

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

REGULAR MEETING – TUESDAY, JUNE 22, 2004

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, June 22, 2004, at 9:51 a.m. in Room 146, Parker Center, Los Angeles. On calling the roll, the following members were present: Commissioners Cunningham III, Skobin, Alarcon, and Ochi. President Cunningham presiding. Commissioner Caruso was absent.

PRESENT: William J. Bratton, Chief of Police
Richard M. Tefank, Executive Director
Jim Axtell, Deputy City Attorney
Myrna Braithwaite, Commission Executive Assistant
Jill Bogle, Hearing Reporter
Officer Troy Abordo, Sergeant-at-Arms
Officer Deborah Nichols, Sergeant-at-Arms

1. APPROVAL OF MINUTES FOR:

- ? Regular Meeting February 17, 2004
- ? Regular Meeting June 8, 2004
- ? Special Meeting June 8, 2004

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

2. REPORT OF CHIEF OF POLICE

Chief Bratton gave the Department's "weekly crimes year to date" statistical report for the period ending June 19, 2004.

Chief Bratton announced that the Department has had nine jailor vacancies within the past few weeks. Assistant Chief Papa is currently preparing an impact status report and will report back when complete. Chief Bratton also stated that the Department currently has a jailor class scheduled however, it will be several months before they begin their training and are able to graduate.

3. COMMISSION BUSINESS

Commissioner Ochi requested that she'd like a "Report of the Executive Director" to be calendared on the next agenda. President Cunningham reported that the Board now has two separate items for the "Report of the Executive Director" and for the "Report of the Inspector General."

Commissioner Ochi announced that she had attended various community events, especially within the Asian Pacific Community. Commissioner Ochi stated that she had attended the Mayor's Asian Pacific Heritage Month dinner, Chinatown's Public Safety dinner where she was co-presented a commendation to Captain Blake Chow, with Assistant Chief McDonnell, and attended a Police Academy graduation.

Commissioner Ochi stated that she would like the Department to ensure that the Board is still kept "in the loop" regarding the Parker Center relocation issue.

Commissioner Ochi also stated that she would like the DNA Initiative to be calendared again and to extend an invitation to District Attorney Steve Cooley to discuss the State Initiative with the Board.

Commissioner Skobin requested Commission staff to report on the number of areas where Official Police Garage contracts have been executed and the timeframe for the other contracts which have not been completed.

Commissioner Skobin also requested a status report on the District Policing Pilot Program.

President Cunningham announced that the Police Commission's Community meeting on June 15, 2004 in Northridge was well attended.

President Cunningham also stated his disappointment that the Department will not be relocating out of Parker Center soon. President Cunningham reported that the City Council will be discussing the Parker Center relocation issue today.

4. INFORMATION – FILED ITEMS

Information items on file, submitted for the period ending June 18, 2004.

RECEIVED and FILED.

5. CONSENT AGENDA ITEMS

5-A. VARIANCE - APPROVED

APPROVE a request for variance to Los Angeles Municipal Code 41.40 from Kenny, Shea, Traylor, and Frontier-Kemper to permit nighttime construction from 11:00 p.m. to 7:00 a.m. beginning on Monday, June 21, 2004 and is scheduled for completion by Wednesday, July 14, 2004 for the work site located on South Trinity Street, south of East 23rd Street, as set forth.

[BPC #04-0410]

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

6. REGULAR AGENDA ITEMS

6-A. RECEIVED AND FILED

RECEIVE and FILE the Department's report relative to Grobeson, et al., v. City of Los Angeles – Fiscal Year 2002/2003 Compliance Report, as set forth. [BPC #04-0369]

6-B. REVIEWED - APPROVED

REVIEW and APPROVE the Department's Hunter-LaLey report for Deployment Periods 1 through 3, Fiscal Year 2003/2004, Department's Supplemental Report for this same period, and Police Commission Personnel Group's analysis of these reports, as set forth.

[BPC #04-0323, #04-0401, and #04-0323A]

This matter was REVIEWED with Mr. Chaleff, Consent Decree Bureau.

Commissioner Alarcon stated her concern that the Department did not have more women positioned in ranks that are Captains and above.

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

6-C. RECEIVED – ENTIRE MATTER CONTINUED

RECEIVE the Department's Categorical Use of Force Interim Audit report, Fourth Quarter Fiscal Year 2003/2004 and DIRECT the Office of the Inspector General to submit their analysis of this report along with any appropriate recommendations to the Board, pursuant to Paragraph 129 of the Consent Decree, as set forth. [BPC #04-0402]

This matter was RECEIVED. The Board DIRECTED the Office of the Inspector General to review the above matter and REPORT BACK with their analysis.

