

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

REGULAR MEETING – TUESDAY, JULY 13, 2004

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, July 13, 2004, at 10:00 a.m., in the Police Administration Building auditorium, 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
André Birotte, Jr., Inspector General
Mark Burton, Senior Assistant City Attorney
Julie Valenzuela, Commission Executive Assistant
Jill Bogle, Hearing Reporter
Officer Troy Abordo, Sergeant-at-Arms
Officer Deborah Nichols, Sergeant-at-Arms
Detective Tom Butler, Sergeant-at-Arms
Officer Jose Ceja, Sergeant-at-Arms
Officer Ernesto Vicencio, Sergeant-at-Arms
Detective Aaron Bankhead, Sergeant-at-Arms
Detective Kimberly Brunson, Sergeant-at-Arms

At this time, President Cunningham gave a brief Police Commission update regarding the Miller Use of Force Incident.

1. APPROVAL OF MINUTES FOR:

- ? Regular Meeting June 15, 2004
- ? Special Meeting June 15, 2004
- ? Regular Meeting June 22, 2004

Commissioner Ochi moved, seconded by Commissioner Alarcon, to APPROVE the above-mentioned minutes. 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 July 10, 2004.

Chief Bratton reported that the next recruit class was scheduled for early fall 2004.

Commander Lillo, Internal Affairs Group gave a status update on the Miller Use of Force Incident.

The following persons addressed the Commission:

Najee Ali and Page Miller.

The public hearing was closed.

3. COMMISSION BUSINESS

Commissioner Alarcon reported that she had attended the Jack Webb Awards Banquet with Commissioners Ochi and Skobin.

Commissioner Alarcon also reported that she had a personalized Use of Force training session at Granada Hills.

Commissioner Alarcon thanked Chief Bratton for being responsible and pro-active with the Miller Use of Force Incident. She also thanked President Cunningham.

Commissioner Skobin attended a meeting of the Mayor's Commission on June 30, 2004.

Commissioners Skobin, Alarcon, and Caruso attended a presentation for the S.W.A.T. Team.

Commissioner Ochi announced that she attended various Community Outreach meetings

Commissioner Ochi has also been appointed by the International Association of Chiefs of Police (IACP) to the IACP Forensics Commission. She stated that the IACP Convention will be held in November 2004.

Commissioner Ochi requested an update from the Chief of Police regarding the relocation of DARE Officers to the Mental Health Task Force Unit.

Commissioner Ochi also stated that she would like the Board to extend an invitation to District Attorney Cooley for presentation of the State's DNA Felony Database.

4. REPORT OF THE EXECUTIVE DIRECTOR

None.

5. REPORT OF THE INSPECTOR GENERAL

Inspector General Birotte gave a status update on the Miller Use of Force Incident.

The following persons addressed the Commission:

Bishop Warren Williams, Malik Spellman, Tessa Maria Maxwell, and David Sherrill.

The public hearing was closed.

6. INFORMATION – FILED ITEMS

Information items on file, submitted for the period ending July 9, 2004.

RECEIVED and FILED.

7. CONSENT AGENDA ITEMS

Commissioner Ochi moved, seconded by Commissioner Alarcon, to APPROVE Item Nos. 7-A through 7-H. Unanimously APPROVED.

7-A. DONATION – APPROVED – TRANSMIT TO MAYOR AND CITY COUNCIL

APPROVE and TRANSMIT to the Mayor and City Council, a donation of various computer and camera equipment valued at \$12,795.00 from the Los Angeles Police Southeast Explorer Post 911 to the Southeast Area to assist with the Weed and Seed Grant Program, as set forth.

