

# LACityClerk

96-0701

07-0184

**Council File:** 04-2553      11-0207

## **Title**

RAVE PARTIES / FINES

## **Subject**

Motion - A recent illegal RAVE style party left 1  
partygoers attempted an escape from a crowd

**RAVE MOTIONS**

**2004-2011**

# MOTION PUBLIC WORKS & GANG REDUCTION

The property located at 1716 - 1756 North Spring Street / 1715 - 1749 North Naud Street ("Spring / Naud Property" or "Property") is receiving much-needed investment and redevelopment for multiple uses, including office; bar/lounge; entertainment, exhibit and multi-purpose cultural facility; and, restaurant ("Project"). Abutting the Property to the south, is Naud Street, which is not pedestrian-friendly and has a history of trash accumulation.

To improve the pedestrian environment and complement the existing and future uses of the Spring / Naud Property and nearby properties, the Project envisions a pedestrian-friendly walkway and landscaping along that portion of Naud Street abutting the Property's southern boundary, including paver walkways, box trees and seating areas ("Proposed Improvements"). The Proposed Improvements will enhance public safety and appearance, benefit nearby properties, encourage pedestrian activity and investment in the neighborhood. The Proposed Improvements will deliver a well-designed and executed walkway providing a valuable amenity for local employees, visitors and future residents.

Prior to installing the Proposed Improvements, the Project proposes the construction, use and maintenance of an electrical room (subject to LADWP approval) and ancillary structures for the Project. The petitioner has submitted an application to vacate the portion of Naud Street abutting the Property's southern boundary (project no. E-1401319). A Revocable Permit ("R-Permit") is now necessary to allow the start of construction for the Project and the Proposed Improvements prior to finalizing and recording of the vacation.

While recognizing the necessity of this motion to enable the further development of the Project, equally important is the protection of public safety through prohibition of adverse land uses. Toward this end, the City Council declares that special events commonly known as "Electrical Dance Music Raves" are prohibited within the Property unless attendance is limited to persons over 21 years of age, and unless Project receives a statement of non-opposition from the local Council District office. This prohibition shall be in force during any period in which the R-Permit is applicable.

Every provision in this Motion and every application of the provisions in this Motion are severable from one another. All valid applications of this Motion shall be severed from any applications that a court finds to be invalid.

**I THEREFORE MOVE** that the City Council instruct the Bureau of Engineering to issue an R-Permit, subject to the petitioner satisfying the conditions for issuing such a permit to close, fence, demolish, excavate, construct and occupy in the public right-of-way of Naud Street, abutting the Property located at 1716- 1756 North Spring Street / 1715 - 1749 North Naud Street, subject to a proposal for a vacation. The R-Permit will permit the encroachment and the Proposed Improvements and continued use of the structures proposed by the Project—including the electrical room and ancillary structures for the Project—prior to the recording of the vacation. The R-Permit will be issued on the condition that the petitioner appropriately guarantees to return and reconstruct, upon request, the right-of-way back to its present condition in the event that the petitioner does not complete the proposed Project and / or does not elect to vacate the subject street.

PRESENTED BY:

  
GILBERT A. CEDILLO  
Councilmember, 1<sup>st</sup> District

SECONDED BY:

  
**ORIGINAL**

JUN 27 2018



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File No. 18-0629

PUBLIC WORKS AND GANG REDUCTION COMMITTEE REPORT relative to issuing a Revocable Permit (R-Permit), to close, fence, demolish, excavate, construct and occupy in the public right-of-way of Naud Street, abutting the property located at 1716- 1756 North Spring Street and 1715 - 1749 North Naud Street.

Recommendation for Council action, pursuant to Motion (Cedillo - Buscaino):

INSTRUCT the Bureau of Engineering to issue an R-Permit, subject to the petitioner satisfying the conditions for issuing such a permit to close, fence, demolish, excavate, construct and occupy in the public right-of-way of Naud Street, abutting the property located at 1716- 1756 North Spring Street and 1715 - 1749 North Naud Street, subject to a proposal for a vacation. The R-Permit will permit the encroachment and the Proposed Improvements and continued use of the structures proposed by the project - including the electrical room and ancillary structures for the project—prior to the recording of the vacation. The R-Permit will be issued on the condition that the petitioner appropriately guarantees to return and reconstruct, upon request, the right-of-way back to its present condition in the event that the petitioner does not complete the proposed project and/or does not elect to vacate the subject street.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

#### SUMMARY

At the meeting held on February 6, 2019, your Public Works and Gang Reduction Committee considered a Motion (Cedillo - Buscaino) relative to issuing a Revocable Permit (R-Permit), to close, fence, demolish, excavate, construct and occupy in the public right-of-way of Naud Street, abutting the property located at 1716- 1756 North Spring Street and 1715 - 1749 North Naud Street, subject to a proposal for a street vacation. After an opportunity for public comment was held, the Committee moved to approve the recommendation contained in the Motion, as detailed above. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

PUBLIC WORKS AND GANG REDUCTION COMMITTEE

| <u>MEMBER</u> | <u>VOTE</u> |
|---------------|-------------|
| BLUMENFIELD:  | YES         |
| RYU:          | YES         |
| BUSCAINO:     | YES         |
| O'FARRELL     | YES         |

11-0217

TRADE, COMMERCE &amp; TOURISM

PUBLIC SAFETY

## MOTION

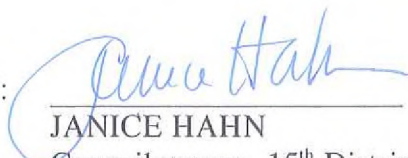
Raves have become a potential revenue source for large venues such as the Los Angeles Coliseum and the Los Angeles Convention Center. Last year's Electric Daisy rave at the Coliseum was the biggest, drawing 185,000 people over the two days.

However, during the two-day event in 2010, about 120 people were taken to the hospital, mostly for drug intoxication. An independent review found that several people were injured when a crowd overwhelmed security officers and stampeded the field, scaling two fences.

The City cannot afford to sacrifice public safety and the lives of its residents simply for the purpose of increased revenues.

I THEREFORE MOVE that the Convention Center, with the assistance of the Police Department and the Fire Department be directed to report with recommendations for banning raves at the Los Angeles Convention Center.

PRESENTED BY:

  
JANICE HAHN  
Councilwoman, 15<sup>th</sup> District

ORIGINAL

SECONDED BY:



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FEB 9 2011

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## MOTION

# PUBLIC SAFETY

JAN 24 2007

The City of Los Angeles places a high priority on the quality of life of the City's youth. Although efforts to deter criminal activity among youth and further protect them from such criminal activity have strengthened over the years in the City, there are areas for improving the safety of our young people.

On January 25, 2006, the body of 14-year old Emmery Munoz was found near the loading dock of a Boyle Heights warehouse, an area well-known for underground parties (Flier Parties) among high school students. The Los Angeles Police Department (LAPD) believes that her death may be linked to Flyer Party activity in that area. Emmery is one of many young people who have died as a consequence of the violence that results from Flyer Parties.

The LAPD describes Flyer Parties as non-permitted underground parties usually attended by individuals between the ages of 16 to 24 years of age. These parties are held in empty warehouses, closed businesses, private residences, empty lots and other locations not easily detected by the police and the community. Flyer Party promoters advertise by word of mouth, Internet web sites and through the distribution of flyers which attract between 50 and 500 individuals per event. Admission is charged at the door. Alcohol, nitrous oxide and illegal drugs are often sold and used at these illegal parties. Attendees may become victims of crimes, such as physical/sexual assault, assault with a deadly weapon, or homicide.

On any given weekend, it is estimated that 20 to 30 of these parties occur within the City. According to the LAPD, attendees include "Party Crews," "Tag Bangers," and rival gang members.

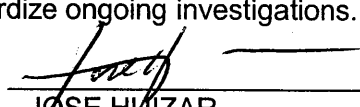
Shootings and gang violence are common at Flyer Parties throughout the City. In 2004, an LAPD officer was shot in South Los Angeles as he tried to protect party goers from a shooting gang member. Despite such violence, Flyer Party promoters are still successful in attracting and endangering many of our City's youth.

Over the last few years, police have made attempts to "crack down" on parties by enforcing state and local criminal laws. Young adults have been cited for curfew violations, disturbing the peace, public intoxication and possession of nitrous oxide and other drugs. Heads of households have also been cited for loud music, serving alcohol to minors and charging an entrance fee. DJs have gotten their equipment impounded. However, despite these efforts, Flyer Parties continue to attract hundreds of young adults. Another strategy to complement current efforts would be to raise awareness among parents and young adults about the dangers of Flyer Parties.

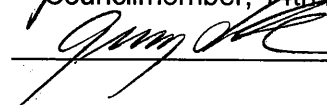
**I THEREFORE MOVE** that the Los Angeles Police Department report on methods to raise awareness among parents and young adults about the dangers of Flyer Parties and Rave Parties, and what precautions might be put into effect to urge youth against attending these parties.

**I FURTHER MOVE** that Los Angeles Police Department report on additional penalties the City can consider to ensure that promoters of flyer parties—as well as the owners and proprietors of warehouses where they are held—are held accountable for illegal flyer parties. No report will be requested of the Department that could in any way jeopardize ongoing investigations.

PRESENTED BY

  
JOSE HUIZAR  
Councilmember, 14th District

SECONDED BY



JAN 24 2007  
07-0184

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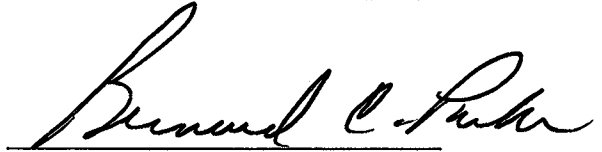
EGG

REF TO 06-0010-526

EL

Party Task Force comprised of representatives from the Police, Fire, and Building and Safety Departments; the Office of the City Attorney; and that the CLA request, on behalf of the City Council for the participation by the Los Angeles Unified School District to provide recommendations for long term strategies to deter the proliferation of the illegal parties and to draft an ordinance to establish a penalty for distributing and advertising for an illegal RAVE party within the City of Los Angeles.

PRESENTED BY:



BERNARD C. PARKS

Councilmember, Eighth District

SECONDED BY:



DEC 07 2004

## MOTION

PUBLIC SAFETY

DEC 07 2004

A recent illegal RAVE style party left four wounded and one dead after 200 underage partygoers attempted an escape from a crowded pool hall on South Broadway after a dispute ensued. Jeremy Andre Cervantes, 19, a Los Angeles partygoer shot and injured three people before he was confronted by one of a dozen police officers trying to shut down the party. The fatal shooting which occurred is the fifth connected with the illegal RAVE parties this year in the 77<sup>th</sup> Street Division and the second at the same building. So far, 13 people have died from gunshot wounds at so-called flier parties in L.A. County this year alone.

In some parts of the country, the term "flier party" is synonymous with a rave. In Southern California, though, a flier party usually refers to a big party at someone's house, advertised by fliers passed out at high schools, record stores and malls. Admission to the parties is usually anywhere from \$3 to \$5. They attract partygoers from the ages of 15 to 26. Party crews can make up to \$4,000 a night by charging admission and selling beer and other party favorites, including happy balloons, which give the recipient a mild, dizzy high and generally cost \$3. Some party crews advertise wet-T-shirt and G-string contests or hot women and half-price drinks. Whatever it takes to bring in the crowds. The parties act as nightclubs, though without fire codes, security checks and doorman asking for identification. Fliers come in all shapes and sizes but are typically 8-by-10-inch Xerox copies or 3-by-5-inch glossies. The fliers list the promoter and the date of the party, as well as a phone number to call for the location, which is generally not in service until an hour or so before the event. Sometimes the party location is not provided right away. In such cases, partygoers are sent to a central screening location, like a street corner or fast-food restaurant, where they will be sent to another spot if they pass the screening. It goes on and on until the partygoer eventually arrives at a location where there is a DJ. A flier party can easily draw 300 to 500 partiers from all over the city almost instantaneously.

