

A Request that the Los Angeles Police Commission Find
that Private Patrol Operators Employed by Business
Improvement Districts are Subject to LAMC §52.34

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1 Synopsis

1. Business improvement districts in the City of Los Angeles typically contract with private patrol services to provide security services in their districts. None of these private patrol services are registered with the Police Commission. I'm asking the Police Commission to find that they ought to be so registered under LAMC §52.34.

2 The Private Patrol Operators

2.1 Who They Are

2. Andrews International Inc. (“A/I”) is a private patrol operator (“PPO”) registered with the California Bureau of Security and Investigative Services (“BSIS”). Their state license number is 15736. A/I contracts with the Hollywood Property Owners Alliance (“HPOA”) to provide security services in the Hollywood Entertainment District business improvement district (“BID”) and the Sunset & Vine BID. Their officers are known as the “BID Patrol.”
3. Universal Protection Service (“UPS”) is a PPO registered with BSIS. They have over a hundred state licenses listed in the BSIS database, but the primary current one seems to be number 14417. UPS contracts with many BIDs in the City of Los Angeles to provide security services, including but not limited to the Hollywood Media District BID, the Downtown Industrial District BID, the Downtown Center BID, and the South Los Angeles Industrial Tract BID.
4. Streetplus (“SP”) is a PPO registered with BSIS. Their state license number is 17493. Streetplus contracts with many BIDs in the City of Los Angeles to provide security services, including but not limited to the Historic Core BID, the Arts District BID, and the South Park BID.

2.2 What They Do

5. The duties of all of these PPOs include patrolling public streets and sidewalks in the City of Los Angeles for all of their BID customers. Some representative examples follow.
6. According to the HPOA website¹: “BID Patrol Officers work hand in hand with the Los Angeles Police Department and the Los Angeles County Sheriffs to handle quality of life issues that occur within the public areas of the District.”
7. According to the Downtown Industrial District BID website,² the purpose of their UPS security contractors, known as the “safe team,” is to “. . . prevent, deter and report illegal activities taking place on the streets, sidewalks, storefronts, parking parcels and alleys.”

¹At <http://onlyinhollywood.org/hollywood-bid/safe/>

²At <http://industrialdistrictla.com/about-us/#tab-7a564550-ca08-0>

8. According to the South Park BID website,³ their Streetplus security contractors, known as “the Safety Team,” patrols “24-hours a day, seven days a week by foot, bike, Segway, or vehicle” and part of their duties are to “. . . [assist] with activities such as public street disorder, and panhandling.”

3 These PPOs Qualify as Private Patrol Services as Defined in LAMC §52.34

9. LAMC 52.34(a)(1) defines private patrol services (“PPSs”) in part as being PPOs “as defined in the California Business and Professions Code.” The definition of PPO in the Business and Professions Code (“BPC”) is found at §7582.1(a) with exemptions enumerated at §7582.2. It is evident from the fact that A/I, UPS, and SP (“the Operators”) are registered with BSIS as PPOs (paragraphs 2, 3, and 4) that they are PPOs as defined in the BPC. If they were not they would not have registered as such.
10. The next requirement for an entity being a PPS is that it “furnishes or purports to furnish to members, subscribers, or customers any street patrol officer for the purpose of affording additional security and protection of person and property or to perform any other service directly related to the ‘private protection of life and property.’ ” To see that the Operators meet this requirement it’s necessary to consider the definition of “street patrol officer,” which is found in LAMC §52.34(a)(2) and reads in part:

The term “street patrol officer” shall mean any person who performs for a private patrol service⁴ the duties of a uniformed guard or uniformed patrol officer or any of the duties described in subdivision (a)(1) by street patrol service utilizing foot patrol, motor patrol, or other means of transportation in public areas, City streets, or public thoroughfares.

As shown above (paragraphs 6, 7, and 8) employees of all three of the Operators patrol public areas and City streets in the course of their duties. Thus those employees satisfy this part of the definition of street patrol officers.