[BPC #04-0426]

7-B. DONATION - APPROVED

APPROVE a donation of car wash vouchers valued at \$772.72 from Mr. Stew Peterson, owner of a Mobile Gas Station to be used by the West Valley Area in order to maintain their police vehicles during the months of October through December 2003, as set forth. [BPC #04-0427]

7-C. DONATION - APPROVED

APPROVE a donation of car wash vouchers valued at \$688.85 from Mr. Stew Peterson, owner of a Mobile Gas Station to be used by the West Valley Area in order to maintain their police vehicles during the months of January through March 2004, as set forth. [BPC #04-0428]

7-D. DONATION - APPROVED

APPROVE a donation of various video equipment valued at \$7,495.00 from Southeast Explorer Post 911 to the Southeast Area to assist with the Weed and Seed Grant Program, as set forth.

[BPC #04-0432]

7-E. DONATION - APPROVED

APPROVE a monetary donation in the amount of \$1,000.00 from Mr. Moo Han Bae to the Special Operations Support Division to subscribe for the use of Teletrac equipment, as set forth.

[BPC #04-0429]

7-F. DONATION – RETROACTIVELY APPROVED

Retroactively APPROVE a monetary donation in the amount of \$649.00 from the Parker Foundation to assist with travel expenses for an employee to attend the AELE Workshop on Discipline and Internal Investigations for Law Enforcement, Public Safety, as set forth.

[BPC #04-0430]

7-G. DONATION – RETROACTIVELY APPROVED

Retroactively APPROVE a monetary donation in the amount of \$1,174.50 from the Los Angeles Police Equestrian Fund to assist with travel expenses for three employees to visit the New York Police Department's Mounted Unit to obtain information regarding their training, operations, and crowd control techniques, as set forth.

[BPC #04-0431]

7-H. FIREARMS/AMMUNITION SALES POLICE PERMIT - APPROVED

REVIEW and APPROVE an application for Firearms/Ammunition Sales Police Permit from Mr. Thomas W. Andersen, as set forth.

[BPC #04-0445]

8. REGULAR AGENDA ITEMS

8-A. RECEIVED AND FILED

RECEIVE and FILE the Chief's Activity Report for the month of April 2004, as set forth.

[BPC #04-0423]

The above matter was REVIEWED. President Cunningham INSTRUCTED Executive Director Tefank to compose a letter on behalf of the Board, to the City Administrative Officer, requesting a backfill of positions that were lifted from the hiring freeze and for funding to cover costs to fill these positions.

8-B. RECEIVED AND FILED

RECEIVE and FILE the Inspector General's Activity Report for the month of May 2004, as set forth.

[BPC #04-0420]

8-C. REVIEWED – CONTINUED TO JULY 20, 2004

REVIEW and APPROVE the Department's status report on Consent Decree related audit recommendations, Fourth Quarter 2003, pursuant to Paragraph 154 of the Consent Decree, as set forth.

[BPC #03-0569]

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

The Board INSTRUCTED the Department to REPORT BACK relative to the deficiencies highlighted in this report – ENTIRE MATTER CONTINUED TO JULY 20, 2004.

8-D. DISCUSSED – UPDATE GIVEN

DISCUSSION and UPDATE by the Department regarding the Fiscal Year 2003/2004 Budget and development of the Fiscal Year 2004/2005 Budget.

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

Ms. Johnson indicated that this item should be corrected to reflect and update by the Department regarding Fiscal Year 2004/2005 Budget and development of the Fiscal Year 2005/2006 Budget.

At this time, Item Nos. 8-E and 8-F were taken up together.

**8-E. APPROVED – AUTHORIZED CHIEF OF POLICE - TRANSMIT TO MAYOR –
(SEE DETAILED MINUTES FOLLOWING ITEM NO. 8-F)**

APPROVE and TRANSMIT to the Mayor, the Department's sole source professional services contract between the City and J. David Wheat, Jr., DVM to provide equine veterinary services and AUTHORIZE the Chief of Police to execute this contract, as set forth. [BPC #04-0433]

**8-F. RETROACTIVELY APPROVED – TRANSMIT TO MAYOR AND CITY
COUNCIL**

Retroactively APPROVE and TRANSMIT to the Mayor and City Council, the Department's report regarding a sixth year grant application and award for the Bulletproof Vest Partnership Program, as set forth. [BPC #04-0435]

Commissioner Ochi moved, seconded by Commissioner Alarcon, to APPROVE, AUTHORIZE, and TRANSMIT Item No. 8-E and Retroactively APPROVE and TRANSMIT Item No. 8-F. Unanimously APPROVED.