LAPD detectives acknowledge that throughout the city there has been an escalation of assaults, shots fired and homicides at flier parties, which they say attract a deadly combination of underage drinking and gangs to locations where there is usually no adult supervision and very little security.

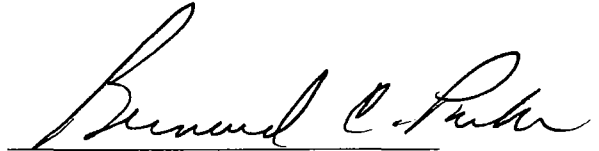
Party violence is rapidly becoming a countywide epidemic. Shootings have occurred from La Puente to Ladera Heights to Highland Park, in abandoned buildings, in homes with parents in attendance and in halls. "I think [these parties] are insane," said 77<sup>th</sup> Division Homicide Detective Jay Moberly. "Anyone who would let their kids go is nuts. These gang parties and raves seem to be tied together. There are some quarrels about who is going to sell what at the parties. It often comes down to a dispute over who is going to control the happy balloons, who is going to sell the booze for \$2 a shot. They are just bad news. The obvious answer is closer parental control, but that doesn't seem to be working too well. A lot of these things have a sexual overtone to them. We get wind of them. We should shut them down before they start, but they will just go to another location."

**I THEREFORE MOVE** that the City Attorney with the assistance of the Los Angeles Police Department, Los Angeles Fire Department, Department of Building of Safety draft and present an Ordinance within 30 days to the Public Safety Committee. This Ordinance should address, at minimum, the ability to recover the full expenses incurred by Public Safety agencies (Los Angeles Police Department and the City of Los Angeles Fire Department) and Enforcement Departments (Building & Safety) by implementing fines or increasing the fines which are already in place from all parties involved or responsible for the party (party promoters, leasing agents, landlords, party participants)

**I FURTHER MOVE** that the City Council request that the CLA convene a illegal RAVE

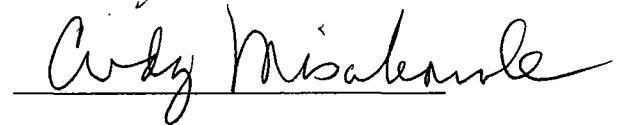
Party Task Force comprised of representatives from the Police, Fire, and Building and Safety Departments; the Office of the City Attorney; and that the CLA request, on behalf of the City Council for the participation by the Los Angeles Unified School District to provide recommendations for long term strategies to deter the proliferation of the illegal parties and to draft an ordinance to establish a penalty for distributing and advertising for an illegal RAVE party within the City of Los Angeles.

PRESENTED BY:



BERNARD C. PARKS  
Councilmember, Eighth District

SECONDED BY:



04-2553

Ref to CF 96-0701

DEC 07 2004



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Office of the City Clerk, City of Los Angeles

This report was generated by the Council File Management System on 08/22/2021

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**Council File Number**

[96-0701](#)

**Title**

RAVE PARTIES / ILLEGAL

**Subject**

Motion - Recently, private property in Sun Valley was trespassed upon by a group of teenagers who proceeded to have a party. Police were called to the scene, several youth were arrested. The house, which had been vacant and up for sale, suffered over \$3,000 in property damage. Damage included graffiti, broken windows, glass, mirrors and doors. Los Angeles Police Department (LAPD) indicates there is a growing occurrence among our youth and young adults to conduct such types of parties, commonly know as RAVE, or underground parties. RAVE parties emerged in the 1980's and continue to be a problem. RAVE party organizers usually stake out abandoned warehouses and vacant houses for party locations, and advertise through a network of RAVE party goers as to the date and location. Much of the advertisement is through flyers passed out at local high schools which indicate a telephone number one can call the day of the party to find out where a RAVE party is taking place. The occurrence of RAVE parties is not isolated to the Northeast Valley, Los Angeles Police Department indicates they are taking place throughout the City and County of Los Angeles. Los Angeles Police Department Vice Officers are attempting to crack down on RAVE parties as they are not only illegal, and result in substantial damage to property, but often times result in gang violence. Los Angeles Police Department Foothill Division has developed a "Social Police Council" made up of students, teachers, administrators and police in order to foster greater communication and coordination. The School Police Council model might be utilized in targeting RAVE or underground parties in order to provide a greater coordination for intelligence gathering so that Los Angeles Police Department can be aware of parties that are planned in order to stop them before they occur. THEREFORE MOVE that the City Council Public Safety Committee direct the Chief of Police and City Attorney to report on the occurrence of RAVE parties and recommendations to crack down these types of illegal parties. Their report should include, but not be limited to, a review of current laws which apply to crimes associated with RAVE parties and whether laws should be toughened up so that consequences are more severe. FURTHER MOVE that the City Council Public Safety Committee direct Information Technology Agency (ITA) to develop a public service announcement to be broadcast on Channel 35 aimed at informing the public on these parties and how to respond. FURTHER MOVE that Los Angeles Unified School District (LAUSD) School Police Chief be invited to give input as to how Los Angeles Unified School District School Police might provide us with more information to discourage student participation in these types of parties. REFER TO COUNCIL FILE 04-2553

**Last Change Date**

12/07/2004

**Mover**

RICHARD ALARCON

**Second**

LAURA CHICK

**Archive History**

4-16-96 - This day's Council session

4-16-96 - File to Calendar Clerk for placement on next available Council agenda

4-23-96 - Council Action - Motion ADOPTED

5-6-96 - File to Public Safety Committee Clerk

5-8-96 - File to City Attorney - Attention: Lottie Schaefer - x56363



**OFFICE OF THE CITY ATTORNEY**  
ROCKARD J. DELGADILLO  
CITY ATTORNEY

**REPORT NO. R 0 7 - 0 3 4 2**

**SEP 18 2007**

**REPORT RE:**

**FLYER AND RAVE PARTIES**

The Honorable Public Safety Committee  
of the City Council  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Honorable Members:

This Report is submitted in response to a Public Safety Committee request that the City Attorney's Office prepare a report setting forth the legal options available in combating the problems associated with flyer parties, rave parties and party houses. Specifically, it was requested that the instant report address: Deterring the proliferation of illegal rave parties; establishing a penalty for advertising illegal rave parties within the City; mechanisms for full cost recovery of enforcement actions taken by the City in response to illegal rave parties; existing ordinances that can be used to deter rave parties; the responsibility of property owner to properly secure their properties to prevent raves on their premises.

Based on existing state and local laws, the City of Los Angeles has many legal options presently available to combat flyer and rave parties and the problems associated with them. Vigorous and consistent citywide enforcement of these laws, in conjunction with a comprehensive strategy involving a variety of stake-holders working cooperatively, will assist in this endeavor.

**1. Advertising of Flyer and Rave Parties**

The Committee requested that the instant report address "establishing a penalty for advertising illegal rave parties". According to the "Fact Sheet" prepared by the Police Department (attached to its report dated February 3, 2005), the most common method of advertising flyer parties is (not surprisingly) printed flyers, along with internet websites

**SEP 19 2007**

**PUBLIC SAFETY**

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and word of mouth. These flyers are distributed in various locations, including commercial establishments, public venues, and on car windshields.

Article 8 of the Los Angeles Municipal Code ("Advertising") regulates various forms of advertising, including "hand-bills". The definition of "hand-bill" states: "'Hand-bill' shall mean any hand-bill, dodger, commercial advertising circular, folder, booklet, letter, card, pamphlet, sheet, poster, sticker, banner, notice or other written, printed or painted matter calculated to attract attention of the public." LAMC § 28.00. (Emphasis added.) The Merriam-Webster online dictionary defines "handbill" as "a small printed sheet to be distributed (as for advertising) by hand". "Flyer" is defined as "an advertising circular". Thus, though the term "flyer" is not specifically included in the definition of "hand-bill", this form of printed advertising is clearly encompassed by the section.

**Section 28.01**, subdivision (a), makes it unlawful to "attach any handbill to or upon any vehicle". There is a presumption that "the business, commercial activity or person whose name appears on any handbill" so attached "caused or directed that such handbill be...attached upon any vehicle." (Subdivision (b).) Thus, it is unlawful to advertise a flyer or rave party in this manner, and the person or commercial entity (i.e., party promoter) identified on that flyer may be criminally prosecuted under this section. Insofar as it is not indicated otherwise, violation of this section is a misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment. (LAMC §11.00, subdivision (m).)

Numerous other methods of distributing flyers are prohibited in Article 8, many of which are likely applicable to those advertising flyer and rave parties. It is unlawful to "cast, throw or deposit" any hand-bill onto any "street, sidewalk, or park", or to distribute on public property, including to any person in an unparked vehicle, within ten feet of an entrance to a building, on the roadway, center divider or median of a street, or within ten feet of a crosswalk. (**LAMC §28.01.1.**) It is also unlawful to post "or otherwise affix or attach any hand-bill" upon any building, wall, or any private property without the consent of the owner (**LAMC §28.03**) and to post or affix any hand-bill upon a variety of public places and objects, including any sidewalk, lamp post, tree, or electricity, light, power or telephone pole. (**LAMC §28.04.**) A provision which may be particularly useful in combating the public distribution of flyers advertising these events is **section 28.08**, which states: "It shall be unlawful for any person to post or otherwise affix on public property or distribute in any public place any hand-bills...that does not bear upon the face thereof the name and address of the person who caused the same to be distributed." Thus, even if the party promoter is not identified on the flyer (which is, itself, unlawful), the person distributing or posting the flyer is still subject to criminal prosecution. All of these provisions are misdemeanors, punishable as stated above.

Pursuant to the above provisions, a penalty for the advertisement of "illegal flyer and rave parties" already exists to the extent that such advertisement is accomplished

via flyers distributed in any prohibited manner. Regarding the possibility of imposing some special or distinct penalty, it may be legally problematic to "single out" advertisements of "illegal flyer and rave parties". Not only would such an approach assume that these advertised events will necessarily be "illegal" when they take place, it would implicate the advertiser's First Amendment rights. As the United States Supreme Court has repeatedly held: "Regulations which permit the Government to discriminate on the basis of the content of the message cannot be tolerated under the First Amendment." *Regan v. Time, Inc.* 468 U.S. 641, 648-649. Though "purely commercial advertising" is generally not protected by the First Amendment (see *Valentine v. Chrestensen*, 316 U.S. 52), it does "enjoy a limited degree of First Amendment protection". *S.O.C., Inc. v. County of Clark*, 152 F.3d 1136, 1142 (9th Cir. 1998). In the case of *Central Hudson Gas & Elec. Corp. v. Public Serv. Comm'n*, (1980) 447 U.S. 557, the Supreme Court established a four-part test for reviewing governmental restrictions on commercial speech. Specifically, the validity of a restriction on commercial speech depends on the following factors: (1) "whether the expression is protected by the First Amendment," which requires the speech to "concern lawful activity and not be misleading"; (2) "whether the asserted governmental interest is substantial"; (3) "whether the regulation directly advances the governmental interest asserted"; and (4) "whether [the regulation] is not more extensive than is necessary to serve that interest." *Central Hudson*, 447 U.S. at 566. An assumption that every flyer or rave party advertised in the City of Los Angeles will necessarily concern an "unlawful activity" and, therefore, differential treatment of them constitutes a valid restriction on such commercial speech may not survive constitutional scrutiny. Also, on a practical level, given the proliferation of electronic modes of communication, additional restrictions on traditional print advertising in connection with these parties may have little impact.

