Housing Authority - County of Los Angeles

January 28, 2005

To: Each Supervisor

From: for Carlos Jackson, Executive Director

SUBJECT: PEACE OFFICER STATUS

The Housing Authority currently employs staff to conduct investigations of criminal fraud and program violations committed by families participating in the Housing Authority's Section 8 and Conventional Public Housing programs. Under current law, these investigators do not have peace officer status. The law defines housing authority patrol officers as peace officers. However, the investigators do not perform patrol functions and therefore, do not fit the definition of a peace officer.

Background

In the mid-1980's, the Board approved the Housing Authority's recommendation to disband its police unit. At the time there were approximately 15 officers whose primary function was to conduct routine patrol of conventional public housing developments. They worked with local law enforcement for specialized services, such as investigations for gang and narcotics activity.

Many years later, the Housing Authority began to experience an increase in fraud on the part of both public housing and Section 8 tenants, and Section 8 owners. Incidents included: tenants not reporting employment income; unauthorized persons living in the unit (some of whom have income); Section 8 tenants being subsidized for units they own; and attempts to sell Section 8 certificates/vouchers. We were required to rely on untrained staff or HUD's Office of the Inspector General to investigate a steadily increasing number of allegations.

In 1997 we launched a fraud investigations program by hiring a retired law enforcement officer on a full-time basis. He initially followed up on referrals made by the administrative staff of our Housing Authority programs. Since that time, we have found the need to expand the program, establishing an organizational unit to address both fraudulent and criminal activity. Our Housing Authority investigators examine cases of identity fraud, criminal activity, and incidences where participants are misrepresenting their true income/assets, are not living in their subsidized units, or are subletting their units, for example. The caseload currently consists of more than 350 referrals.

Our investigators are handicapped by not having peace officer status. They cannot obtain access to police databases and police reports, execute search warrants to obtain

financial information, or file cases. Many of these investigations are similar to those conducted by the Department of Public Social Services, whose investigators are designated as peace officers.

Proposed Motion

I will ask Supervisor Burke to sponsor a motion to seek an author to introduce legislation to amend Section 830.31 (Attachment 1) of the State Penal Code. The proposed amendments would expand the definition of peace officer to include housing authority investigators and expand their authority to include the Section 8 program in addition to conventional public housing. The proposed change to state law would enable these investigators to more effectively perform their duties. If Housing Authority investigators were to become peace officers, we would not grant them the authority to carry firearms.

Legislative Action

Information was forwarded to the Chief Administrative Office (CAO) in November of 2004 as part of the yearly update of the state legislative agenda. This information was shared with your legislative deputies during their meetings with the CAO's Intergovernmental Relations Branch. I have been told that a decision was made not to pursue this proposed legislation, because of an existing Board policy that advises against adding additional classifications under the peace officer category. However, I have discussed this matter with CAO staff, and they recognize the importance of our pursuing this further. The proposed amendment granting peace officer status will both streamline and expedite the investigative process.

The proposed change in state legislation would allow us to add Housing Authority investigators under the peace officer category. There would be no additional cost to the County General Fund. Under current law, in order to retain peace officer status, individuals must hold valid POST peace officer certificates. One of the Housing Authority's investigators currently holds a valid POST certificate and we will re-certify a second investigator.

Staffing

In recent years HUD has fostered a national emphasis on fraud investigations in both the Section 8 and Conventional Public Housing programs. Over the last three years we have increased the number of investigators due to the rise in program violations and criminal activity, as well as a marked difference in the complexity of fraud cases. This is evidenced by two motions introduced by Supervisor Antonovich in July 2004 and January 2005, which allocated funds to increase the number of investigators in the Antelope Valley.

Currently, the Housing Authority has nine investigators (two full-time and seven part-time). All of the investigators are retired officers from the Los Angeles County Sheriff's Department and local cities with an average of 22 years of sworn law enforcement service. They are all well trained and knowledgeable in the field of criminal investigation and our housing programs.

Recommended Action

As you know, the State Legislature is back in session and it is important that your Board consider this item soon, so that there is time to seek an author for the proposed legislation.

The language of the proposed amendment to Section 830.31(d) of the State Penal Code (Attachment 2) has been reviewed and approved by County Counsel.