**8-G. APPROVED – AUTHORIZE THE CHIEF OF POLICE – TRANSMIT TO
MAYOR AND CITY COUNCIL**

APPROVE and TRANSMIT to the Mayor and City Council, a Memorandum of Understanding (MOU) for Fiscal Year (FY) 2004/2005 between the Department and the Los Angeles County Department of Probation and AUTHORIZE the Chief of Police to accept \$231,000.00 in grant funding and execute this MOU, subject to the approval of the City Attorney for form and legality, as set forth. [BPC #04-0446]

The above matter was REVIEWED with Captain Buck, Juvenile Division.

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

8-H. RECEIVED AND FILED – (SEE DETAILED MINUTES FOLLOWING ITEM 8-I)

RECEIVE and FILE the Department's update regarding the Annual Audit Plan for Fiscal Year 2003/2004, as set forth. [BPC #04-0413]

8-I. APPROVED

REVIEW and APPROVE the Department's Revised Annual Audit Plan for Fiscal Year 2004/2005, as set forth. [BPC #04-0362A]

Commissioner Alarcon moved, seconded by Commissioner Ochi, to RECEIVE and FILE Item No. 8-H and APPROVE Item No. 8-I. Unanimously APPROVED.

8-J. REVIEWED - APPROVED

REVIEW and APPROVE the Department's Internet Access Audit, Fourth Quarter Fiscal Year 2003/2004, as set forth. [BPC #04-0414]

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

The Board DIRECTED the Department to REPORT BACK with a follow up on how Department audits and/or complaints are being dealt with.

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

8-K. REVIEWED – APPROVED

CONTINUED FROM 06/22/04

REVIEW and APPROVE the revised version of the Office of the Inspector General's review of the Department's Quarterly Discipline report, First Quarter 2004, as set forth. [BPC #04-0325B]

The above matter was REVIEWED with Inspector General Birotte.

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

Item Nos. 8-L thru 8-N and 8-P thru 8-V were taken up together.

8-L. RECEIVED DEPARTMENT'S AUDIT – OIG DIRECTED TO SUBMIT AN ANALYSIS OF THIS AUDIT – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 8-V)

RECEIVE the Department's Supplemental Audit of Arrest, Booking, and Charging reports, Fourth Quarter Fiscal Year 2003/2004, pursuant to Paragraph 128 of the Consent Decree and the Annual Audit Plan for Fiscal Year 2003/2004, and DIRECT the Office of the Inspector General (OIG) to submit an analysis of this report along with any appropriate recommendations to the Board, as set forth. [BPC #04-0141B]

8-M. RECEIVED DEPARTMENT'S AUDIT – OIG DIRECTED TO SUBMIT AN ANALYSIS OF THIS AUDIT – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 8-V)

RECEIVE a correction to the Department's Complaint Investigations Audit, Third Quarter Fiscal Year 2003/2004, pursuant to Paragraph 129 of the Consent Decree and the Annual Audit Plan for Fiscal Year 2003/2004, and DIRECT the Office of the Inspector General (OIG) to submit an analysis of this report along with any appropriate recommendations to the Board, as set forth. [BPC #04-0143A]

8-N. APPROVED - (SEE DETAILED MINUTES FOLLOWING ITEM NO. 8-V)

REVIEW and APPROVE the Department's Audit of Secret Service Funds, pursuant to Annual Audit Plan for Fiscal Year 2003/2004, as set forth. [BPC #04-0441]

8-P. RECEIVED DEPARTMENT'S AUDIT – OIG DIRECTED TO SUBMIT AN ANALYSIS OF THIS AUDIT – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 8-V)