## **2. Loud Noise and Parties/Cost Recovery**

**Los Angeles Municipal Code section 41.57** ("Loud and Raucous Noise Prohibited") states that it is "unlawful for any person to cause, allow or permit the emission or transmission of any loud or raucous noise from any sound making or sound amplifying device in his possession or control." Such noise is prohibited on both private and public property. "Loud and raucous noise" is defined as that which "unreasonably interfere[s] with the peace and quiet of other persons within or upon any one or more of such places or areas, or as to unreasonably annoy, disturb, impair or endanger the comfort, repose, health, or safety of other persons within or upon any one or more of such places or areas. The word 'unreasonably' as used herein shall include but not be limited to, consideration of the hour, place, nature, and circumstances of the emission or transmission of any such loud and raucous noise." (Subdivision (b).) **Section 115.02** specifically prohibits "Amplified Sound", including music, unless in compliance with its stringent requirements.



**LAMC section 116.01** ("Loud, Unnecessary, and Unusual Noise Prohibited") is another potential law enforcement tool for combating noise complaints related to flyer and rave parties. It is similar to section 41.57 and seeks to prohibit noise which disturbs the "peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area".

**LAMC section 41.58** ("Loud Party Second Response Fee") is pertinent to the Committee's request that the instant report address "mechanisms for full cost recovery of enforcement actions taken by the City in response to illegal rave parties". This ordinance allows for cost recovery in that it authorizes the imposition of a "second response service fee" upon any person(s) responsible for a "loud party" which necessitates a second police response. "Loud party" is defined as "[a]ny party, gathering or event where a police officer at the scene determines that there is a threat to the public peace, health, safety or general welfare". This definition would likely encompass many flyer and rave parties, as well as parties held at private residences. "Responsible Person" is defined as "the person or persons who own, lease, reside or is in charge of the premises where the Loud Party, takes place; or the person or persons who organized the Loud Party. If the Responsible Person is a minor, then the parents or guardians will also be considered a Responsible Party and be jointly and severally liable for the Second Response Service Fee imposed by this section." This definition appears broad enough to apply to virtually anyone responsible for these events and/or the locations where they're held. The ordinance states, in subdivision (b):

Whenever a Loud Party occurs, a police officer may issue a First Response Notice to a Responsible Person that the disturbance must cease. A second, or subsequent, response by a police officer, upon the issuing of a Second Response Notice, may result in the imposition of a Second Response Service Fee to recover Special Security Costs.

"Special Security Costs" means the "costs of services provided by the Department associated with a Special Security Assignment which may include personnel and equipment costs, damage to City property and injuries to City personnel." "Special Security Assignment" is defined as "[t]he assignment of Department personnel and equipment during a second, or subsequent, response to a Loud Party after the issuing of a First Response Notice".

This ordinance, like many cities', limits recoverable costs to those associated with a second or subsequent police response to a "loud party". Thus, it does not authorize "full cost recovery of enforcement actions", insofar as any costs stemming from an initial response are not included. Theoretically (and ideally), the first police response to a flyer or rave party where illegal activity is taking place will result not only in the arrest or citation of those breaking the law, but the "shutting down" of the event, and dispersal of attendees. As stated in the Los Angeles Police Department's report dated February 3, 2005: "When appropriate, all personnel shall cite or arrest on the first

response to a Loud or Unlawful Party.” If those responsible for a “public dance” have not secured the required permit(s) for the activity (as discussed below), it is an unlawful event which may be disbanded. Should that occur, no “second response” will be required and, hence, there can be no cost recovery under this section. If, however, for whatever reason, the police do respond twice to a rave or flyer party which constitutes a “loud party”, then Special Security Costs are recoverable under this section.

Notwithstanding LAMC section 41.58, costs incurred during a first (or any) response to a flyer or rave party which stem from “damage to City property and injuries to City personnel” may be recoverable pursuant to a different mechanism. To the extent that any such damage or injuries resulted from criminal acts, the person(s) responsible for these losses may be ordered to pay restitution, as a condition of probation, to reimburse the City for related expenses. The state Legislature enacted “a comprehensive scheme that allows the government to recoup its crime-related losses. When the government is a direct victim of crime, it is entitled to restitution under [Penal Code] section 1202.4, subdivision (k).” *People v. Martinez* (2005) 36 Cal.4<sup>th</sup> 384, 394.

However, “full cost recovery of enforcement actions taken by the City” in response to flyer or rave parties does not appear to be available via a restitution order. In *People v. Burnett* (1978) 86 Cal.App.3d 320, the appellate court struck a condition of probation which required the defendant to reimburse the county for costs of extradition. The court held that while reimbursement is permitted to a government entity “if it has incurred actual loss due to the crime, as in the instance of tax evasion or theft of government property, reparation does not include the general costs of prosecuting and rehabilitating criminals.” *Id.* at p. 322. Like prosecution costs, law enforcement costs are distinct from the “actual loss flowing from the charged offense”.

Finally, it is well-settled that a government entity may not recover the costs of law enforcement absent authorizing legislation. *County of San Luis Obispo v. Abalone Alliance* (1986) 178 Cal.App.3d 848, 859. (Citations omitted.) . “Law enforcement is a quintessentially governmental function, and the government commands the requisite revenue to provide such services through the taxing power.” *People v. Minor* (2002) 96 Cal. App. 4<sup>th</sup> 29, 37. In *Minor*, the court held that the trial court erred in ordering defendant to repay the costs of investigating, analyzing, and prosecuting the action. The County of San Bernadino, in arguing that it was entitled to recovery of law enforcement costs, relied on its ordinance which not only criminalized maintaining a hog farm without a proper permit, but provided that the court may order the guilty party to reimburse the County’s enforcement costs. The court stated: “While this ordinance purports to provide the court with the authority to order a defendant to pay [the] County’s enforcement costs, the ordinance cannot actually vest the court with such power unless it is the type of valid “authorizing legislation” contemplated by [*County of San Luis Obispo v. Abalone Alliance, supra*], 178 Cal. App. 3d 848].” *Id.* at 38. The court rejected the County’s assertion that the state Constitution, which authorizes a city or county to “make and enforce within its limits all local, police, sanitary, and other ordinances not in

conflict with general laws”, validated its ordinance. It pointed to Penal Code section 594, which empowers “any city, county, or city and county” to enact an ordinance allowing for cost recovery incurred by a law enforcement agency in “identifying and apprehending” a defendant convicted of a graffiti offense, as an example of an express legislative grant of power to the counties to impose additional penalties. “...[I]f the Constitution already empowered cities and counties to enact legislation compelling such reimbursement, statutes such as this would be superfluous.” *Id.* at 42.

While legislation allowing for recovery of law enforcement costs has been enacted in a variety of areas<sup>1</sup>, there is no express legislative authority for cost recovery in connection with flyer and rave parties. Even if characterized as nuisance abatement costs, a government entity may not recover such costs under general public nuisance statutes—specific statutory authorization is still a prerequisite to recovery. *Id.* at p. 860-861. For example, under Civil Code section 3496, the expenses of investigating and prosecuting a drug house abatement action are recoverable, including salaries and overhead of police officers attributable to abatement-related activity. See *City of Oakland v. McCullough* (1996) 46 Cal. App. 4th 1.

### **3. Existing State and Local Laws**

Flyer and rave parties are associated with a wide range of illegal activities, as more fully described in the Police Department’s February 23, 2007 report. Strict enforcement of State laws and city ordinances prohibiting many of these activities, including the parties themselves when required permits are not secured, may constitute a critical part of the solution. In addition to the provisions discussed above, the following laws are, in our view, particularly germane to activities commonly associated with these events, and could result in the imposition of criminal and/or administrative sanctions against party organizers, building owners, and/or individual attendees.

Consistent enforcement by LAPD, Los Angeles City Fire Department, Building and Safety and any other City Departments with enforcement authority will help ensure that those responsible for illegal activities associated with flyer and rave parties are held criminally and/or civilly responsible.

#### **A. State Laws**

Many of the activities commonly associated with flyer and rave parties are illegal under state law. Below are several provisions which are especially pertinent to the sale and use of alcoholic beverages at these events, and a Penal Code section related to the use of nitrous oxide.

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<sup>1</sup> In addition to Penal Code section 594. see, for instance, Government Code sections 53150, *et seq.* (“Costs of Emergency Response”). In *CHP v. Superior Court of Alameda County (Allende)* (2006) 135 Cal.App.4<sup>th</sup> 488, the court held that law enforcement costs associated with DUI drivers’ arrests qualified for reimbursement of response costs under these provisions.

## **(1) Alcoholic Beverages**

The sale of alcoholic beverages is illegal, unless the seller possesses a state license to do so. Article XX, section 22, of the California Constitution provides in part: "... [I]t shall be unlawful for any person other than a licensee of said department [of Alcoholic Beverage Control] to manufacture, import or sell alcoholic beverages in this State." The Alcoholic Beverage Control Act (**section 23000 et. seq of the Business and Professions Code**), which implements Article XX, provides in **section 23300** that: "No person shall exercise the privilege or perform any act which a licensee may exercise or perform under the authority of a license unless the person is authorized to do so by a license issued pursuant to . . . [the Act]."<sup>2</sup> Violation of this provision is a misdemeanor. (**§23301.**) Any unlicensed person engaging in the sale of alcohol at flyer and rave parties is in violation of this section.

Moreover, any person who, without an authorizing license, so much as intends to sell alcoholic beverages possessed at a flyer or rave party is guilty of a misdemeanor. Any alcoholic beverage "possessed, kept, stored, or owned with the intent to sell it without a license in violation of [the Alcoholic Beverage Control Act]" may be seized by the Department of Alcoholic Beverage Control. (**§25350.**) Any person who "possesses alcoholic beverages which are subject to seizure under Section 25350 is guilty of a misdemeanor." (**§25351.**)

Unless specifically provided otherwise, every person convicted for a violation of the Alcoholic Beverage Control Act is guilty of a misdemeanor and "shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment." (**§ 25617.**)

**Section 25658** prohibits the sale or furnishing of alcoholic beverages to anyone under 21 years of age, and also prohibits the purchase of alcohol by such individuals. This law would clearly apply to a large segment of rave and flyer party attendees, in light of the rampant underage alcohol use at these events. It would also apply to the provision of alcohol to underage individuals at parties held at private residences. This issue will be addressed further, below.

**Section 25662** makes it a misdemeanor, subject to very limited exceptions, for any person under the age of 21 years to have "any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public". (Subd.(a).) (Emphasis added.) To the extent that a member of the public who pays any required admission fee will presumably be granted entrance to a flyer or rave party, it is reasonable to deem such events encompassed by this section. This section also provides that a peace officer may "seize any alcoholic beverage in plain view" in

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<sup>2</sup> All further statutory references in this section are to the Business and Professions Code, unless otherwise noted.



the possession of a minor at social gatherings which are open to the public, **when certain elements are satisfied.** (Subd. (b).)

Several other provisions of the Business and Professions Code may be useful in combating alcohol use at flyer and rave parties. For instance: The use of keg beer is strictly regulated and subjects both retail sellers and purchasers of keg beer to criminal sanction for specified violations (**§25659.5**); any person under the age of 21 who presents or possesses false evidence of age is guilty of a misdemeanor (**§ 25661**).

Regarding enforcement of its provisions, the Code states: "Every peace officer and every district attorney in this State shall enforce the provisions of this division ["Alcoholic Beverages"] and shall inform against and diligently prosecute persons whom they have reasonable cause to believe offenders against the provisions of this division. Every such officer refusing or neglecting to do so is guilty of a misdemeanor." (**§ 25619.**) Another section designates employees of the Department of Alcoholic Beverage Control as "peace officers" for purposes of enforcing the penal provisions of the division. (**§25755.**)

## **(2) Nitrous Oxide**

Penal Code section 381b criminalizes the possession of nitrous oxide with the intent to "breath, inhale, or ingest" in order to cause "a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes", as well as knowingly and intentionally being under the influence of nitrous oxide. Legitimate medical, surgical, or dental use (which obviously would not apply to use at a party) is exempted. Violation of the statute constitutes a misdemeanor.