6-D. REVIEWED - APPROVED

REVIEW and APPROVE the Department's Discipline report First Quarter 2004 and the Inspector General's analysis of this report, pursuant to Paragraph 135 of the Consent Decree, as set forth. [BPC #04-0325 and #04-0325A]

This matter was REVIEWED with Mr. Chaleff, Consent Decree Bureau, Commander Lillo, Internal Affairs Group, and Inspector General Birotte.

Commissioner Skobin moved, seconded by Commissioner Alarcon, to APPROVE the above matter. Unanimously APPROVED.

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

6-M. APPROVED – TRANSMIT TO THE PUBLIC SAFETY COMMITTEE

APPROVE and TRANSMIT to the Public Safety Committee, Commission Investigation Division's report relative to illegal towing of vehicles from private property, as set forth.

This matter was DISCUSSED with Captain Merritt, Planning and Research Division and Detective Debellis, Commission Investigation Division.

Commissioner Skobin recommended clarification on page 6 of Commission Investigation Division's report referring to "reserves", the report should state that this would be referring to all levels of reserve officers.

Commissioner Skobin moved, seconded by Commissioner Alarcon, to APPROVE and TRANSMIT the above matter. Unanimously APPROVED.

6-E. REVIEWED – ENTIRE MATTER CONTINUED FOR 45 DAYS

REVIEW the Department's status report on Consent Decree related audit recommendations, First and Second Quarter, Fiscal Year 2003/2004 and DIRECT the Office of the Inspector General to submit their analysis of this status report along with any appropriate recommendations to the Board within 45 days, as set forth. [BPC #04-0404]

This matter was REVIEWED with Mr. Chaleff, Consent Decree Bureau.

The Board DIRECTED the Office of the Inspector General to review the above matter and REPORT BACK WITHIN 45 DAYS with their analysis.

6-F. RECEIVED AND FILED

RECEIVE and FILE Mayor Hahn's Executive Directive No. MO-2 which would preclude Commissioners from participating in City lease evaluations and shall not involve Commission subcommittees or individual Commissioner participation prior to consideration by the full Commission, as set forth [BPC #04-0411]

6-G. RECEIVED AND FILED

RECEIVE and FILE Mayor Hahn's Executive Directive No. MO-3 which states, "after a contract or lease has been approved by the full Commission, subsequent negotiations on terms or other criteria of that contract or lease involving individual Commissioners or Commission subcommittees should take place only pursuant to the direction of the full Commission in an open meeting format and properly noticed pursuant to the Ralph M. Brown Act," as set forth. [BPC #04-0412]

6-H. DISCUSSED

CONTINUED FROM 06/08/04

DISCUSSION and POSSIBLE BOARD ACTION of the Department's response to Board query regarding a comparison of DNA Analysis testing programs between LAPD and the Commonwealth of Virginia, as set forth. [BPC #04-0388]

This matter was DISCUSSED with Mr. Johnson and Mr. Matheson, Scientific Investigation Division.

6-I. REVIEWED – REVISED MEMORANDUM OF AGREEMENT APPROVED

CONTINUED FROM 06/08/04

REVIEW and APPROVE the Memorandum of Agreement between the Los Angeles County Commission on Human Relations and the Police Department to establish the responsibilities of each agency regarding the receipt of police reports for the purpose of analyzing Hate Crimes and Hate Incidents that occur in the City, as set forth. [BPC #04-0327]

This matter was REVIEWED with Captain Hall, Detective Services Division and Detective Betancourt, Hate Crimes Unit.

Commissioner Alarcon moved, seconded by Commissioner Ochi, to APPROVE the Revised Memorandum of Agreement, which referred to expansion of the Department's responsibilities in Paragraph 2. Unanimously APPROVED.

At this time, Item Nos. 6-J and 6-K were taken up concurrently.

6-J. REVIEWED – APPROVED – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 6-K)

CONTINUED FROM 05/18/04

REVIEW and APPROVE the Department's report regarding recruitment and staffing of police personnel due to the current hiring freeze, as set forth. [BPC #04-0297]

6-K. REVIEWED – ENTIRE MATTER CONTINUED – (SEE DETAILED MINUTES FOLLOWING)

REVIEW and APPROVE the Department's report regarding the implementation of a Recruitment Advisory Committee, as set forth. [BPC #04-0328]

The above matters were DISCUSSED with Captain Webb, Recruitment and Employment Division.

