapid Response Capability

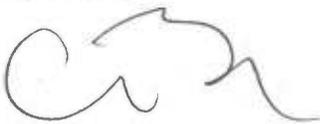
It was determined that the FU’s current enforcement posture relative to violations of interference is appropriate under the auspices of LAMC Section 41.20(a), as long as thorough investigations are conducted and all the necessary elements of the crime are established prior to any arrests or filings. The Department has determined that the six full-time officers assigned to the FU have demonstrated the rapid response capability to quickly respond to calls for service involving interference or unpermitted commercial filming during their hours of operations. During off hours, geographic Areas respond to the calls for service and may contact Real-Time Analysis and Critical Response (RACR) Division for advice as needed.

**CONCLUSION**

It is recommended that the current organizational structure of the FU remain. Geographic Areas may contact RACR Division for advice and guidance on filming-related issues. Additionally, an updated CTSOB Notice speaking to best practices and providing suggested responses to filming issues that geographic patrol personnel may encounter is forthcoming.

If you have any questions regarding this correspondence, please have a member of your staff contact Captain Philip S. Fontanetta, Commanding Officer, Emergency Operations Division, at (213) 486-0680.

Respectfully,



CHARLIE BECK  
Chief of Police

**BOARD OF  
POLICE COMMISSIONERS**  
Approved *September 30, 2014*  
Secretary *Maria Silva*

## FACT SHEET

### AD HOC COMMITTEE ON FILM AND TELEVISION PRODUCTION JOBS (COUNCIL FILE NO. 14-0471)

September 8, 2014

#### **BACKGROUND**

On April 17, 2014, the Ad Hoc Committee on Film and Television Production Jobs met and approved recommendations in a Motion relative to eliminating impediments to filming in Los Angeles and improving efficiency and coordination of film permits (Council File No. 14-0471). The Motion instructed the Department to report on the feasibility of creating a “rapid response capability to deploy officers near location shoots when notified that individuals near productions are engaging in extortive behavior against filming.”

#### **DISCUSSION**

The City of Los Angeles’ signature industry is commercial filming. Per Los Angeles Municipal Code (LAMC) Section 12.22(A)(13), the City allows commercial filming and commercial still photography to be conducted in all zones of the City on an infrequent basis. To keep pace with the needs of the industry, in 1995, the City Council transferred responsibilities associated with the issuance of film permits from the Department of Public Works to a private, non-profit, public benefit corporation currently known as FilmLA, Inc. (FilmLA). FilmLA was contracted to provide numerous services associated with the facilitation, efficient coordination and issuance of film permits. At the same time in 1995, the responsibility for the final review and approval of film permits was delegated to the Department’s now-deactivated Tactical Planning Section, which has since been reconfigured into the current Contract Services Section (CSS), Emergency Operations Division (EOD). Currently, FilmLA and the Film Unit (FU), CSS, work together to ensure commercial filming and still photography performed outside certified studios are conducted in compliance with the applicable City ordinances and in a manner that protects the public interest, including public safety, and balances the needs of the affected communities with the needs of the filmmakers.

#### Background and Protocols of the Film Unit

In November 2009, to improve permit compliance, communications, and field enforcement, the Department established the FU, CSS, EOD. In April 2012, the FU deployment consisted of six officers and a sergeant, which is the current organization.

The FU, CSS, is currently responsible for the following matters related to filming:

- Serve as the City’s designated “permit authority” by providing final review and approval of all City film permits processed and issued by FilmLA;
- Serve as the primary enforcement tool to regulate film permit compliance and reduce the number of calls and complaints at filming locations Citywide;
- Monitor and supervise retired police officers authorized to work in uniform at permitted filming locations; and,
- Act as a liaison and provide expertise, advice and training to Department/City agencies, FilmLA, and other involved City, State and local partners.

## FACT SHEET

### AD HOC COMMITTEE ON FILM AND TELEVISION PRODUCTION JOBS (COUNCIL FILE NO. 14-0471)

September 8, 2014

On a daily basis, the FU responds to an array of complaints reported by FilmLA, the public, production staff, or retired/off-duty police officers. On average, the FU receives one to three calls for service per day. During the industry's peak seasons, it is not unusual for the FU to receive five calls in a day. Personnel are scheduled on overlapping 10-hour shifts. Calls are normally routed through the unit supervisor. When FU personnel are not handling calls for service or conducting criminal investigations, they conduct unannounced enforcement checks, known as "spot checks," at filming locations Citywide.

Spot check locations are not chosen randomly. Examples of considerations in selecting locations include, but are not limited to, monitoring known sensitive or complaint locations, at the request of the unit supervisor or FilmLA, locations with high-impact activity or unusually large amounts of crew, equipment, or assigned off-duty or retired officers, and locations or production companies most likely to generate complaints or violate permit conditions (i.e., previously warned/cited violators, reality shows, music videos, student productions, driving grids). The FU is generally deployed Monday through Friday, between 0700 and 1900 hours, and occasionally on Saturdays. Historically, Sunday is a low volume day.

#### Clarification of Extortion vs. Interference

A typical interference case involves someone who is intentionally interrupting, disturbing or interfering with permitted commercial filming and/or still photography, while seeking illegitimate compensation from the involved production. Importantly, cases involving property owners who manipulate, change or otherwise use/affect their own property to interfere are considered differently than those involving individuals or property owners who use noise or other non-property-related means to disrupt or interfere.