## **(3) Other Pertinent Penal Code Provisions**

Other Penal Code provisions may be useful tools for law enforcement officers in connection with these events. Two commonly used by the Police Department are **Section 415** ("Disturbing the Peace") and **section 647(f)** ("Public Intoxication"). Numerous state laws, both in the Penal and Health and Safety Codes, criminalize the possession, sale, use, etc. of various controlled substances used at flyer and rave parties. These provisions will not be discussed here, but certainly are essential components of a comprehensive law enforcement strategy.

## **B. Local Ordinances**

There are an abundance of City ordinances which may be applicable to flyer and rave parties—both in deterring these events and providing enforcement tools when they

do occur. Depending on the provision, the appropriate enforcement agency may be the Police Department, the Fire Department, or the Department of Building and Safety.

### **(1) Curfew/Loitering Ordinance**

**Los Angeles Municipal Code section 45.03** prohibits minors under the age of 18 from being in any public place or "unsupervised place" between the hours of 10:00 p.m. and sunrise of the immediately following day, unless one of the delineated exemptions apply. Insofar as none of those exemptions are applicable to youth at flyer or rave parties, this section (violation of which constitutes an infraction) is a clear law enforcement option.

### **(2) Police Permits**

The permit requirements, regulations and restrictions contained within LAMC sections 103.106 and 103.118 and are clearly applicable to many (if not all) flyer and rave parties, but are routinely flouted by those responsible for the events.

**Los Angeles Municipal Code section 103.106**, subdivision (b) states: "No person shall conduct or maintain any dance hall, dancing club or public dance without written permit from the Board [of Police Commissioners]." "Public dance" is defined, in subsection (a), as "a gathering of persons in or upon any premises where dancing is participated in and to which premises the public is admitted." Subdivision (b)(1) states: "A permit shall be required to hold any public dance on one occasion." Assuming flyer and rave parties meet the definition of a public dance, it is unlawful to hold such an event without first obtaining a permit under this section. (The "public" nature of these parties is discussed above in reference to Business and Professions Code section 25662.) The ordinance further provides: "Alcoholic beverages may be served at a dance hall, dancing club, or at a public dance when the sale and service of such beverages is permitted by State law and not otherwise prohibited by this Code." (Subsection (d).) State law, as discussed above, does not permit the sale and service of alcoholic beverages (1) when the seller does not possess a state license to do so, and (2) to under-age individuals. Furthermore, sale and service of alcohol is "otherwise prohibited" by the Code pursuant to section 103.118, discussed below. Violation of this section is a misdemeanor.

**Section 103.118** ("Teenage Dances") provides: "1. No person, dancing club or other association shall, without first obtaining a permit from the Board...conduct any public dance or dances wherein teenagers are permitted to be present, except as herein provided. 2. Such permit shall be in addition to any other dance permit required by this article." (Subsection (b).) "Teenager" is defined as "any person over the age of 13 years and under the age of 18 years." (Subsection (a).) The ordinance requires that the permit

application include certain specific information, including a "certification that the premises conform with the existing health, safety, fire and zoning ordinances of the City of Los Angeles." The "maximum number of persons who may be accommodated at the location" must be specified on the certification. (Subsection (c)).

Of particular note, **section 103.118(h)** states: "No alcoholic beverages shall be sold, consumed or be available on the premises where there is a dance or dancing activity is being held which is regulated by this section. Admission to the premises shall be denied to any person showing evidence of drinking any alcoholic beverages or showing symptoms of being intoxicated as a result of the ingestion of any chemical substance." Further, the ordinance prohibits teenage dances from continuing beyond 10:00 p.m. or 1:00 a.m., depending on the day the dance is held (subsection (i)), and requires that teenagers be accompanied by a parent or legal guardian or that the parent sign a consent form to be filed with "the owner, manager, or operator of the facility". (Subsections (j) and (m).) No person over the age of 20 shall be admitted to a teenage dance regulated by section 103.118, unless that person is a parent or guardian accompanying a minor. (Subsection (l).) Finally, another requirement clearly observed more in the breach: "If a teenager is discovered inside the premises showing evidence or symptoms of being intoxicated as a result of the ingestion of alcohol or any chemical substance, that teenager shall be reported by management to local police authorities and to his or her parent or legal guardian." (Subsection (r).)

To the extent that (1) public dances and teenage dances are activities for which permits are required, and (2) flyer and rave parties fall within the definitions of both of these kinds of events, the failure of those responsible to secure the required permits or comply with their terms renders these activities unlawful and, thus, subject to being shut down by the Police Department. (The Fire Department also has the authority to shut down an event if it is in violation of Fire Code regulations, such as those related to occupancy loads.) This enforcement action would, of course, be in addition to physically arresting or citing anyone responsible for violation of the applicable section(s), both of which are misdemeanors, if possible. Also, as discussed above, police operations at flyer and rave parties are likely to involve enforcement related to state law violations as well.

### **(3) Fire Code Regulations and Permits**

Under Article 7 ("Fire Code") of the Los Angeles Municipal Code, many regulations related to fire protection and prevention are applicable to fire and rave parties. If they are not adhered to, the Fire Department has the authority to take a variety of enforcement actions, including but not limited to "shutting down" the events and pursuing criminal violations against those responsible for the parties, which may include building owners as well as party promoters. Fire Department personnel may work with both the Police Department and Building and Safety personnel in taking enforcement actions.

**LAMC section 57.04.03** provides: "No person or owner shall use any premises or engage in any activities described herein without having obtained a Permit pursuant to this section." Among the specified activities is "Assembly Occupancy (Place of Assembly)", which would apply to flyer and rave parties. The failure of those responsible for flyer and rave parties to secure the necessary permit(s) in conformity with the permit requirements set forth the Fire Code is grounds for "shutting down" these events and taking whatever further enforcement action may be warranted.

Primary areas of concern related to flyer and rave parties, from a fire danger standpoint, are in connection with occupancy limits or "loads" (addressed in **sections 57.33.03, 57.33.04, and 57.33.05**), over-crowding (**section 57.33.05**), exit requirements (**sections 57.33.06, 57.33.07, 57.33.09, and 57.33.10**) and obstruction of exits (**section 57.33.11**). All Fire Code violations are classified as misdemeanors and are punishable by a fine of not more than one-thousand dollars or by imprisonment in the county jail for up to six months, or by both fine and imprisonment. A fire inspector may cite any individual identified on scene as being responsible for an illegal public assemblage. The property may also be posted with a "No Entry" notice to ensure that the owner is notified that the building is being used for an unlawful purpose, and to assist in formally identifying the owner(s). A vigilant and proactive approach to ensuring compliance with Fire Code provisions is an essential component of deterring flyer and rave parties.

#### **(4) Securing Vacant Buildings**

**Chapter IX of the Los Angeles Municipal Code** ("Building Regulations") contains numerous provisions concerning the responsibilities of the owners of vacant buildings. When these structures are not properly secured (which may result in their being used for flyer or rave parties) the building's owner(s) may be criminally prosecuted and/or subject to administrative abatement proceedings.

Division 7 ("Abatement of Vacant Buildings") begins with **section 98.0701**, which contains, within its "Declaration of Purpose", the following statement: "The Council of the City of Los Angeles finds and declares that: (a) Structures that are vacant and unsecured or barricaded attract vagrants, gang members and other criminals as prime locations to conduct illegal criminal activities." "Vacant Structure" means any structure or building that: (1) is unoccupied or occupied by unauthorized persons; and (2) is unsecured or barricaded. "Responsible Person" means the owner and/or person in charge or control of the Vacant Structure. (Section 98.0702.)

**Section 98.0706**, provides that that it is unlawful for the Responsible Person to fail to take numerous actions with respect to his or her Vacant Structure, including: "lock, barricade or secure all doors, windows, damaged walls, roofs, foundations and other openings of the Vacant Structure" (subsection (c)); "fence the entire lot containing the Vacant Structure" (subsection (d)); "post the property containing the Vacant Structure with signs stating "THIS PROPERTY CLOSED TO THE PUBLIC" in



accordance with Section 41.24 of this Code” (subsection (e)), and; “file written trespass authorization request with the police department pursuant to Section 41.24(g) of this Code to authorize a peace officer’s assistance in removing trespassers from the property containing the Vacant Structure” (subsection (f)).

Administrative abatement procedures for vacant and unsecured structures are set forth in section **98.0707**, including the provision that “[w]henver the Superintendent [of the Department of Building and Safety] determines that a vacant and unsecured structure exists within the City of Los Angeles, an abatement notice and order may be sent to the Responsible Person directing abatement by cleaning, fencing and securing or barricading.” (Subsection (a).) If the Responsible Person does not comply with the abatement notice and order, and no appeal is filed, the Superintendent may clean, fence, barricade and post the Vacant Structure and “recover all costs pursuant to the procedures set forth in Division 89 of Article 1 of Chapter IX of this Code.” (Subsection (c).)

Additionally, Department of Building and Safety inspectors may enforce any Building Code regulations pertaining to the proper use of the structure where a flyer or rave party takes place. In this regard, there may be zoning violations involved in these events (as well as in connection with “party houses”, below), or other illegal uses of the buildings.

#### **4. “Party Houses”**

A phenomenon related to, but distinct from, a flyer or rave party, is a “party house”.<sup>3</sup> Essentially, a “party house” is a private residence where social gatherings occur, typically involving alcohol use and loud and unruly activity. An admission charge to enter the party may or may not be required. The main distinguishing characteristic of party houses, as compared to rave parties, is that they exist in residential areas, which often heightens problems related to disturbing the peace and interfering with the quiet enjoyment of residential property.

Alcohol consumption by underage individuals is associated with party houses, as with flyer and rave parties. However, due to the private residential setting of the alcohol-related activity, the applicable legal provisions differ somewhat and circumscribe law enforcement’s options.

As discussed above, **Business and Professions Code section 25658**, which prohibits the provision of alcoholic beverages to anyone under 21 years old, as well as the purchase by minors, applies equally to public and private settings. Assuming an officer observes the actual furnishing of alcohol to a minor, or purchase by a minor, the

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<sup>3</sup> Flyer parties may take place at private residences, in addition to various other locations. To the extent that they occur at residential properties, the discussion of “Party Houses” encompasses flyer parties as well.

location of the offense does not impede enforcement action. However, **Business and Professions Code section 25662**, which prohibits the mere possession of an alcoholic beverage by a minor in any place open to the public, does not apply to residential private property. Because it may be difficult for police officers to identify the individual(s) who provided alcohol to minors at a party house, or otherwise establish a violation of section 25658, they may be left with limited or no enforcement options when confronted with underage drinking at residential properties. Also, insofar as the police and fire permit ordinances applicable to flyer and rave parties are not pertinent to residential parties, ordering the dispersal of the attendees based on the “unlawful” character of an unpermitted event is not an option. That said, the Police Department has other enforcement options at its disposal to deal with loud and unruly parties at private homes. The noise-related ordinances discussed above are useful tools, as are those which prohibit disturbing the peace. And, of course, state law violations related to the use of controlled substances are equally enforceable on private and public property.

Many cities have adopted “social host” ordinances which seek to address the problems associated with unruly assemblages of underage drinkers at private residences. These regulations often make the hosting of parties involving alcohol use by minors illegal and subject to either an administrative citation or a misdemeanor criminal violation. They essentially attempt to impose a duty on the person(s) who are responsible for the property (i.e., those who own, rent or otherwise control it) and/or the person(s) responsible for the party itself (i.e., those who organize, supervise, or accept money for the gathering) to reasonably ensure that no underage drinking occurs. Also, they may specifically provide that law enforcement officers may disperse such gatherings and cite whoever hosted the party.