Commissioner Skobin moved, seconded by Commissioner Alarcon, to APPROVE Item No. 6-J and CONTINUE Item No. 6-K. Unanimously APPROVED.

6-L. DISCUSSED – ENTIRE MATTER CONTINUED TO JULY 13, 2004

CONTINUED FROM 03/16/04

DISCUSSION and POSSIBLE BOARD ACTION of Departmental response to Board query regarding Benefits available to Officers killed or seriously injured in the line of duty/off-duty, as set forth. [BPC #04-0403]

This matter was DISCUSSED with Mr. Brennan, Personnel Division.

The Board INSTRUCTED Executive Director Tefank to work with the Department and REPORT BACK with more acceptable modifications to the above matter.

ENTIRE MATTER CONTINUED TO JULY 13, 2004.

At this time, Item Nos. 6-N and 6-O were taken up concurrently.

6-N. APPROVED AS AMENDED – TRANSMIT TO THE PUBLIC SAFETY COMMITTEE – (SEE DETAILED MINUTES FOLLOWING)

APPROVE and TRANSMIT to the Public Safety Committee, the Department's progress report regarding Review of the Retaliation Investigation Process – Third Report, as set forth. [BPC #04-0416]

6-O. APPROVED AS AMENDED – TRANSMIT TO THE PUBLIC SAFETY COMMITTEE – (SEE DETAILED MINUTES FOLLOWING)

APPROVE and TRANSMIT to the Public Safety Committee, the Department's progress report regarding Review of the Retaliation Investigation Process – Fourth Report, as set forth. [BPC #04-0415]

The above matters were DISCUSSED with Commander Lillo, Internal Affairs Group.

Commissioner Skobin moved, seconded by Commissioner Alarcon, to AMEND and TRANSMIT the Department's reports with additional recommendations to include the Board in the debriefing and analysis process after settlements for further review by the Commission. Unanimously APPROVED.

6-P. DISCUSSED – AUTHORIZE TRANSPORTATION TASK FORCE TO ASSEMBLE A WORK GROUP - CONTINUED TO JULY 13, 2004

DISCUSSION and POSSIBLE BOARD ACTION authorizing Transportation Task Force to meet and discuss the 19th geographic area for Official Police Garage (OPG) contracts.

This matter was DISCUSSED in conjunction with Item No. 6-G.

The Board INSTRUCTED the City Attorney to REPORT BACK with an opinion regarding the Mayor's Executive Directive No. MO-3 and how it may affect the above matter.

Commissioner Skobin moved, seconded by Commissioner Alarcon, to AUTHORIZE the Transportation Task Force to meet and form a working group with Gary Minzer and other Detectives to address the 19th geographic area as well as other areas, and how the Department would handle OPG activities in these areas. Unanimously APPROVED.

CONTINUED TO JULY 13, 2004

7. PUBLIC COMMENT PERIOD

The following person addressed the Board on general issues:

Luis Navarro

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-E, pursuant to the appropriate Government Code Sections.

8. CLOSED SESSION ITEMS

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

8A-1. ADOPTED

1. LERI #A019-03 Three Police Officers II

8A-2. ADOPTED

2. OIS #042-03 Three Police Officers III
Six Police Officers II

8A-3. ADOPTED

3. OIS #045-03 Two Police Officers III
Three Police Officers II

8-B. DISCUSSED

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Discussion with legal counsel concerning Public Records Act request from the Los Angeles Times. Government Code Section 54956.9(b).

8-C. DISCUSSED – DIRECTION GIVEN

CONTINUED FROM 06/08/04

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.

The above matter was DISCUSSED with Mr. Chaleff, Consent Decree Bureau, Commander Perez, Employee Relations Group, Senior Assistant City Attorney Mr. Burton, and Deputy City Attorney Mr. Axtell.

8-D. DISCUSSED

CONTINUED FROM 06/15/04

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Annual Performance Evaluation for Inspector General. Government Code Section 54957.

The above matter was DISCUSSED with Inspector General Birotte.

8-E. NOT DISCUSSED

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code Section 54957.

1. Chief of Police
2. Executive Director
3. Inspector General
4. Commission Executive Assistant

9. REPORT OF THE EXECUTIVE DIRECTOR

10. REPORT OF THE INSPECTOR GENERAL

11. ADJOURNMENT

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

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A motion of adjournment at 1:53 p.m. was made by Commissioner Skobin, seconded by Commissioner Alarcon. 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.