It is important to note there are times when monetary demands or negotiations between film companies and private property owners/managers are legitimate. Examples include properties specifically targeted or intended for use in the film/photography, or when the private property or a portion of the private property is used, blocked or otherwise affected by the filming/photography activity. Additionally, trademark-protected properties such as Disney Hall and the Hollywood Sign are entitled to compensation when filmed. However, in most cases, routine shots on public property showing existing buildings or structures in the background are not usually entitled to compensation or special consideration.

Based on the terminology used in the Motion, the term "extortive behavior" may have unintentionally been used as a "layman's" term. In 2009, LAMC Section 41.20(a) was revised, specifically providing enforcement regulations for permitted filming and photography (in addition to permitted special events). The ordinance makes it a misdemeanor crime to "interfere" with permitted filming activity. The same ordinance also makes it unlawful to conduct commercial filming/photography without the required permit(s) and requires permittee's to adhere to all permit conditions and restrictions. In 2010, the City Attorney's Office (CA) opined that the amended ordinance was applicable and appropriate for film permit enforcement purposes.

## FACT SHEET

### **AD HOC COMMITTEE ON FILM AND TELEVISION PRODUCTION JOBS (COUNCIL FILE NO. 14-0471)**

September 8, 2014

The CA's Office clarified parameters and determined what constitutes "extortion" and "interference" as those terms relate to the Department's film permit enforcement efforts. On July 21, 2014, it was opined that the term "extortion" did not apply and technically should not be used in the same context of "interference" as intended in LAMC 41.20(a). The use of the word "extortion" is simply the most popular and common term used by the public to describe common scenarios involving illegitimate demands for compensation and interference with commercial filming activity.

#### Rapid Response Capability

With six full-time officers dedicated to addressing filming-related issues and not subject to general calls for service or other patrol-related demands, the FU has the capability to quickly answer all of its calls for service. The FU is able to respond uninterrupted and almost immediately because the unit is large enough to deploy officers every weekday and the current average call-load does not yet exceed the capabilities of the unit. Therefore, all calls are generally answered immediately upon notification (during normal business hours). During off-hours, geographic Areas respond and may contact Real-Time Analysis and Critical Response (RACR) Division for advice as needed.

#### Enforcement Efforts

One of the best examples of the effectiveness and productivity of the FU involves an investigation in Central Area in 2011. At the request of production staff, the FU became aware of a business/property owner attempting to charge \$5,000 for production access to a publicly-owned alley in downtown. Several local building owners had been charging productions for alley use for years. The FU researched the status of the alleys to determine the actual history and ownership. It was determined in the 1980s, in an effort to curb crime and rampant drug use in a number of downtown alleys, adjacent property owners were granted permission from the City to erect gates preventing public access at night. The City never gave up property rights (except for Frank Court Alley). Unfortunately, three decades with no supervision, enabled property owners with gate keys the ability to demand payments from unknowing production companies. Ultimately, within a very short period of time, the FU was able to eradicate the problem by issuing warnings and educating involved property owners and production companies. Importantly, the fact that the FU was in a position to continually monitor the situation and respond immediately if necessary was critical.

The FU has determined, over the past two years, approximately 92 percent of its criminal cases involve unpermitted commercial filming violations. The FU believes unpermitted commercial filming is a significant problem Citywide and merits consideration for regular special enforcement.

The following chart summarizes calls for service and criminal cases over the past four and a half years. Also, "interference" is listed as a subsection. As shown, FU calls related to interference situations have never exceeded eight and a half percent. And thus far in 2014, the number of interference calls has sharply declined.

## FACT SHEET

### AD HOC COMMITTEE ON FILM AND TELEVISION PRODUCTION JOBS (COUNCIL FILE NO. 14-0471)

September 8, 2014

	2010	2011	2012	2013	2014 (Jan-Jun)	Total
Calls for Service: (Interference)	69 (3) (4.3%)	83 (7) (8.4%)	152 (13) (8.5%)	197 (16) (8.1%)	108 (4) (3.7%)	609 (43) (7%)
Criminal Cases: (Interference)	18 (2) (11%)	11 (0) (0%)	34 (0) (0%)	52 (0) (0%)	27 (0) (0%)	142 (2) (1.4%)

#### Film Industry's Lack of Involvement

It should be noted the FU does not become involved in any discussions, negotiations or agreements between property owners and production companies. The FU advises concerned parties that those issues are civil in nature. After thousands of field contacts and hundreds of discussions with location managers and other industry members, the FU is confident the following reasons play a significant role as to why location managers prefer not to report incidents of interference in the OBD and elsewhere:

- 1) Delays in production costs money, and filming projects constantly face strict time constraints and deadlines. Location managers will avoid conflicts whenever possible and often prefer to pay (reasonable) demands because it is often faster and easier (and sometimes even cheaper) to pay than to wait for the police to arrive, interview parties and determine the merits of the case, etc.;
- 2) Many location managers will not report incidents of interference at certain locations due to the fear of angering prominent property owners and/or losing the ability to film at desirable locations in the future; and,
- 3) If budgets allow, some industry members prefer not to report incidents due to a sincere interest in assisting or appeasing the community they feel they are impacting, whether there is a direct impact on private property or not.

#### Office of Operations Input

The FU met with the Deployment Section, Office of Operations (OO), to discuss current and proposed investigatory protocols. The Department is close to publishing an updated policy order pertaining to procedures and information related to filming location enforcement and audits. During non-business hours, the revised policy would require Area watch commanders to ensure the appropriate response and investigations are completed. The Order would also strongly recommend watch commanders contact the existing FilmLA, 24-hour on-call representative, or RACR Division, for appropriate advice.