Another common feature of social host ordinances is providing that the first violation results in a “warning”, and any subsequent violation(s) within a specified time frame may result in the host being held financially liable for the cost of the law enforcement response. As discussed above, LAMC section 41.58 imposes a “Loud Party Second Response Fee” which, based on its broad definitions of “loud party” and “responsible person”, would likely encompass those who host or sponsor unruly residential parties. While it specifically applies only to a second response to a particular “loud party” (as opposed a second response to a particular location within a certain time period), this ordinance may well prove to be an effective tool in deterring these events and imposing financial responsibility on those who host them.

## **Conclusion**

As indicated above, it appears that sufficient laws presently exist to address the problems associated with flyer and rave parties. In connection with “party houses”, the Committee may wish to consider a few different options. An ordinance which imposes criminal or civil penalties on those responsible for residential parties involving underage drinking and authorizes law enforcement officers to direct the dispersal of such

B.C. #07-0144 8A

INTRADEPARTMENTAL CORRESPONDENCE **REVIEWED**

February 23, 2007  
8.4  
WJB# 07-0010

*Earl R. De la Cruz*  
**RICHARD M. TEFANK**  
EXECUTIVE DIRECTOR  
4/2/07  
DATE

**TO:** The Honorable Board of Police Commissioners

**RECEIVED**

**FROM:** Chief of Police

APR 09 2007

POLICE COMMISSION

**SUBJECT:** CITY COUNCIL MOTION RELATIVE TO FLYER PARTIES

**RECOMMENDED ACTIONS**

1. That the Board of Police Commissioners (Board) recommend that the City Council direct the City Attorney's Office to research and investigate the propriety of an ordinance that provides strict penalties:
  - For owners and/or landlords that knowingly rent or lease their properties to "Flyer" or "Rave" party promoters who violate the law;
  - For party promoters who allow any unlawful substances to be ingested;
  - For party promoters to allow alcohol to be unlawfully consumed;
  - For party promoters who employ unlicensed security personnel; and,
  - For party promoters who allow minors to unlawfully gain admittance.
2. That the Board recommends the City Council direct the City Attorney's Office to research and investigate the propriety of an ordinance requiring party promoters to:
  - Notify the Los Angeles Police Department (LAPD) Area having jurisdiction, of the proposed party location at least 10 days prior to the event;
  - Provide licensed security personnel appropriate to the number of participants; and,
  - Reimburse the City for all costs associated with a police response to a problematic party.
3. That the Board recommends the City Council direct the City Attorney's Office to research and investigate the propriety of an ordinance to prevent the diversion of nitrous oxide.
4. That the Board recommends that the Los Angeles Unified School District (LAUSD) adopt the National Institutes of Health, Office of Science Education, curriculum on **The Brain: Understanding Neurobiology Through the Study of Addiction**, <http://science-education.nih.gov/Customers.nsf/highschool.htm>, which would educate middle and high school students and their parents on the health hazards of drug abuse, at no cost to the District.
5. That the Board request the LAUSD, with the assistance of LAPD Planning and Research Division (PRD), produce an informational pamphlet for parents and students regarding the dangers of "Flyer" and "Rave" parties for distribution at middle and high schools.

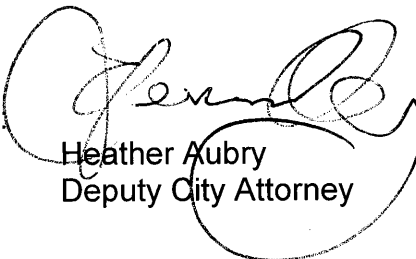
gatherings is one possibility.<sup>4</sup> Prohibiting the charging of an admission fee for entrance to a party in a residential zone may also be an effective tool. Further research regarding the legal propriety of enacting any particular ordinance will be done should your Committee choose to pursue that option.

The City of Los Angeles is by no means ill-equipped to combat the problems associated with flyer and rave parties. Many existing state and local laws, some of which are set forth above, are critically important to maintaining the upper hand in this regard. In the aggregate, they represent an essential component of an over-all strategy which necessarily encompasses many elements. As noted in the Police Department's report, long term solutions must include partnerships with schools and young people themselves in order to effectively address this multi-faceted issue.

If you have questions, please contact Heather Aubry at 213.978.8393. When this matter is addressed for your consideration, Ms. Aubry or another member of this office will be available to answer any questions you may have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By:   
Heather Aubry  
Deputy City Attorney

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cc: William Bratton, Chief of Police, Los Angeles Police Department

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<sup>4</sup> "Social host" ordinances are a fairly recent development and have not been extensively "tested" in the courts. However, a prior version of San Diego's criminal social host ordinance, which was a strict liability offense, was struck down by an appellate panel on due process grounds because it did not require a finding of criminal intent on the part of the property owner "host". *Blithe v. Superior Court*.

6. That the Board request LAUSD, with the assistance of LAPD Juvenile Division, produce a lesson plan specific to "Flyer and Rave Parties" and substance abuse for inclusion in grades 9 through 12 health classes. This would augment any material available from the NIH.

## **DISCUSSION**

The City of Los Angeles places a high priority on the protection of its inhabitants and the preservation of the public peace. The LAPD continually strives to deter criminal activity and improve the quality of life for the citizens of Los Angeles. One area that has recently come to light has been "Flyer Parties" and to a lesser degree "Rave Parties" which attract the City's youth. The promoters of these parties have preyed upon the City's young people by creating environments which can lead to the ingestion of alcohol, unlawful sex, nitrous oxide, other illegal narcotics, sexual and physical assaults, wanton acts of violence, and murder. To combat this assault against the City's youth requires a phalanx composed of the LAPD, the LAUSD, other City Departments, the City Council, parents, and students all working in partnership.

### Flyer Party

A "Flyer Party" is a commercialized party. Party promoters distribute flyers via schools, businesses, the Internet, and word of mouth to maximize attendance at these parties. Admission is usually charged at the door. Alcohol, nitrous oxide, and illegal drugs such as marijuana, methamphetamine, ecstasy, Gamma hydroxy butyrate (GHB), Lysergic acid diethylamide (LSD), and ketamine are often sold at these parties.

The "Flyer Party" is usually non-permitted, attended by 50 –500 individuals between the ages of 14-24 years old, with "Hip-Hop" or "Reggietone" being the favored music. "Flyer Parties" usually occur at abandoned warehouses or other large commercial structures, often without the legal owner's knowledge or consent. To circumvent law enforcement, a new type of "Flyer-Party" known as a "Break-in-Party" has begun. In this type of party, the participants illegally trespass into abandoned warehouses, buildings, or other large commercial structures and hold their "Break-in-Party."

Attendees may become the victims of a crime such as a physical or sexual assault, assault with a deadly weapon, or homicide. Attendees include "Party Crews," "Tag Bangers," and rival gang members. A "Party Crew" is a loosely knit group of youths who identify themselves as a cohesive unit at a party. "Tag Bangers" are a group who align themselves with taggers (graffiti vandals). With such an eclectic mix of rival factions, tensions and violence often occur.

### Rave Party

A "Rave Party" may have appropriate City permits for amplified music, "Dance Hall" permits, and other associated permits. "Rave Parties" are generally held at larger locations than "Flyer Parties." Between 500–5,000 individuals generally attend the "Rave Parties," between the ages of 16-24, with "Techno-based" electronic music being favored. Dress is generally unique, with brightly colored clothing, candy necklaces, pacifiers, glow sticks, and other brightly colored articles that enhance the effects of euphoria of any illegal substances the participants might be

under the influence of. Alcohol and illegal narcotics are both used and include Ecstasy, LSD, GHB, nitrous oxide, marijuana, and other drugs. "Party crews" may be in attendance.

## **STRATEGIES**

To mitigate the growing problem of violent crime and substance abuse associated with both "Flyer Parties" and "Rave Parties," a multi-faceted approach encompassing education, law enforcement, and legislation must be used. It is recommended that the City Attorney's Office research and investigate the propriety of a new ordinance requiring 10 days prior notification of "Flyer" and "Rave" parties to the LAPD. The inclusion of sufficient licensed security personnel and the reimbursement for all costs incurred to the City for a police response would be required.

To prevent owners from knowingly renting or leasing their property to "Flyer Party" or "Rave Party" promoters who violate the law, it is recommended that the City Attorney's Office research and investigate the propriety of a new City ordinance that would:

- Make it unlawful for any business owner and/or landowner to knowingly rent or lease their properties to individuals, companies, or corporations that host "Flyer" or "Rave" parties where any unlawful substances are ingested, alcohol dispensed without a license, unlicensed security personnel are used, or underage children are present.
- Place strict penalties on the promoters of any "Flyer" or "Rave" party for participants who ingest unlawful substances, the illegal sales and consumption of alcohol, unlicensed security personnel, or underage children or present.

The diversion of nitrous oxide, which has legitimate medical and other uses, needs to be addressed. Because nitrous oxide is not a controlled substance, possession of nitrous oxide is legal and requires no permit. Nitrous oxide "poppers" can be easily purchased on the Internet. Large tanks can be stolen or diverted from medical supply or other sources. However, possession for the purposes of intoxication or under the influence of nitrous oxide is a misdemeanor offense. These offenses can be difficult to prove and nitrous oxides' presence in the blood stream is transitory; a blood sample must be obtained within 30-60 minutes.

The following State Laws are used by law enforcement:

- Section 381 (b) Penal Code – Possession of nitrous oxide for purposes of recreational intoxication or under the influence of nitrous oxide.
- Section 11351.1(b) Health and Safety Code – Furnishing dangerous drug or device.

Therefore, it is recommended that the City Attorney's Office research and investigate the propriety of a City ordinance that would prevent the diversion of nitrous oxide.

Long-term solutions include partnerships with educational institutions. Young people are constantly exposed to athletes, actors, politicians, and others who have succumbed to illegal substance abuse. Many television programs glamorize the "party lifestyle" and posh living conditions where illicit drugs are consumed. Young people are also exposed to narcotics in school, may have friends, parents, siblings, or other close relatives that use narcotics.

The most effective means to curtail the influence of these negative environmental factors is through education. The NIH, Office of Science Education has many lesson plans available to teachers free of charge available on their website, <http://science-education.nih.gov/Customers.nsf/highschool.htm>. The NIH will also send the material to teachers free of charge and have lesson plans tailored to a state's curriculum. These NIH lesson plans appear ideal for integration into LAUSD Health classes.

The LAUSD and the LAPD Juvenile Division should also jointly develop a lesson plan pertaining to "Flyer" and "Rave" parties and substance abuse. The LAPD Juvenile Division has established ties with the LAUSD and would be the ideal entity for assisting LAUSD in the creation of this lesson plan. However, with only six instructors at LAUSD Magnet Schools, Juvenile Division does not have the resources to assist with the delivery of this course of instruction. Therefore, it is suggested that once the lesson plan is developed, LAUSD integrate it into their Health classes for grades 9 through 12. This would augment any lesson plans offered from the NIH.

An additional educational tool would be the production of a pamphlet for distribution at middle and high schools. This pamphlet would be produced through a partnership of the LAUSD and the LAPD Planning and Research Division. This pamphlet would be for the purposes of educating both the parents and the students concerning the dangers associated with "Flyer Parties" and "Rave Parties," the drugs typically encountered, and the violence and crimes common to both. It is envisioned that this pamphlet, available in multiple languages, could be a vehicle that would foster communication between children and their parents. This pamphlet would be an effective tool in mitigating the negative environmental influences that continually affect our youth.