11. LAMC §52.34(a)(2) also articulates two exemptions to the definition. First:

This definition shall not apply to uniformed guards or uniformed caretakers employed by an entity other than a private patrol service, such as by industrial plants, department stores, community associations, or private clubs wherein said function does not require patrolling from one location to another by use of a City street

As shown above (paragraphs 6, 7, and 8) employees of all three of the Operators do “[patrol] from one location to another by use of . . . City streets,” so this exemption does not apply to employees of the Operators.

³At <http://southpark.la/about/#safety>

⁴There seems to be a circularity in these two definitions. A PPS must furnish street patrol officers and street patrol officers must work for a PPS.

12. The second exemption states:

... nor shall it apply to persons employed by such an entity solely in connection with the commercial, public, or professional business of such an entity.

It could be argued that this exemption applies to BID security if one sees BIDs as “community associations” and either BID security guards or the Operators themselves as “persons employed . . . solely in connection with the . . . business of such an entity.” However, BIDs aren’t community associations, as they don’t represent the community, but rather commercial property owners in a specific district. Presumably if the City Council had meant this exemption to apply to security personnel under contract to BIDs they could have said so explicitly.⁵ Finally, “such an entity” in this clause almost certainly continues to include the clause “does not require patrolling from one location to another by use of a City street” found in the earlier part of the sentence. As shown above (paragraphs 6, 7, and 8) BID security officers do patrol City streets. Thus this objection is not sound.

13. Therefore BID security guards satisfy the definition of “street patrol officers” found in LAMC §52.34(a)(2), and consequently the Operators satisfy the definition of PPSs found in LAMC §52.34(a)(1).

4 The Operators Aren’t Registered with the Police Commission

14. This is the case according to Officer William Jones⁶ of the Police Commission enforcement section.

5 What I’m Asking the Commission to do

15. I’m asking the Commission to find that, for the reasons set forth above, the Operators are required to register with the Police Commission under LAMC §52.34(b)(1) and that the security personnel with whom they supply their clients, the BIDs, are required to register under LAMC §52.34(c)(1). It is likely (see paragraph 17 below) that enforcement of this section with respect to BIDs ceased in 2000 due to an oversight. I am hopeful that once the Commissioners are made aware of this extant registration obligation that has apparently fallen off their radar, they will act quickly to restore the process by which private patrol services and officers are registered with the Commission.

⁵This clause in the statute predates the existence of BIDs in the City of Los Angeles. However, LAMC §52.34 has been extensively revised since BIDs were introduced here in 1996. That the Council chose not to add any language at all about BIDs suggests strongly that this clause does not apply to BID security.

⁶Personal communication.

16. Or, if there's some legitimate reason why the Operators and their street patrol officers are actually not required to comply with LAMC §52.34, I'm asking the Commission to articulate it explicitly and publicly.

6 Other Considerations

17. LAMC §52.34 was extensively revised in 2000 in response to a Council motion contained in Council File 99-0355. The initial motion requested that the Police Commission cease enforcement of the statute against the Downtown Center BID with respect to the uniforms that their security patrols wore. The various Police Commission report-backs to the Council found in the file suggest that the Commission pledged not to enforce §52.34 against BIDs until the law was amended and that when it was finally amended enforcement never resumed, even though the final revised ordinance did not include any mention of BIDs.
18. Police Commission enforcement officer Ernesto Vicencio told me on the phone that LAMC §52.34 was not enforced against BIDs because of (a) a state law exempting BID security and (b) an opinion by the City Attorney stating that BIDs were exempt. I have not been able to find such a state law. Also, Mike Dundas of the City Attorney's office has informed me that no such opinion has been released by the City Attorney. He also said that, therefore, if there were such an opinion, it would have been confidential lawyer/client advice. It seems unlikely that a confidential opinion is all that's preventing BID security from having to register with the City. If that were the case, the BIDs themselves wouldn't know for sure that they didn't have to register.