



City of Culver City

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Staff Report

File #: 20-1036, **Version:** 1

Item #:

CC - (1) Adoption of A Resolution Ratifying the Proclamation of Local Emergency by the Director of Emergency Services of the City of Culver City, California, Issued on May 30, 2020 Related to the Violence Surrounding the Protests And Civil Unrest After the Tragic Death of George Floyd and Confirming the Existence of Such Emergency; and (2) Adoption of a Resolution Confirming Public Orders Numbers 1-5 Imposing Curfews for the Public Safety in the City Of Culver City.

Meeting Date: June 5, 2020

Contact Person/Dept: Jesse Mays, City Manager's Office
Lisa Vidra, City Attorney's Office

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Fiscal Impact: Yes ☐ No ☒ **General Fund:** Yes ☐ No ☐

Public Hearing: ☐ **Action Item:** ☒ **Attachments:** ☒

Commission Action Required: Yes ☐ No ☒ **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (06/04/2020);

Department Approval: John M. Nachbar, City Manager (06/04/2020)

RECOMMENDATION

Staff recommends the City Council (1) adopt a Resolution ratifying the Proclamation of Local Emergency by the Director of Emergency Services of the City of Culver City, California, issued on May 30, 2020 related to the violence surrounding the protests and civil unrest after the tragic death of George Floyd and confirming the existence of such emergency (Attachment 1); and (2) adopt a Resolution confirming Public Orders Numbers 1-5 imposing curfews for the public safety in the City of Culver City (Attachment 2).

BACKGROUND/DISCUSSION

On May 25, 2020, George Floyd was arrested in Minneapolis, Minnesota by members of the Minneapolis Police Department (MPD), for allegedly using a counterfeit \$20 bill at a local convenience store. He died while in police custody. A disturbing cell phone video was later posted to

social media showing an MPD officer with his knee on Floyd's neck, pinning him to the ground while handcuffed. Mr. Floyd died after repeating "I can't breathe." The video went viral. On May 26, 2020, protests started in Minneapolis. By May 27, 2020, the demonstrations spread to other cities. Peaceful protests were accompanied by violence in Minneapolis as fires and looting erupted. By May 28, 2020 in Minnesota and other states, the National Guard was activated as tensions escalated.

On May 29, 2020, the officer seen kneeling on Mr. Floyd's neck was arrested and charged with third-degree murder and second-degree manslaughter in Mr. Floyd's death. The remaining three officers were not charged at the time (but were subsequently charged with accessory to the murder). The protests grew nationally, while at the same time, violence and looting by other individuals and groups erupted in a number of cities.

Local Emergencies and Curfews

On May 30, 2020, the neighboring cities of Los Angeles, Beverly Hills, Santa Monica and West Hollywood declared local emergencies. These cities also determined that in response to the violence and property damage surrounding the protests, and the threats posed to the public, and public and private property, by such violence, it was necessary to impose curfews restricting the use of public streets, avenues, alleys, parks, and other public places, as well as unimproved private real property between the hours of 8:00 pm and 5:30 a.m.

In response to the violence and extensive damage to public and private property, looting of businesses, and arson occurring in neighboring cities, which appeared to be moving closer to Culver City, on May 30, 2020, the City Manager, in his role as the Director of Emergency Services ("Director of Emergency Services") proclaimed the existence of a local emergency in Culver City, pursuant to Chapter 3.09 of the Culver City Municipal Code (CCMC). After the Culver City Chief of Police determined that the safety of the public and property required the imposition of a curfew, the Director of Emergency Services issued a curfew in the City, under the authority in CCMC Section 3.09.020 and California Government Code Section 8634, between the hours of 8:00 p.m. and 5:30 a.m.

In the afternoon and evening of May 30, 2020, protests continued, and were accompanied by violent looting in Los Angeles and Beverly Hills. On May 31, 2020, Santa Monica and Beverly Hills imposed a curfew beginning at 4:00 p.m., due to the ongoing violence and after reports of scheduled protests posted on various social media outlets, as well as social media posts calling for violence in west side cities such as Santa Monica, Beverly Hills, and Culver City. On May 31, 2020, as the result of the increasing imminent danger to life and to property, the Director of Emergency Services issued Order No. 2 Imposing a Curfew Beginning at 4:00 pm May 31, 2020.

Although a peaceful protest was held in Santa Monica on the afternoon of May 31, 2020, at the same time extensive looting took place in stores located in Santa Monica, often live on television, as news helicopters captured the looting and vandalism while the police were in other parts of the city. On May 31 and through the early morning of June 1, 2020, there were numerous calls to CCPD for service related to break-ins, burglary and vandalism. Further, similar to caravans witnessed in neighboring cities, hundreds of vehicles arrived in Culver City over several hours, descending on various areas of the City, including the area around the Westfield Mall, where there were multiple attempts to breach the mall's security, causing the CCPD to block off several major arteries around the Mall into the City with Culver City buses.