## CONCLUSION

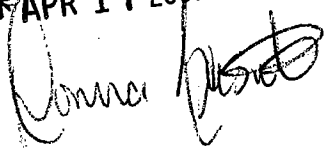
It is essential that the City of Los Angeles undertake proactive enforcement, legislative, and educational efforts to regulate and control "Flyer" and "Rave" parties. It is recommended that the City Council enact ordinances that allow for punitive actions against "Flyer" or "Rave" party promoters, as well as the owners that knowingly rent or lease properties to them. Secondly, the diversion of nitrous oxide must be controlled. Additionally, the implementation of an educational program, in partnership with the LAUSD, must be considered. The production and distribution of a pamphlet concerning "Flyer" parties and substance abuse will facilitate discussion and raise awareness among parents and young adults about the dangers associated with "Flyer" parties. All of the foregoing will diminish the allure of "Flyer" and "Rave" parties on the youth of Los Angeles.

Respectfully,



WILLIAM J. BRATTON  
Chief of Police

Attachment

BOARD OF  
POLICE COMMISSIONERS  
Approved \*APR 17 2007 \*AS Amended  
Secretary 



# LOS ANGELES POLICE COMMISSION

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April 20, 2007

BPC #07-0144

The Honorable City Council  
City of Los Angeles  
c/o City Clerk's Office  
City Hall, Room 395  
Los Angeles, CA 90012

Dear Honorable Members:

RE: COUNCIL FILE NO. 07-0184 – FLYER/RAVE PARTY AWARENESS

At the regular meeting of the Board of Police Commissioners held Tuesday, April 17, 2007, the Board APPROVED AS AMENDED the Department's report, as follows:

Include the words "**Flyer and/or Rave**" before the word "party" throughout the Department's report.

The Board also requests that the City Council direct the City Attorney's Office to investigate the possibility of drafting an ordinance specifically as it relates to "Rave and Flyer" party promoters.

This matter is being forwarded to you for your approval.

Respectfully,  
BOARD OF POLICE COMMISSIONERS

  
DONNA BASULTO  
Acting Commission Executive Assistant

Enclosure

c: Chief of Police

# Los Angeles County Sheriff's Department

## NEWSLETTER



Field Operations Support Services, (323) 526-5760

VOLUME 04 NUMBER 30

DATE: December 15, 2004

### NITROUS OXIDE

#### Definition

Nitrous Oxide ( $N_2O$ ) is a colorless nonflammable simple gas with a sweetish odor that, when inhaled, causes rapid, short term analgesia (pain relief). Although it has several legitimate uses,  $N_2O$  is also used illegitimately to produce a variety of short term intoxicating effects. Since it is not a scheduled controlled substance, it is also relatively easy to obtain.

#### Recreational Use

$N_2O$  has been used recreationally since its discovery, but recently there has been a surge in its popularity. This drug is especially popular at so called "rave" and "flier" parties.

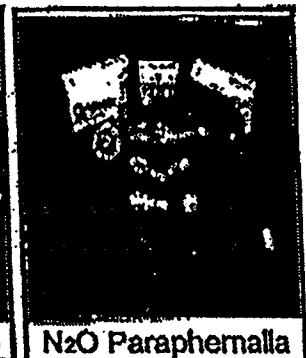
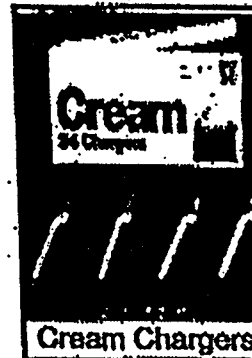
Information about the use of  $N_2O$  has spread throughout the drug using community by way of the media and the Internet. Today, there is a large volume of information available via various "pro-drug" web-sites. These web-sites provide information not only on what  $N_2O$  is, but also how to use, obtain, and even how to make it.

There are 3 main ways users obtain this drug..

- ◆ whipping cream propellant (cream chargers)
- ◆ large tanks stolen from dental offices
- ◆ automotive nitrous system tanks (NOS)

#### Methods of Use

The most commonly abused and easiest to obtain form of  $N_2O$  is "cream chargers". These "cream chargers" are often referred to as "whippits," and resemble a  $CO_2$  cartridge. The user then fills balloons from these chargers.



Another popular means of obtaining  $N_2O$  is to steal large tanks from dentist's offices, hospitals, chemical supply houses, and from chemical delivery trucks. These tanks can range in size from 2' tall to 5' tall, and resemble dive tanks or welding tanks.

The third way that  $N_2O$  can be obtained is from automotive performance shops that sell and re-fill tanks containing "automotive grade"  $N_2O$ . "NOS" (Nitrous Oxide Systems) is the most common



brand used, and the tanks are usually painted blue with a "NOS" logo affixed to them.

#### Physiological Effects

Although the effects may vary slightly among users, the most common effects can be any or all of the following:

- ♦ Disorientation
- ♦ Elation & Euphoria
- ♦ Floating sensation
- ♦ Fixated vision (blank stare)
- ♦ Pulsating or throbbing feeling throughout the body, as well as pulsating auditory and visual hallucinations.
- ♦ Increased pain threshold (analgesia)
- ♦ Loss of motor control
- ♦ Loss of consciousness

As with most compressed gasses, when N<sub>2</sub>O is released from the tank it is extremely cold and the user may receive frost burns on the nose, mouth, lips, or tongue.

#### Enforcement Issues

N<sub>2</sub>O is not a scheduled controlled substance and possession of N<sub>2</sub>O for legitimate purposes is not illegal. It requires no permit. However, possession for the purpose of intoxication or under the influence of N<sub>2</sub>O is a misdemeanor.

**381(b) PC - Possession of N<sub>2</sub>O for purposes of recreational intoxication or under the influence of N<sub>2</sub>O**

**11351.1(b) H&S - Furnishing dangerous drug or device.**

#### Evidence Collection & Testing

The collection and handling of N<sub>2</sub>O tanks for evidence presents significant safety issues. Although not a flammable gas, N<sub>2</sub>O is a compressed gas and may present a safety hazard if it is improperly stored. If the tank appears to be

unaltered, transport and store in a well ventilated place (outside storage). However, if the tank appears altered in any way or appears unsafe contact either the fire department or Arson/Explosives Detail.

The Los Angeles County Sheriff's Crime Lab is not equipped to test for N<sub>2</sub>O and, therefore, under the influence of N<sub>2</sub>O is difficult to prove. It is recommended that videotape, photographs, statements, and deputy observations be used as evidence in any case involving N<sub>2</sub>O.

December 20, 2004  
10.1.5

**TO:** Commanding Officer, Juvenile Division

**FROM:** Commanding Officer, Scientific Investigation Division

**SUBJECT:** HANDLING, BOOKING, AND ANALYSIS OF NITROUS OXIDE EVIDENCE

The Hazardous Chemical Team (HCT) of the Scientific Investigation Division (SID) currently responds to nitrous oxide incidents at the request of officers who require help in the handling and booking of nitrous oxide samples. There is no written policy at this time and each incident is handled according to the specific situation encountered. To date, there have been only one or two samples of either the parent compound or a sample taken from an impaired individual submitted to the laboratory for testing.

Specific answers to the questions posed by Juvenile Division are listed as follows:

- Because nitrous oxide is not a controlled substance officers first must determine if they have the legal authority to seize the cylinder. If a cylinder is to be booked as evidence officers shall contact the HCT at SID during working hours or through the Command Post during off-hours. Most cylinders are small, safe and easy to handle. Currently, policy approved by the Commanding Officer of SID, provides officers the option of transporting small cylinders (three feet in height or less) to either their area station or to the laboratory where a HCT member will take custody of the evidence. The cylinders shall be transported in the trunk of the vehicle and secured to prevent movement and damage to the valve. A completed Property Report shall be prepared and delivered or faxed to SID.
- If a large cylinder is encountered or if there are other safety issues present, a HCT member will respond to the location to collect and transport the cylinder.
- Nitrous oxide cylinders can only be booked at Property Division, primarily at the Commercial Street warehouse. HCT members will transport the evidence to Property Division once the proper paperwork is received.
- The likelihood of an inflated balloon being recovered and preserved is not very high. If this did occur the HCT should be notified immediately.
- Samples of nitrous oxide can be analyzed by SID, either from a cylinder or a balloon. Although the laboratory does not have a validated test procedure for nitrous oxide in place, one is currently being developed and it is anticipated that the necessary supplies and instrumentation for this procedure can be procured in a reasonably short period of time. The analysis could be completed within a day if needed in an emergency.

Commanding Officer, Juvenile Division

Page 2

10.1.5

- SID does not have the capability to analyze toxicological samples for the presence of nitrous oxide. A sample would have to be sent to an outside laboratory for this procedure. If a subject sample is to be collected it must be obtained shortly after inhalation of the material.
- Nitrous oxide is very transitory in the body so a blood sample must be drawn within 30 to 60 minutes, at most, after inhalation. A blood vial contain EDTA (purple cap) must be used and completely filled. The sample should be refrigerated or frozen immediately.
- The HCT should be consulted if any questions arise regarding the collection, transportation or booking of nitrous oxide samples.

Any further questions regarding this matter can be directed to Supervising Criminalist Warren Loomis, SID, at 213-847-0060.



STEVEN B. JOHNSON, Police Administrator  
Commanding Officer  
Scientific Investigation Division

# PART 1 SUPPRESSION STRATEGY

## SITUATION

In 2003, the City of Los Angeles generated 43,614 "Party" radio calls (7,724 "415 Parties" & 35,890 "507 Parties"). Loud or unlawful parties are a major drain on police resources, a serious quality of life problem, and increasingly a flashpoint for violent crime.

Foothill Area has developed Party Suppression Strategy that has had a successful impact on the loud and unlawful party issues. All Areas in the City could adopt or use the following Foothill Area Party Suppression Strategy as a model for their own plan. Foothill Area Party Suppression Strategy uses overtime funds and Reserve Officers. The two core elements are 1), a "Zero Tolerance" posture on loud or unlawful parties, and 2) the deployment of a "Party Suppression Team" (PST) during times of peak party activity. This strategy has resulted in a dramatic decrease in party-related homicides, violent crime and calls for service.

## RESPONSE

### **Zero Tolerance for Loud or Unlawful Parties**

When appropriate, all personnel shall cite or arrest on the first response to a "Loud or Unlawful Party." Do not routinely warn suspects, "If we have to come back, we'll \_\_\_\_." When appropriate, cite on the first response. Take action! Eliminate repeat responses. A few examples of code violations are:

- 112.01(b) LAMC (Amplified music audible 150 feet from property line).
- 41.57 LAMC (Loud and raucous noise prohibited).
- 415 PC (Disturbing the peace).
- 381b P.C. (Possession of nitrous oxide or substance containing nitrous oxide for purposes of intoxication).
- 647 (f) P.C. (Public intoxication).
- Occupancy and safety Violations (requires Fire Department or Department of Building and Safety response to cite).

The City Attorney's office provides prosecution support for the LAMC noise ordinance arrests/citations. For information, contact the City Attorney's Neighborhood Prosecutor Program at (310) 575-8500.

### **Party Suppression Team (PST)**

Deployment considerations.

- Minimum PST configuration:
  - (2) Uniformed "Queen units" (minimum 2-units/four officers.)
    - Black & white emergency police vehicles.
    - Dispersal and citing units.
    - Monitor patrol units' status for "party" radio calls.

- Communicate party information with W/C, RTO & patrol units.
- The PST Officer-in-Charge (OIC) should be a mature officer with excellent communication skills (preferably Spanish speaking) and have a commitment to developing Area underground party expertise.
- *Plain Intelligence Unit (1-2 officers).*
  - Officers appearance and demeanor must blend with party crowd.
  - Plain cloths/plain vehicle.
  - Poses as party attendee when necessary.
  - Issued cellular phone.
  - Monitors party lines for "real-time" updates.
  - Monitors party hangouts for "gathering" activity and party intelligence.
  - Conducts drive-by assessments of party locations.