RECEIVE the Department's Motor Vehicle and Pedestrian Stop Data Collection Audit, Fourth Quarter Fiscal Year 2003/2004, pursuant to Paragraph 128 and the Annual Audit Plan for Fiscal Year 2003/2004 and DIRECT the Office of the Inspector General (OIG) to submit an analysis of this report along with any appropriate recommendations to the Board, as set forth. [BPC #04-0444]

8-Q. RECEIVED DEPARTMENT'S AUDIT – OIG DIRECTED TO SUBMIT AN ANALYSIS OF THIS AUDIT – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 8-V)

RECEIVE the Department's Supplemental Gang Enforcement Detail Non-Categorical Use of Force Reports Audit, Fourth Quarter Fiscal Year 2003/2004, pursuant to Paragraph 131(c) of the Consent Decree and the Annual Audit Plan for Fiscal Year 2003/2004, and DIRECT the Office of the Inspector General (OIG) to submit an analysis of this report along with any appropriate recommendations to the Board, as set forth. [BPC #04-0439]

8-R. RECEIVED DEPARTMENT'S AUDIT – OIG DIRECTED TO SUBMIT AN ANALYSIS OF THIS AUDIT – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 8-V)

RECEIVE the Department's Audit of Training for Gang Enforcement Details, pursuant to Paragraph 106(a) and the Annual Audit Plan for Fiscal Year 2003/2004, and DIRECT the Office of the Inspector General (OIG) to submit an analysis of this report along with any appropriate recommendations to the Board, as set forth. [BPC #04-0440]

8-S. RECEIVED DEPARTMENT'S AUDIT – OIG DIRECTED TO SUBMIT AN ANALYSIS OF THIS AUDIT – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 8-V)

RECEIVE the Department's Gang Enforcement Detail Section Criteria Audit, pursuant to Paragraphs 106 and 107 of the Consent Decree and DIRECT the Office of the Inspector General (OIG) to submit an analysis of this report along with any appropriate recommendations to the Board, as set forth. [BPC #04-0442]

8-T. RECEIVED DEPARTMENT'S AUDIT – OIG DIRECTED TO SUBMIT AN ANALYSIS OF THIS AUDIT – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 8-V)

RECEIVE the Department's Supplemental Gang Enforcement Detail Warrant Applications and Supporting Affidavits Work Product Audit, Fourth Quarter Fiscal Year 2003/2004, pursuant to Paragraph 131(c) of the Consent Decree and DIRECT the Office of the Inspector General (OIG) to submit an analysis of this report along with any appropriate recommendations to the Board, as set forth. [BPC #04-0438]

8-U. RECEIVED DEPARTMENT'S AUDIT – OIG DIRECTED TO SUBMIT AN ANALYSIS OF THIS AUDIT – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 8-V)

RECEIVE the Department's Audit of Gang Enforcement Detail Work Product, Fourth Quarter Fiscal Year 2003/2004, pursuant to Paragraph 131(a) of the Consent Decree and DIRECT the Office of the Inspector General (OIG) to submit an analysis of this report along with any appropriate recommendations to the Board, as set forth. [BPC #04-0437]

8-V. RECEIVED DEPARTMENT'S AUDIT – OIG DIRECTED TO SUBMIT AN ANALYSIS OF THIS AUDIT – (SEE DETAILED MINUTES FOLLOWING)

RECEIVE the Department's Supplemental Audit of Gang Enforcement Detail Work Product, First Quarter Fiscal Year 2003/2004, which is being reported during the Fourth Quarter Fiscal Year 2003/2004, pursuant to Paragraph 131(a) of the Consent Decree and DIRECT the Office of the Inspector General (OIG) to submit an analysis of this report along with any appropriate recommendations to the Board, pursuant to Paragraph 135 of the Consent Decree, as set forth. [BPC #04-0437A]

The above matters were DISCUSSED with Mr. Chaleff, Consent Decree Bureau and Inspector General Birotte.

Commissioner Skobin moved, seconded by Commissioner Alarcon, to APPROVE Item No. 8-N and to RECEIVE the Department's audits and DIRECT the Office of the Inspector General (OIG) to review the audits attached to Item Nos. 8-L, 8-M, and 8-P thru 8-V. Unanimously APPROVED.

