86-052 Los Angeles County Burglar and Robbery Ordinance Enforcement Guidelines

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

LOS ANGELES COUNTY BURGLAR AND ROBBERY ORDINANCE ENFORCEMENT GUIDELINES

The purpose of this Directive is to provide enforcement guidelines relating to alarm regulation.

Enforcement Authority

Chapter 13.05 - Los Angeles County Code (LACC)

This LACC chapter sets forth certain requirements for alarm systems and defines prohibitive acts relating to the operation of any intrusion or robbery alarm system.

Pursuant to section 13.05.100, a violation of the provisions of this chapter is punishable as an infraction with a maximum penalty of $250.00.

An exception to this is Section 13.05.060, "Knowingly turning in a false alarm," which is a misdemeanor.

Departmental Enforcement Policy

Mechanical failure and human error are common causes of false alarms. In most instances, these problems can be mitigated or resolved through mutual cooperation between the subscriber or user, alarm companies and station personnel.

Therefore, it shall be the policy of this Department that enforcement of this ordinance shall be pursued only in those cases where other alternatives have failed to accomplish compliance with the requirements of the Code.

Response Policy

It is the policy of the Sheriff's Department that a patrol unit(s) will be dispatched to all alarms, within the department's jurisdiction, that are reported to the Department. This policy will not be altered by anticipated, pending or past enforcement actions taken against alarm owners.

Enforcement Guidelines

The following guidelines are intended to assist Station Commanders in enforcing the Burglar and Robbery

Alarm Ordinance. The guidelines provide for a uniform approach to enforcement but may be modified by the Unit Commander when the need is apparent. This directive is not intended to supersede any contract city municipal code procedures. In such cases where a conflict does exist, each Station Unit Commander may modify the guidelines of this directive as necessary.

- Scope of the Ordinance
    - The provisions of this ordinance regulate persons who own, rent, lease, use, or make available for use by their agents, employees, representative or family, any alarm system. This applies to persons who own or control buildings with alarms, but does not apply to alarm companies, their owners, or their agents.
    - The provisions of this ordinance shall apply to both residential and commercial alarm systems.
- Method of Enforcement
    - Enforcement may be through citation or by filing a case with the District Attorney's Office through the complaint process. Several sections of the ordinance can be enforced by patrol personnel who observe the violation. Other violations must be documented over a longer time period to establish the elements of the violation.
    - Station Commanders shall appoint an individual to coordinate enforcement of the ordinance. This responsibility may be assigned to Crime Prevention or other appropriate personnel.
- Enforcement Procedures (General)
    - Alarm Incident Report –The Alarm Incident Report (SH-R 377) is designed for recording the appropriate information on all responses to alarm activations.
        - Patrol Personnel Responsibilities – Patrol personnel shall complete the Alarm Incident Report and forward it to the Alarm Ordinance Coordinator whenever any one of the following circumstances occurs:
            - They have determined that a robbery or burglar alarm has been falsely activated.
            - Enforcement action (citation, warning citation, or complaint report) is taken in the field.
            - Follow-up investigation and/or enforcement action is warranted.
- Alarm Coordinator Responsibilities
    - The Alarm Coordinator shall:
        - Establish a violator file and provide necessary information to help in prosecution.
        - Make appropriate follow-ups and record pertinent information on the back of the Alarm

Incident Report (written warnings, personnel contacts, etc.)

- NOTE: The Alarm Incident Reports can be used as evidence and as the basis for written reports when a decision is made to prosecute offenders. However, the evidence should reflect that the Sheriff's Department has served written notice describing the violation and advising that action to correct causes of recurring violations must be given prior to prosecuting alarm owner(s).

- Prohibited Acts and Specific Enforcement Procedures
  - Chapter 13.05 sets forth certain requirements and prohibited acts relating to the operation of alarm systems.
  - The following guidelines may be utilized when violations are observed or reported.
    - Section 13.04.040 - Audible Alarms
      - Requires the posting of names and telephone numbers of persons to be notified to render repair or service to an alarm system.
      - Requires audible alarms to terminate or automatically reset after 30 minutes.
    - Enforcement Options
      - Citation
      - Warning citation
      - Warning letter
      - Write a report and seek a filing of a criminal complaint by the District Attorney.
    - Section 13.05.050 Direct Dial Telephone Devices
      - This section prohibits any device which automatically dials the telephone number of the Sheriff's Department.
        - Desk Personnel Responsibilities
          - If a recorded, direct dial alarm call is received, complete an Alarm Incident Report and forward it to the alarm coordinator.
        - Alarm Coordinator Responsibilities
          - Contact the owner of the alarm location and advise him to re- program the device to dial a number other than the Sheriff's Station. This should be

accomplished by a personal contact and formal letter.

- If the violator refuses or fails to comply, write a report and seek the filing of a criminal complaint by the District Attorney.

- Section 13.05.060 False Alarm (misdemeanor)
  - A person shall not knowingly report a false alarm. A false alarm is the activation of a system by causes other than the commission or attempted commission of an unlawful act which the alarm system is designed to detect.
    - Enforcement Options
      - Citation
      - Warning citation
      - Warning letter
      - Write a report and seek the filing of a criminal complaint by the District Attorney.
- Section 13.05.070 False Alarms, Owner's Responsibility
  - After any false alarm and upon the request of the Sheriff's Department, an alarm owner shall submit a report to the Sheriff describing actions taken to eliminate the false alarm. The response must be submitted within ten days after notification.
  - Enforcement Alternatives
    - This section has been added to the ordinance to bring potentially serious consequences of false alarms to the violator's attention before his or her faulty alarm becomes a chronic problem.
    - A failure of the alarm owner to respond in writing as requested after any false alarm, constitutes a violation. Formal action (citation or complaint) under this section is optional. However, whenever violators fail to respond, their failure to respond should always be documented to facilitate prosecution under Section 13.05.080, Public Nuisance Alarm.
    - Departmental attempts to resolve the problem will strengthen the case.
- Section 13.05.080 Maintaining a Public Nuisance Alarm
  - An alarm owner may not operate an alarm system which generates more than three (3) false alarms in any twelve (12) month period. Under Section 13.05.110, Corrective

Action, the Sheriff's Department is required to serve a written notice on the violator upon the first violation of 13.05.080 (fourth false alarm). The violator has ten (10) days to correct the cause of the false alarm. The Sheriff's Department shall determine if the cause or causes of the violation have been removed, and if so, no further action shall be taken.

- Enforcement - Alternatives
    - Upon the first violation of Section 13.05.080, Fourth alarm during any twelve-month period, the Station Commander shall send a letter to the violator describing the violation and advise that corrective action must be taken within ten (10) days.
    - If it is determined that prosecution is warranted under this section (fifth false alarm or the violator fails to respond in writing), the Alarm Ordinance Coordinator shall write a report summarizing the circumstances surrounding each false alarm occurring at the location within the violation period. Alarm Incident Reports, warning citations or other supportive data should be listed as evidence to establish the elements of the violation.

- Section 13.05.090 Exemptions From Applicability
    - The provisions of Sections 13.05.040 through 13.05.080 are not applicable to audible alarms affixed to motor vehicles or to a public telephone utility whose only duty is to furnish telephone service pursuant to tariffs on file with the California Public Utilities Commission.

NOTE: The Alarm Incident Report (SH-R 377) may be ordered through eCAPS using item # 377.