### Tactics

The emphasis is on the rapid dispersal of high-risk parties. The PST should be deployed during high party activity that would typically be Friday & Saturday evenings 2000-0200 hours. Unlike the "Party Car," the PST does not routinely "buy" party calls from patrol. Experience has shown that the PST must stay clear, disciplined and focused on identifying and terminating parties with violence potential. In doing so, the PST will actually prevent resource draining violent incidents, which will ultimately assist patrol more than if they buy all patrol "party calls," which could quickly tie the PST up with routine noise complaints. As time permits, the PST should buy and dispo non-threatening noise or party calls; one at a time. This principle is key to the success of the mission.

The PST OIC should remain constant to allow the development of expertise. Similarly, the success of the PST is somewhat tied to the consistent use of the same pool of officers. Doing so will rapidly develop streamlined tactics, reduce call-load for patrol, and enhance officer safety.

The PST Mission is to "Rapidly Identify, Assess and Terminate Loud or Unlawful Parties."

#### • "Identify"

The PST is not assigned party radio calls! They gather intelligence on all party activity by:

- Advance intelligence on gang or "flyer parties" (from the Internet, flyers, tips, party-lines, etc...).

**NOTE:** The Internet is one resource for gathering information about Flyer Parties. There were several web sites, such as "drunk n faded" that post information about these parties. It is speculated that the recent violence associated with these parties has caused the sites to close. One Web site that is still open is "klubevents.com." Many other sites can be found simply by searching key words like "underground parties", "rave", "flyer parties", "night

life", etc. The sites will either give phone numbers to call, or tell you to check back on the site, an hour prior to the start of the party for the location. Others will tell you to go to the location, but there will be a "screener" at the location to eliminate anyone that looks like a law enforcement officer. Persons approved by "the screener" will then be told the real location of the party.

- Constantly running patrol unit's 'buffers' for party radio calls.
- Prioritization of party radio calls for assessments:
  - Check for comments indicating violence potential, (suspect activity, threat location based on Area crime trends, number suspects present, suspect descriptions that indicate gang or party crew affiliation).
  - Multiple radio calls from same location.
  - If necessary, call the PR for further before responding.
- Continually monitor party-lines throughout the night for "real-time" information and any "re-grouping" party locations after dispersal (Intelligence Unit).
- Monitor prior party locations.
- Monitor vulnerable possible party locations (industrial parking lots, vacant buildings/businesses or homes "for sale."
- Assign sectors of responsibility for party units to monitor (north, south, east, west).

*RTO and ACC duties (advise RTO):*

- Do not "hold" party calls.
- Continually provide any radio call updates to PST.
- Keep the PST free from routine radio calls.
- Voice all "Party", "415 group" and "390 group" activity.

*Regular Patrol Units (duties)*

- Immediately advise the PST of your party radio calls, or any party activity observed.

"Assess"

- Rapidly conduct analysis and assessments of known party and 415 or 390 group activity in the Division. If the gathering or party shows a violent crime threat potential, buy the call and take action.
- When possible, use the PST Intelligence Unit (plain vehicle) for party assessments. If necessary, black and white party units can conduct quick "drive-by" assessments. Avoid alerting the party location prior to a dispersal response.
- Make crowd size estimate, determine demeanor of crowd; exact location (backyard, front yard) and demeanor (drinking, gang signs, racing vehicles) of crowd.
- Choose egress route for dispersal.
- Identify illegal behavior (reasonable suspicion or probable cause)
- Communicate situation estimate to unit OIC.



- Formulate appropriate response action.

### **"Terminate"**

- Disperse the crowd Disperse crowd (with DJ & responsible party cooperation if possible).
- Make contact and obtain ID (responsible party & DJ).
- Emphasis on de-escalation of situation "crowd management," and voluntary dispersal.
  - Minimize Use Of Force.
  - Minimize complaints.
  - Economy of the PST.
- Tools to achieve cooperation:
  - Custody arrest or an RFC cite. Cite suspects- after crowd is dispersed.
  - Educate suspects on noise ordinances and LAPD policy.
  - Consider air units for dispersal.
- Additional dispersal options (based on crowd size and demeanor).
  - Single PST response.
  - The PST response.
  - The PST response with a dedicated backup entity (When the PST is deployed, a "back-up" unit should be loosely partnered with them to achieve economy of resources while being available for large dispersal) "Code Alpha" response (multiple unit Divisional response to major crowds).
  - Crowd Control Strategies.
  - Orderly ingress / egress route.
  - Air Unit.
  - Skirmish line / MFF Tactics (when appropriate).

### **Intelligence Gathering**

- **Pre-deployment**
  - Establish a working list of local "party line" phone numbers.
    - Check high schools for party "Flyers."
    - Party hangouts (music stores, food establishments, clubs, cruising locations).
  - Mid-week, call Party Lines for a general assessment of the number of pre-planned events that will occur in the Bureau for the upcoming weekend (generally, no specific locations are revealed at this time).
  - Typically, Friday and Saturday are active nights for deployment of the PST.

- **Day of deployment**

- At approximately 2100 hours, the "Party Lines" release location information, or "map points."
- "Map points" or "prescreening locations" are usually easily handled by the PST Intelligence Unit, who can respond to obtain actual party locations.
- Party lines are updated throughout the night, and will often immediately reorganize party-attendee to new locations in the event a party is dispersed by police. The PST plain intelligence unit, posing as a party-attendee, can follow the crowd off to any new staging location to prevent a new party from re-forming.

**Conclusion**

The secretive nature of these parties, combined with the participant's ability to regroup and form at a new location, presents obstacles to effective police intervention. The past practice of assigning a low-priority to party radio call and advising suspects to "turn the music down" limited officers ability to make an immediate positive impact on the area's quality of life, and more importantly, cease the party's potential for violence. This Party Suppression Strategy is one new law enforcement tool to be used effectively in dealing with this growing problem.

Prepared by:  
Foothill Division  
Juvenile Division

## FACT SHEET

### **ILLEGAL / FLYER PARTY RESPONSE STRATEGIES**

December 28, 2004

**Background.** This fact sheet has been prepared to assist Areas with immediate response strategies for illegal parties. Within the last year, a series of violent incidents associated with flyer parties have occurred in the City. These parties have resulted in three shootings, two of which were Officer-Involved Shootings (OIS).

The following is a synopsis of those incidents:

- February 21, 2004, 84th Street and Broadway, 77<sup>th</sup> Street Area - a Flyer Party was being surveyed for a murder suspect that was reportedly attending the party. Personnel from Operations-South Bureau Homicide, 77<sup>th</sup> Street Area, and Juvenile Division were involved in the surveillance. During the surveillance, an armed suspect exited the location and fired his weapon into the crowd. Rounds fired by the suspect hit several of the partygoers and an OIS occurred. The suspect expired at the scene.
- September 25, 2004, 801 S. Spring Street, Central Area - a Flyer Party was held late at night in a closed, commercial area. During the party, a shooting and stabbing occurred that resulted in the death of two individuals and the injury of two others.
- November 27, 2004, 84th Street and Broadway, 77<sup>th</sup> Street Area (same location of the Flyer Party held on February 21, 2004). Department personnel responded to the location to investigate possible illegal party activity. When officers arrived, they observed someone in the party shooting into the crowd. The incident resulted in an OIS where an LAPD officer was shot. The officer returned fire and the suspect expired at the scene.

### DEFINITION OF THE PROBLEM

Parties which are likely to cause a police response can be divided into two classifications: "Flyer Parties" and "Rave Parties", which are described as follows:

#### Flyer Party

A "Flyer Party" is in essence a private party that has been commercialized. Flyer parties are sometimes erroneously referred to as rave parties.

Party promoters distribute flyers via schools, businesses, and the Internet in order to draw crowds to their parties. Admission is charged at the door. Alcohol, nitrous oxide, and illegal drugs are often sold at these illegal parties. Party promoters deny involvement with illegal drugs and alcohol sales. However, promoters are suspected of receiving kickbacks if not outright involvement with these illegal activities. The following characteristics are indicative of a Flyer Party:

- Majority are non permitted activities;

## FACT SHEET

### **ILLEGAL / FLYER PARTY RESPONSE STRATEGIES**

December 28, 2004

- Attended by individuals between the ages of 16 to 24 years (the majority being 18 years of age or older);
- Type of music is "Hip-Hop and Reggietone";
- Attendance ranges from 50 to 500 individuals;
- Narcotics sold and used at Flyer Parties include nitrous oxide, alcohol, marijuana, methamphetamine, ecstasy, GHB, ketamine, LSD, and other drugs; and
- Violence is more prevalent at Flyer Parties than at Rave Parties.
- Attendees include "Party Crews," "Tag Bangers," and rival gang members;

**Note:** Party crew is a loosely knit group who identify themselves as a cohesive unit at a party scene. Tag bangers are a group who align themselves with taggers (graffiti vandals). Tensions and rivalries can occur at "Flyer Parties" between "Party Crews" and "Tag bangers."

#### Rave Party

The following characteristics are indicative of a Rave Party:

- Some are permitted activities;
- Held at larger venue than a Flyer Party;
- Type of music is "Techno-based," music made electronically;
- Total attendance ranges from 500 to 5,000 individuals;
- Attended by groups, ages 16 to 24;
- Mode of dress and accessories are unique, i.e., brightly-colored clothing, candy necklaces, pacifiers, glow sticks, etc;
- Narcotics used are Ecstasy, LSD, GHB, nitrous oxide, marijuana, alcohol, and other drugs; and,
- Party crews may attend.

#### FREQUENCY OF THE PROBLEM

The majority of the Flyer Parties do not result in violence and police response. It is estimated that 20 to 30 parties occur within the City of Los Angeles on any given weekend and a minimal number of those cause police response. There may be just as many within Los Angeles County, however; the number is not known because these activities are not reported until a serious incident occurs.

## FACT SHEET

### **ILLEGAL / FLYER PARTY RESPONSE STRATEGIES**

December 28, 2004

#### FLYER PARTY ADVERTISING

Individuals learn of the Flyer Party location in the following ways:

- Word of mouth;
- Internet web sites;
- Obtaining a printed flyer from a number of different sources, i.e., music stores, schools, clubs, commercial establishments and public venues;
- Flyers placed on car windshields parked around other social venues; and,
- While at the venue, party promoters distribute flyers for upcoming events.

In an effort for a "Flyer Party" promoter to hide the location from law enforcement, the fliers often omit the location of the party. Potential attendees are directed to call a telephone number printed on the flyers and web sites.

The attendee calls the number, and is directed by an answering machine to call another number. The second outgoing message directs the caller to another number, and eventually a party location is provided. The location given may not be the actual party location, but rather the location of a "screener," employed by the party promoter.

The "screener" then determines whether or not to divulge the location of the party, in an attempt to screen out law enforcement, or undesirable individuals.

#### FLYER PARTY VENUES

Flyer parties have been held at venues that will house 50 to 500 people in locations that provide the attendees relative safety and anonymity. These locations include the following:

- Empty warehouses.
- Closed businesses.
- Private residences.
- Empty lots.
- Locations not easily detected by the police and the community.

Recently, some party promoters have been breaking into buildings and large empty commercial yards to stage the party. On the other hand, building owners sometimes claim that their buildings have been broken into in order to avoid legal or civil obligation. These "Break-in-Parties" are becoming more prevalent due to police pressure. A "Break-in-Party" may be pre-planned, but may also be spontaneous in response to law enforcement intervention. Additionally, promoters may rent locations under false pretenses, telling the property owner that they are staging a legitimate party.

## FACT SHEET

### **ILLEGAL / FLYER PARTY RESPONSE STRATEGIES**

December 28, 2004

#### **FLYER PARTY ACTIVITIES**

The following activities often occur at Flyer Parties:

- Attendees are met at the entrance by hired security personnel and searched for weapons;
- Attendees pay an entrance fee, typically ten dollars;
- Once inside, the main attractions are dancing, social atmosphere, and the use, sale and distribution of alcoholic beverages and illegal substances;
- Attendees may become victims of crime, i.e., physical/sexual assault, ADW, and even homicide;
- Attendees observe or compete in impromptu dance competitions, some of which require the dancers (usually young women) to remove their clothing and/or dance in a sexually provocative manner;
- Nitrous oxide inhaled from balloons is often prevalent.

