

**LOS ANGELES POLICE DEPARTMENT
BOARD OF POLICE COMMISSIONERS
CITY OF LOS ANGELES
MINUTES**

REGULAR MEETING – TUESDAY, APRIL 6, 2004

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, April 6, 2004, at 9:54 a.m., in Room 146, Parker Center, Los Angeles. On calling the roll, the following members were present: Commissioners Cunningham III, Skobin, Ochi, and Saucedo. President Cunningham presiding. Commissioner Caruso was absent.

PRESENT: Sharon Papa, Acting Chief of Police
Dan Koenig, Executive Director
Mark Burton, Senior Assistant City Attorney
Myrna Braithwaite, Acting Commission Executive Assistant
Helen Ricks, Hearing Reporter
Troy Abordo, Sergeant-at-Arms

At this time, the Board presented a Certificate of Appreciation to James Casale who was responsible for the capture of a robbery suspect.

1. APPROVAL OF MINUTES FOR:

NONE.

At this time, Item No. 6-C was taken out of order.

**6-C. REVIEWED – APPROVED COMMISSION’S STAFF REPORT – FORWARD TO
MAYOR AND CITY COUNCIL FOR INFORMATIONAL PURPOSES**

REVIEW and APPROVE a Commission staff report on the New Burglary Alarm Policy and FORWARD that report to the Mayor and City Council for their information, as set forth.

[BPC #03-0481B]

The above matter was REVIEWED with Lieutenant Kirk, Commission Investigation Division, Deputy Mayor Yang, Councilmember Greuel, Second Council District, and Ms. Tso, Chief Legislative Analyst’s Office.

The following person addressed the Board:

George Gunning.

The public hearing was closed.

Commissioner Ochi moved, seconded by Commissioner Skobin, to APPROVE the above matter and FORWARD to the Mayor and City Council. Unanimously APPROVED.

2. REPORT OF CHIEF OF POLICE

Acting Chief Papa gave the Department's "weekly crimes year to date" statistical report for the period ending April 3, 2004.

Chief Papa also reported that there were currently 67 recruits in the Academy, one retirement, and three restorations last week.

3. COMMISSION BUSINESS

Commissioner Skobin announced that he had attended a press conference introducing the habitual DUI program.

Commissioner Skobin also attended the West Valley Area Consent Decree Meeting and held a Transportation/Traffic Committee meeting to discuss issues relative to Bandit Tow Operators.

Commissioner Ochi held a Discipline Review Task Force meeting and also requested that the matter of data sharing between the Department and Los Angeles County Human Relations regarding hate crimes, be agendized in the near future.

President Cunningham inquired as to when the City Attorney's Office would have a determination of the City's liability in housing employees in Parker Center. Mr. Burton stated that this matter is still being examined.

4. INFORMATION – FILED ITEMS

Information items on file, submitted for the period ending April 2, 2004.

RECEIVED and FILED.

5. CONSENT AGENDA ITEMS

Commissioner Skobin moved, seconded by Commissioner Saucedo, to APPROVE Item Nos. 5-A through 5-F. Unanimously APPROVED.

5-A. VARIANCE – RETROACTIVELY APPROVED

Retroactively APPROVE a request for variance to Los Angeles Municipal Code 41.40 from Southern California Gas Company to permit nighttime construction which began on Monday, March 8, 2004, from 7:00 p.m. to 5:00 a.m., Monday through Friday and is scheduled for completion on Friday, April 16, 2004, at the intersection of Aviation Boulevard and 104th Street, as set forth. [BPC #04-0094]

5-B. VARIANCE – RETROACTIVELY APPROVED

Retroactively APPROVE a request for variance to Los Angeles Municipal Code 41.40 from Southern California Gas Company to permit nighttime construction beginning on Monday, March 15, 2004 from 7:00 p.m. to 3:30 a.m., which was completed on Monday, March 22, 2004 at the intersection of Third and Spring Streets, as set forth. [BPC #04-0101]

5-C. VARIANCE – APPROVED

APPROVE a request for variance to Los Angeles Municipal Code 41.40 from Bureau of Street Services to permit nighttime construction beginning on Monday, March 22, 2004 from 9:00 p.m. to 7:00 a.m. and is scheduled for completion on Friday, April 16, 2004 for street resurfacing at Sunset Boulevard from Gower Street to Highland Avenue, as set forth. [BPC #04-0106]

5-D. VARIANCE – APPROVED

APPROVE a request for variance to Los Angeles Municipal Code 41.40 from Sprint Communication Company LP for early Saturday construction beginning on Saturday, March 20, 2004, from 6:00 a.m. to 6:00 p.m. and is scheduled for completion on Friday, December 31, 2004 for the work site located at 610 Wilshire Boulevard, as set forth. [BPC #04-0123]

5-E. VARIANCE – APPROVED

APPROVE a request for variance to Los Angeles Municipal Code 41.40 from MCI Telecommunication, Inc. to permit nighttime construction beginning on Tuesday, March 30, 2004 from 9:00 p.m. to 7:00 a.m. and is scheduled for completion on Saturday, May 29, 2004 to replace existing fiber optic cables at: [BPC #04-0124]

1. Spring Street and College Street, then continues southwest on Spring Street.
2. West on West Cesar Chavez Avenue, then continues southeast on North Broadway.
3. East on West First Street to the intersection of Spring Street and West First Street.
4. At the intersection of Spring Street and West First Street, then continues southwest on Spring Street.
5. Southeast on East Sixth Street then continues south on South Central Avenue to the intersection of East Seventh Street and South Central Avenue.