We have discussed the proposed legislative amendment with other housing authorities, who have expressed their support.

I will schedule a meeting to discuss this with your deputies. In the meantime, feel free to contact me at (323) 890-7400 should you have any questions.

Thank you for your consideration of my request.

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Attachments 2

c: Each Deputy

ATTACHMENT 1

DRAFT MOTION - 1/28/05 _____, 2005

On January 11, 2005, the Board approved the County's updated policies and proposals for the first year of the 2005-06 State Legislative Session. Amendment of this document to include sponsorship of State legislation to amend Section 830.31 of the State Penal Code would greatly benefit the County Housing Authority by expanding the definition of peace officer to include housing authority investigators and to expand their authority to include the Section 8 Program.

The County Housing Authority currently employs investigators to pursue program-related fraud and other violations committed by families participating in the Section 8 Program and the Conventional Public Housing Program. The proposed change to the State Penal Code would enable these investigators to more effectively perform their duties by permitting them to access police databases and police reports, execute search warrants to obtain financial information, and file cases.

IT IS, THEREFORE, MOVED THAT THE BOARD, ACTING AS THE GOVERNING BODY OF THE COUNTY OF LOS ANGELES AND THE HOUSING AUTHORITY OF THE COUNTY OF LOS ANGELES:

1. Approve amendment of the County's updated policies and proposals for the first year of the 2005-06 State Legislative Session to include sponsorship of State legislation to amend Section 830.31 of the State Penal Code to expand the definition of peace officer to include housing authority investigators.

2. Instruct the Chief Administrative Officer to work with the Executive Director of the County Housing Authority to pursue an author to introduce legislation and to take all other necessary actions, for the purposes described above.

	MOTION
BURKE	_____
YAROSLAVSKY	_____
KNABE	_____
ANTONOVICH	_____
MOLINA	_____

enforcement of the law as set forth in Chapter 9 (commencing with Section 19701) of Part 10.2 of Division 2 of the Revenue and Taxation Code.

(t) Notwithstanding any other provision of this section, a peace officer authorized by this section shall not be authorized to carry firearms by his or her employing agency until that agency has adopted a policy on the use of deadly force by those peace officers, and until those peace officers have been instructed in the employing agency's policy on the use of deadly force.

Every peace officer authorized pursuant to this section to carry firearms by his or her employing agency shall qualify in the use of the firearms at least every six months.

(u) Investigators of the Department of Managed Health Care designated by the Director of the Department of Managed Health Care, provided that the primary duty of these investigators shall be the enforcement of the provisions of laws administered by the Director of the Department of Managed Health Care. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

830.31. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. These peace officers may carry firearms only if authorized, and under the terms and conditions specified, by their employing agency.

(a) A police officer of the County of Los Angeles, if the primary duty of the officer is the enforcement of the law in or about properties owned, operated, or administered by his or her employing agency or when performing necessary duties with respect to patrons, employees, and properties of his or her employing agency.

(b) A person designated by a local agency as a park ranger and regularly employed and paid in that capacity, if the primary duty of

the officer is the protection of park and other property of the agency and the preservation of the peace therein.

(c) (1) A peace officer of the Department of General Services of the City of Los Angeles designated by the general manager of the department, if the primary duty of the officer is the enforcement of the law in or about properties owned, operated, or administered by his or her employing agency or when performing necessary duties with respect to patrons, employees, and properties of his or her employing agency.

(2) A peace officer designated pursuant to this subdivision, and authorized to carry firearms by his or her employing agency, shall satisfactorily complete the introductory course of firearm training required by Section 832 and shall requalify in the use of firearms every six months.

(3) Notwithstanding any other provision of law, a peace officer designated pursuant to this subdivision who is authorized to carry a firearm by his or her employing agency while on duty shall not be authorized to carry a firearm when he or she is not on duty.

(d) A housing authority patrol officer or investigator employed by the housing authority of a city, district, county, or city and county or employed by the police department of a city and county, if the primary duty of the officer or investigator is the enforcement of the law in or about properties owned, operated, or administered by his or her employing agency, or the enforcement of the law regarding housing programs administered by the housing authority, or when performing necessary duties with respect to patrons, employees, and properties of his or her employing agency.

830.32. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.