**Note:**

The Los Angeles County Sheriff's Department Field Enforcement recently published a newsletter (Dec 04 Vol. 4 – No. 20) that provides a detailed definition of nitrous oxide, along with its methods of use, physiological effects, and enforcement issues (see attachment).

#### **IMMEDIATE ACTION ITEMS**

Currently, illegal Flyer Parties appear to be prevalent in Central and South Bureaus, with less frequency in West and Valley Bureaus. However, it is important that each Bureau and its respective Areas have a similar, unified response in addressing these issues. As previously outlined, these illegal Flyer Parties are very mobile and can quickly move across the City or County week to week. All Area Commanding Officers should consider implementing the following proactive and reactive strategies to deal with illegal parties within their Areas.

The following are recommended strategies for geographic Bureaus and Areas:

- Have Area Training Coordinators provide training to personnel in proper Flyer Party response.
- Train Area personnel in laws associated with illegal parties, i.e., drug laws, nitrous oxide, noise ordinance, etc (refer to Party Suppression Strategy attachment).
- Assign Area Vice Units to monitor Internet party-flyer web sites on a daily basis to identify party locations within their Area.
- Gather party intelligence information, i.e. attempt to establish connections between promoters and illegal activities.
- Ensure Area Patrol supervision is familiar with the on-duty/on-call availability of the Fire Department's Public Assemblage Unit, and the Department of Building and Safety Inspection / Nuisance Abatement Unit (see attached resource contact information).

## FACT SHEET

### **ILLEGAL / FLYER PARTY RESPONSE STRATEGIES**

December 28, 2004

- Combine Area resources, specifically Patrol, Area Vice, Area Narcotics, and Area Gang Enforcement Details to deploy personnel and resources for sweeps at illegal party locations.
- Establish a Party Suppression Team (PST) specifically trained in Rave/Flyer parties in each geographic Area.
- Liaison with middle and high schools via the Los Angeles School Police, along with security and law enforcement agencies who are responsible for other educational institutions in an effort to share and obtain illegal party intelligence.
- Liaison with other adjacent law enforcement agencies in order to share Flyer Party intelligence.
- Identify security companies working illegal parties, for possible Consumer Affairs and Police Commission permit violations.

### **IMPLEMENTATION OF DIVISION PARTY SUPPRESSION TEAM (PST) FOOTHILL AREA MODEL**

During 2004, in response to the frequency of illegal parties and crime associated with them in Foothill Area, the Party Suppression Team concept was developed. In brief, Foothill Area developed and trained specific personnel (including reserve officers) in "Party Suppression," which has led to the reduction of repeat party calls and a de-escalation of the problem. An exemplar of Foothill Area's PST has been provided to Bureaus and geographic Areas (see attachment).

### **MOST COMMONLY USED LAWS TO CONTROL ILLEGAL PARTIES:**

- 112.01(b) LAMC – Infraction (Amplified music audible 150 feet from property line – must have a complaining party )
- 41.57 LAMC – Infraction (Loud and raucous noise prohibited - must have a complaint )
- 415 PC (Disturbing the peace)
- 45.03 LAMC Curfew – Infraction (Minor in public – from 2200 hours to Sunrise)
- 381b Penal Code (PC) – Misdemeanor (Possession of nitrous oxide with intent to inhale for purpose of intoxication or knowingly being under the influence.
- 647 (f) PC (Public Intoxication) – Misdemeanor (Being under the influence -also consider 381, 381b PC).
- Occupancy and safety violations (requires Fire Department or Department of Building and Safety response to cite violators and/or building owner)

### **RESOURCES**

For training purposes, a "Code 20" video that explains illegal parties has been produced and is available for viewing at Department roll calls. Additionally, Scientific Investigation Division has outlined the proper procedures for the transportation, booking, and testing of nitrous oxide and its related storage tanks (see attachment).

## **FACT SHEET**

### **ILLEGAL / FLYER PARTY RESPONSE STRATEGIES**

December 28, 2004

These materials are important for all supervisory personnel to review with their employees so they understand how to respond to Flyer Parties and to safely handle nitrous oxide.

Additionally, a listing of the top five resources which Bureaus and Areas can turn to for immediate assistance in addressing illegal parties are listed as follows:

**Note:** These resources are currently being expanded. The expanded resource list is expected to be released in January / February 2005.

**Agency:** Los Angeles Police Department, Juvenile Division, Juvenile Narcotics Section

|                        |   |
|------------------------|---|
| <b>Agency Type:</b>    | Municipal, investigative, Sworn Law Enforcement       |
| <b>Agency Contact:</b> | Eric Sage, Bill Baxter, Rick Bustamante, John Whipp,  |
| <b>Title:</b>          | Detectives, Juvenile Narcotics Detective              |
| <b>Normal Hours:</b>   | Monday through Thursday, 0600 – 1630 Hours            |
| <b>Office Phone</b>    | (213) 485-4113  |
| <b>Cell:</b>           | None  |
| <b>Off-Hours</b>       | (213) 978-6500, LAPD Department Command Post          |
| <b>Office Address:</b> | 150 North Los Angeles Street, Los Angeles, CA., 90012 |

The Los Angeles Police Department, Juvenile Division Narcotic Section, Field Enforcement Unit has a team of Detectives who specialize in juvenile narcotic investigations. This Unit can provide expertise in conducting Flyer Party investigations, along with training in the area of nitrous oxide recognition.



## FACT SHEET

### **ILLEGAL / FLYER PARTY RESPONSE STRATEGIES**

December 28, 2004

**Agency:** Los Angeles Police Department, Vice Division

|                 |   |
|-----------------|---|
| Agency Type:    | City, Investigative, Sworn Law Enforcement                |
| Agency Contact: | Randy Litton  |
| Title:          | Lieutenant II, OIC  |
| Normal Hours:   | Tuesday thru Friday, 0800 to 1830 Hours                   |
| Office Phone    | (213) 473-7633  |
| Off-Hours       | (213) 978-6500 Department Command Post                    |
| Office Address: | 419 S. Spring Street, Room 600, Los Angeles, Calif. 90012 |

Vice Division (VD) has three Field Evaluators (Detective III) who can provide training to Area Vice Units regarding the investigation of illegal/legal parties. This information would include tactical considerations, applicable laws of arrest, evidence collection and follow-up on eventual prosecution. This same information, in turn, could be disseminated by the Area Vice Units and patrol officers during roll call. Additionally, these VD detectives may respond (during normal working hours or call-out as necessary) to a party in progress to provide oversight (e.g. alcohol related violations). In cases where advance notice exists, these detectives may also assist the concerned Area Vice Units in developing a strategic game plan, assisting in surveillance and the eventual closing down of parties if the need arose.

## FACT SHEET

### **ILLEGAL / FLYER PARTY RESPONSE STRATEGIES**

December 28, 2004

**Agency:** Los Angeles Unified School District Police Department

**Agency Type:** School District, Sworn Law Enforcement

**Agency Contact:** Communications Center

**Title:** Watch Commander/Watch Officer

**Normal Hours:** Monday through Friday, 0900 – 1700

**Office Phone** (213) 625-6631

**Hours:** 24 hours

**Agency Contact:** Nancy L. Ramirez, Deputy Chief

(213) 742-8207 (Office)

(213) 269-2662 (Emergency Cell)

(213) 742-0041 (Fax)

Steve La Roche, Deputy Chief

(213) 742-8282 (Office)

(213) 268-2166 (Cell)

(213) 742-0041 (Fax)

**Address:** 1330 West Pico Boulevard, Los Angeles, CA 90015

**Date info provided:** December 17, 2004

The Los Angeles School Police Department (LASPD) has police officers assigned to all of the 134 middle and high school campuses throughout the City of Los Angeles as well as several high schools in the county. The officers at these campuses are a valuable asset in gathering intelligence, as they commonly find party flyers distributed around their high schools. The LASPD also serves as a direct contact with students, staff and parents, providing information relevant to the dangers of Flyer Parties.

Given the large amount of schools, LASPD has designated its 24-hour Communications Center to serve as their Department's point of contact in the exchange of information. The LASPD has instructed its officers to gather Flyer Party information throughout the District and forward the information to their Communications Center. The LASPD will then make notification to the concerned law enforcement agency.

## **FACT SHEET**

### **ILLEGAL / FLYER PARTY RESPONSE STRATEGIES**

December 28, 2004

**Agency:** Los Angeles City Fire Department, Public Assemblage Unit

|                                  |   |
|----------------------------------|---|
| <b>Agency Type:</b>              | Municipal, Fire Department  |
| <b>Agency Contact:</b>           | Philip Ayala  |
| <b>Title:</b>                    | Fire Captain,   |
| <b>Duty Hours:</b>               | Day Shift: Monday to Friday 0700 to 1730 Hrs.<br>Night Shift: Friday to Saturday 1400 to 0030 Hrs.<br>Night Shift: Sunday to Thursday 1300 to 2330 Hrs. |
| <b>Office Phone:</b>             | (213) 978-3650  |
| <b>Cell Phone:</b>               | (310) 480-7939  |
| <b>Off Hours contact number:</b> | (213) 485-6185 (911 Fire Department Dispatch)   |
| <b>Office Address:</b>           | 200 N. Main Street, 17th Floor<br>Los Angeles, CA 90012   |
| <b>E-mail:</b>                   | PXA3474@LAFD.LACITY.ORG   |

LAFD Public Assemblage Unit has 11 Inspectors working out of City Hall East. The Unit also has three Inspectors in the Van Nuys Civic Center office. The work schedule is set up in two shifts. The day shift is Monday thru Friday 0700 to 1730 hours. The night shift is 1300 to 2330 hours, Sunday thru Thursday - 1400 to 0030 hours on Friday and Saturday.

Officers needing assistance in closing or investigating illegal/legal parties can call LAFD Dispatch via LAPD Communications Center, or call (213) 485-6185. The Unit has a minimum of two Inspectors working 365 days a year to provide assistance to our Department.

## FACT SHEET

### **ILLEGAL / FLYER PARTY RESPONSE STRATEGIES**

December 28, 2004

**Agency:** Los Angeles Department of Building and Safety (LADBS), Code Enforcement Bureau Nuisance Abatement Revocation Section (NAR)

**Agency Type:** Municipal, Building Inspection Department  
**Agency Contact:** Javier Landeros  
**Title:** Senior Building Mechanical Inspector  
**Duty Hours:** Monday thru Friday 0700 to 1530 Hrs.  
**Office Phone:** (213) 252-3965  
**Cell Phone:** (213) 792-8006  
**Off Hours contact number:** (213) 792-8006  
**Office Address:** 3550 Wilshire Blvd., Suite 1800  
Los Angeles, CA 90010  
**E-mail:** JLandero@ladbs.lacity.org

or

**Alternate Contact:** Matt Kellerman  
**Title:** Building Mechanical Inspector  
**Duty Hours:** Monday thru Friday 0700 to 1530 Hrs.  
**Office Phone:** (213) 252-3942  
**Cell:** (213) 792-6197  
**E-mail:** MKellerm@ladbs.lacity.org  
**Off Hours:** (213) 792-6197

The LADBS NAR Section will be able to assist in the investigation of legal/illegal parties. This assistance would allow Department employees to verify if locations and party promoters obtained the proper building permits, along with verification of the building's legal use. If building violations are observed, NAR inspectors can issue citations for any violations of the Los Angeles Municipal Code (LAMC) related to the illegal use of the building, or any Building Code violations.

Normally, Building and Safety has a building inspector assigned to the nightshift and could respond to a location if needed. Prior arrangements with one of the contacts listed above is highly suggested.