More peaceful protests were scheduled for June 1, 2020 in Culver City and the communities

surrounding Culver City; at the same time, the violence and threats of targeted violence on social media continued. Neighboring cities all continued with curfews. Due to the imminent threat to public safety, on June 1, 2020, the Director of Emergency Services issued Order No. 3 Extending the May 31/June 1 Curfew Beginning at 4:00 p.m. June 1, 2020.

On June 1, 2020, despite enhanced CCPD presence and patrols, dozens of vehicles continued to descend on Culver City, causing the CCPD to again block major arteries around the Westfield Mall, and barricade the mall entrances. Additional retail businesses in the City were broken into and/or vandalized, and violence and looting occurred in other parts of Los Angeles, including Van Nuys and Hollywood. On June 2, 2020, the ongoing threats of targeted violence posted on social media and in reports received by CCPD and retail stores in the City, that warranted the imposition of a curfew on May 30 and 31 and June 1 remained in place, the County of Los Angeles's curfew from 6:00 pm to 6:00 am remained in place, and the cities of Beverly Hills and Santa Monica again imposed citywide curfews.

On June 2, 2020, the Director of Emergency Services issued Order No. 4 Extending the May 31/June 1 Curfew Beginning at 4:00 p.m. June 2, 2020. On June 3, the County of Los Angeles and City of Los Angeles modified their curfews to run from 9:00 p.m. to 5:00 a.m., while the cities of Santa Monica and Beverly Hills continued with curfews that began earlier than the County and City of Los Angeles. On June 3, CCPD intelligence indicated there remained ongoing threats of targeted violence and looting; the same conditions that warranted the imposition of a curfew on May 30 and 31, and June 1 and 2, remained in place; and the cities of Beverly Hills and Santa Monica again imposed citywide curfews. Thus, on June 3, 2020, in consultation with the Chief of Police, the Director of Emergency Services issued Order No. 5: Curfew Beginning at 6:00 p.m. June 3, 2020.

On June 4, 2020, no curfew order was issued, due to the decreased threat level in the City. CCPD has made no arrests or citations for curfew violations. However, it is recommended at this time that the Local Emergency remain in place to address conditions that may threaten the safety of residents and visitors to the City, to ensure staff and equipment costs may be recouped as allowed by law, and to continue the use of mutual aid as needed.

Legal Authority for Establishing a Curfew

The City exercised its authority to issue temporary curfew orders, because of the bona fide emergency and the need for the curfew orders to address that emergency. The City's declared state of emergency and the particularized facts that necessitated the temporary curfew orders were issued to protect the safety and welfare of the entire Culver City community. The temporary curfew orders issued by the Director of Emergency Services which ran from late afternoon or early evening until early morning are supported by a compelling government interest in providing for the safety of the community.

California courts have upheld the constitutionality of curfew orders. The City's curfew orders remained in effect only so long as the emergency conditions supporting such curfews remained in existence. Limiting looting and other criminal activity has been found to be a compelling government interest.

The City utilized its extensive notification system, including numerous social media platforms, Nixle, and email to notify the community and the media about the curfew; CCPD officers provided education about the curfew requirements when needed and made no arrests for violation of the City's curfew orders. These limited curfew orders were directed at addressing the substantial threat to the safety and welfare of the Culver City community and were reasonably related to this compelling government

interest.

Summary

Staff recommends the City Council ratify the local emergency proclaimed by the Director of Emergency Services on May 30, 2020, in response to the violence and threats of violence, and confirm the need for continuing this local emergency which shall be terminated at the earliest possible date that conditions warrant.

Further, staff recommends the City Council confirm the curfew orders issued by the Director of Emergency Services on May 30, May 31, June 1, June 2 and June 3.

FISCAL ANALYSIS

Culver City Municipal Code Sections 3.07.060.B and 3.09.040 enables for expenditures to be made in connection with emergency activities in the event of a locally declared emergency. It is unknown at this time the expenses related to this Local Emergency.

ATTACHMENTS

1. 2020-06-05_ATT_Proposed Resolution Ratifying Proclamation of Local Emergency
2. 2020-06-05_ATT_Proposed Resolution Confirming Public Orders 1-5

MOTION

That the City Council:

1. Adopt a Resolution ratifying the Proclamation of Local Emergency by the Director of Emergency Services of the City of Culver City, California, issued on May 30, 2020 related to the violence surrounding the protests and civil unrest after the tragic death of George Floyd and confirming the existence of such emergency; and
2. Adopt a Resolution confirming Orders Numbers 1-5 imposing curfews for the public safety in the City of Culver City.