8-O. ENTIRE MATTER WITHDRAWN – CONTINUED TO JULY 20, 2004

RECEIVE the Department's Confidential Informant Control Packages Audit, Fourth Quarter Fiscal Year 2003/2004, pursuant to Paragraphs 108, 109, 128, and 131 of the Consent Decree and the Annual Audit Plan for Fiscal Year 2003/2004, and DIRECT the Office of the Inspector General (OIG) to submit an analysis of this report along with any appropriate recommendations to the Board, as set forth. [BPC #04-0443]

At this time, Item No. 8-X was taken out of order.

8-X. DISCUSSED – APPROVED – (SEE DETAILED MINUTES FOLLOWING)

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

1. Office of the Inspector General [BPC #04-0448]
2. Executive Director [BPC #04-0448A]

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

Commissioner Alarcon moved, seconded by Commissioner Skobin, to APPROVE the above matter and a supplemental report from the Department. Unanimously APPROVED.

8-W. APPROVED – TRANSMIT TO PUBLIC SAFETY COMMITTEE

APPROVE and TRANSMIT to the Public Safety Committee, the Department's progress report regarding Review of the Retaliation Investigation Process – Fifth Report, as set forth. [BPC #04-0454]

The above matter was DISCUSSED with Commander Lillo, Internal Affairs Group.

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

8-Y. APPROVED – TRANSMIT TO CITY COUNCIL

CONTINUED FROM 06/08/04

APPROVE and TRANSMIT to the City Council, the Department's Singapore Airlines After-Action report in response to City Council Motion (Weiss) presented on May 11, 2004, as set forth. [BPC #04-0436]

The above matter was REVIEWED with Captain Bower, LAX Field Services Division.

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

8-Z. NOT DISCUSSED – ENTIRE MATTER CONTINUED TO AUGUST 3, 2004

CONTINUED FROM 06/22/04

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 #04-0403A]

8-AA. NOT DISCUSSED – CONTINUED TO AUGUST 3, 2004

APPROVE and TRANSMIT to the Public Safety Committee, the Department's report regarding a proposed Ordinance Amending Section 42.15 of the Los Angeles Municipal Code regulating public expression activities on the Venice Beach Boardwalk, as set forth. [BPC #04-0434]

8-BB. NOT DISCUSSED – ENTIRE MATTER CONTINUED TO JULY 20, 2004

DISCUSSION and POSSIBLE BOARD ACTION regarding the Board of Inquiry report and Executive Summary on the in-custody death of Mr. Eugene Yamabe, as set forth. [BPC #04-0447]

9. PUBLIC COMMENT PERIOD

None. The public hearing was closed.

Ms. Valenzuela announced that the Board would recess to Closed Session to discuss Item Nos. 10-A through 10-D, pursuant to the appropriate Government Code Sections.

10. CLOSED SESSION ITEMS

10-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.

10A-1. ADOPTED

1. OIS #039-03 One Sergeant II
 One Police Officer III
 One Police Officer II

10A-2. ADOPTED

2. ACC #044-03 One Police Officer II

10A-3. ADOPTED

3. A-D #040-03 Two Police Officers II

10A-4. ADOPTED

4. A-D #043-03 Two Police Officers II

10A-5. ADOPTED

5. A-D #059-03 One Sergeant I

10-B. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE – PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Review of Officer Involved Shootings, Law Enforcement Related Injury, and other personnel matters, in compliance with Paragraph 67 of the Consent Decree. Government Code Section 54957.

10B-1. ADOPTED

1. OIS #046-03

10B-2. ADOPTED

2. LERI #A031-03

10B-3. ADOPTED

3. OIS #050-03

10-C. NOT DISCUSSED

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE – PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Update and discussion regarding Complaint File No. 01-1582. Government Code Section 54957.

10-D. DISCUSSED

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code Section 54957.

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

11. ADJOURNMENT

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

A motion of adjournment at 1:13 p.m. was made by Commissioner Ochi, 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.