5-F. DONATION – APPROVED – TRANSMIT TO MAYOR AND CITY COUNCIL

APPROVE and TRANSMIT to the Mayor and the City Council, a donation in the total amount of \$390,000.00 from various Police Department Explorer POSTs and Juvenile Division, to be placed into the Police Department Trust Fund, as set forth. [BPC #04-0120]

6. REGULAR AGENDA ITEMS

At this time, Item No. 6-E was taken out of order.

6-E. REVIEWED – DEPARTMENT’S REPORT APPROVED

REVIEW and APPROVE the Department’s Front Desk Operations Audit, Third Quarter Fiscal Year 2003/2004, pursuant to Paragraph 124 of the Consent Decree, as set forth. [BPC #04-0122]

The above matter was REVIEWED with Mr. Chaleff, Consent Decree Bureau.

Commissioner Ochi moved, seconded by Commissioner Saucedo, to APPROVE the above matter. Unanimously APPROVED.

At this time, President Cunningham left the Boardroom and Vice President Skobin presided in the Chair.

6-A. RECEIVED AND FILED

RECEIVE and FILE the Inspector General’s Activity Report for the month of February 2004, as set forth. [BPC #04-0131]

6-B. APPROVED – CHIEF OF POLICE AUTHORIZED – TRANSMIT TO MAYOR AND CITY COUNCIL

APPROVE and TRANSMIT to the Mayor and City Council, the First Amendment to Supplemental Agreement No. C-103637 with Rosie Marcelo, d.b.a. Marcelo Consulting, which would extend this contract for an additional eight months, and AUTHORIZE the Chief of Police to execute this Amendment, as set forth. [BPC #04-0093]

Commissioner Saucedo moved, seconded by Commissioner Ochi, to APPROVE, AUTHORIZE, and TRANSMIT the above matter. Unanimously APPROVED.

6-D. REVIEWED - APPROVED

REVIEW and APPROVE the Department's Vehicle Pursuit Management Audit, Third Quarter Fiscal Year 2003/2004, pursuant to Paragraph 124 of the Consent Decree, as set forth.

[BPC #04-0118]

The above matter was REVIEWED with Mr. Chaleff, Consent Decree Bureau and Commander Maislin, Risk Management Group.

Commissioner Saucedo moved, seconded by Commissioner Ochi, to APPROVE the above matter. Unanimously APPROVED.

6-F. APPROVED – TRANSMIT TO MAYOR AND CITY COUNCIL

APPROVE and TRANSMIT to the Mayor and City Council, the Department's Request for Proposal regarding the Automated Photo Red Light Program, as set forth. [BPC #04-0107]

The above matter was DISCUSSED with Captain McCarthy, Special Operations Support Division.

Commissioner Saucedo moved, seconded by Commissioner Ochi, to APPROVE and TRANSMIT the above matter. Unanimously APPROVED.

6-G. REVIEWED - APPROVED

REVIEW and APPROVE the Department's Memorandum of Agreement (MOA) between the Los Angeles Police Department and Los Angeles Department of Transportation regarding bandit taxicab enforcement, which would establish and detail the responsibilities of each agency regarding the cash overtime funding of LAPD bandit taxicab enforcement details within the City of Los Angeles, as set forth. [BPC #04-0119]

The above matter was DISCUSSED with Commander Roupoli, Special Operations Bureau, Mr. Czyzyk, President, Board of Taxicab Commissioners, and Mr. Drischler, Taxicab Administrator, Department of Transportation.

Commissioner Ochi moved, seconded by Commissioner Saucedo, to APPROVE the above matter. Unanimously APPROVED.

6-H. REVIEWED - APPROVED

REVIEW and APPROVE the Inspector General's Non-Categorical Uses of Force Investigations Audit, pursuant to Paragraph 136 of the Consent Decree, as set forth. [BPC #04-0125]

The above matter was DISCUSSED with Assistant Inspector General Tefank and Mr. Chaleff, Consent Decree Bureau.

Commissioner Saucedo moved, seconded by Commissioner Ochi, to APPROVE the above matter. Unanimously APPROVED.

6-I. REVIEWED - APPROVED

REVIEW and APPROVE the Department's Audit of Gang Enforcement Detail Work Product, First Quarter Fiscal Year 2003/2004 and the Inspector General's analysis of this report, pursuant to Paragraph 135 of the Consent Decree, as set forth. [BPC #03-0450 and #03-450A]

Commissioner Saucedo moved, seconded by Commissioner Ochi, to APPROVE the above matter. Unanimously APPROVED.

6-J. REVIEWED - APPROVED

REVIEW and APPROVE the Department's Hunter-LaLey Consent Decree report, Third Quarter for deployment periods 7-9, June 29 through August 24, 2003 and Commission staff's analysis of this report, as set forth. [BPC #04-0095]

The above matter was DISCUSSED with Mr. Chaleff, Consent Decree Bureau.

Commissioner Saucedo moved, seconded by Commissioner Ochi, to APPROVE the above matter. Unanimously APPROVED.

6-K. REVIEWED - APPROVED

DISCUSS and APPROVE the monthly Consent Decree Status reports submitted by the:

1. Department [BPC #04-0137]
2. Office of the Inspector General [BPC #04-0137A]
3. Executive Director [BPC #04-0137B]

The above matter was DISCUSSED with Mr. Chaleff, Consent Decree Bureau, Assistant Inspector General Tefank, Mr. Romo, Police Commission, Policy Group, Executive Director Koenig, and Inspector General Birotte.

Commissioner Ochi moved, seconded by Commissioner Saucedo, to APPROVE the above matter. Unanimously APPROVED.

6-L. DISCUSSED – UPDATE GIVEN

UPDATE and DISCUSSION by the Department regarding the Fiscal Year 2003/2004 Budget and development of the Fiscal Year 2004/05 Budget, as set forth. [BPC #04-0136]

The above matter was DISCUSSED with Ms. Johnson, Fiscal and Technical Services Bureau.

6-M. ENTIRE MATTER CONTINUED TO APRIL 13, 2004

CONTINUED FROM 03/30/04

UPDATE and DISCUSSION by the Department regarding the New Police Headquarters Facility and the move to temporary quarters including:

1. APPROVE the Board's previous recommendation that the Department should be moved from its current location (150 North Los Angeles Street) as soon as possible due to the unsafe conditions of this building; and,
2. APPROVE the Board's previous recommendation that the New Police Headquarters Facility should be built in the same location as the current Police Administration Building.

6-N. APPROVED – TRANSMIT TO PUBLIC SAFETY COMMITTEE

APPROVE and TRANSMIT to the Public Safety Committee, as requested by Councilmember Zine, the Department's review of arrestee bed availability commensurate to a projected population increase, as set forth. [BPC #04-0121]

The above matter was DISCUSSED with Ms. Gennusa, Support Services Group.

Commissioner Ochi moved, seconded by Commissioner Saucedo, to APPROVE the above matter. Unanimously APPROVED.

7. PUBLIC COMMENT PERIOD

There being no public comment cards, the public hearing was closed.

At this time, Ms. Braithwaite announced that the Board would recess to Closed Session to discuss Item Nos. 8-A through 8-D, pursuant to the appropriate Government Code Sections.

At this time, President Cunningham entered the Boardroom and resumed the Chair.

8. CLOSED SESSION ITEMS

8-A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE – PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Review of Officer Involved Shootings and other personnel matters. Government Code Section 54957.

8A-1. **REVIEWED - ADOPTED**

1. OIS #020-03 Two Police Officers II

8A-2. **REVIEWED - ADOPTED**

2. OIS #023-03 Seven Police Officers III

8A-3. **REVIEWED - ADOPTED**

3. ACC #031-03 One Police Officer II

8A-4. **REVIEWED - ADOPTED**

4. LERI-HS #A011-03
One Detective III
One Detective II
One Police Officer III
Two Police Officers II

8A-5. **REVIEWED - ADOPTED**

5. ICD #A014-03

8A-6. **REVIEWED - ADOPTED**

6. K-9 #A012-03 One Police Officer III

8A-7. **REVIEWED - ADOPTED**

7. LERI #A015-03
Three Sergeant I
Two Police Officers III
Two Police Officers II

8-B. DISCUSSED – ENTIRE MATTER CONTINUED

CONFERENCE WITH LABOR NEGOTIATOR. Discussion and bargaining instructions to the Employee Relations Administrator regarding Meet and Confer procedure for Financial Disclosure, pursuant to paragraph 132 of the Consent Decree. Government Code Section 54957.6.

8-C. DISCUSSED – ENTIRE MATTER CONTINUED

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Discussion with legal counsel pertaining to the Hunter-LaLey Consent Decree, Case No. CV 92-1897. Government Code Section 54956.9.

8-D. DISCUSSED – ENTIRE MATTER CONTINUED TO APRIL 20, 2004

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code Section 54957.

1. Chief of Police
2. Executive Director
3. Inspector General

9. ADJOURNMENT

The Board reconvened in Open Session to announce its decision regarding matters considered in Closed Session.

A motion of adjournment at 1:35 p.m. was made by Commissioner Skobin, seconded by Commissioner Ochi. Unanimously ADOPTED.

ATTEST:

President

Board Secretary

NOTE: For more detailed information, a certified transcript of this meeting is included as part of the permanent record of these proceedings.