

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

REGULAR MEETING – TUESDAY, JULY 20, 2004

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, July 20, 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: Jim McDonnell, Acting Chief of Police
Richard M. Tefank, Executive Director
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

1. ELECTION OF OFFICERS FOR FISCAL YEAR 2004/2005

Commissioner Alarcon moved, seconded by Commissioner Skobin, to elect Commissioner Cunningham to the post of President to the Board of Police Commissioners. Unanimously APPROVED.

President Cunningham moved, seconded by Commissioner Alarcon, to elect Commissioner Skobin to the post of Vice President to the Board of Police Commissioners. Unanimously APPROVED.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

2. APPROVAL OF MINUTES – NONE.

3. REPORT OF THE CHIEF OF POLICE

Assistant Chief McDonnell gave the Department's "weekly crimes year to date" statistical report for the period ending July 17, 2004.

Assistant Chief McDonnell stated that the Department attended an executive session regarding gang issues at the University of Southern California campus last week. Assistant Chief McDonnell also stated that there were law enforcement agency leaders from all over the country at this conference.

Assistant Chief McDonnell announced that the Department has 9,154 sworn officers at this time.

Assistant Chief McDonnell also reported that he attended a panel discussion at the Japanese-American Museum in Little Tokyo last week. The presentation focused primarily on 9-11. Chief Bammatre, Fire Department and Council President Alex Padilla were also in attendance.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

4. REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Tefank reported that he would be submitting the Policy Initiatives for approval on the Police Commission agenda of August 3, 2004.

Commissioner Skobin INSTRUCTED Executive Director Tefank to rephrase Number 4 of the Policy Initiatives to read, "Review the current Board of Rights process to determine the most appropriate methods, policies, and procedures to impose discipline."

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

5. REPORT OF THE INSPECTOR GENERAL

Inspector General Birotte announced that his office had hired three additional staff members that would begin in August. An Assistant Inspector General and two Special Investigators.

Inspector General Birotte also announced that Detective III Tyler Izen would be leaving the Office of the Inspector General to join the Department's Force Investigation Division.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

6. COMMISSION BUSINESS

Commissioner Ochi announced that she would be participating in the Chief's Asian Pacific American Advisory Committee.

Commissioner Ochi also announced that as a member of the International Association of Chiefs of Police (IACP) Civil Rights Committee, an individual officer whom she nominated had been selected to receive this award at the IACP Convention in November.

Commissioner Skobin announced that he had attended a two-day program on weapons and mass destruction.

Commissioner Skobin also attended a fundraiser for Devonshire PALS.

Commissioner Alarcon announced that she had attended a Day of Dialogue in the North East Valley.

President Cunningham INSTRUCTED Executive Director Tefank to create a calendar of events for a three month period consisting of relevant Department sponsored seminars, training, and Inter-Departmental activities. President Cunningham also INSTRUCTED Commission staff to distribute this three-month calendar to all Commissioners.

President Cunningham DIRECTED the Department to ensure that from this point forward, all Special Orders have a designated "Commission Approval" line which can be either date stamped or for signature.

Commissioner Skobin INSTRUCTED the Board Secretary to add prisoner booking procedures and policies, and jail procedures and policies to the Pending Projects list.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

7. INFORMATION – FILED ITEMS

Information items on file, submitted for the period ending July 16, 2004.

RECEIVED and FILED.

8. CONSENT AGENDA ITEMS

Commissioner Alarcon moved, seconded by Commissioner Ochi, to APPROVE Item Nos. 8-A through 8-F. Unanimously APPROVED.

8-A. VARIANCE – RETROACTIVELY APPROVED

Retroactively APPROVE a request for variance to Los Angeles Municipal Code 41.40 from CST Environmental Inc. to permit nighttime construction that will begin on Saturday, July 17, 2004 from 3:00 p.m. to 10:00 p.m. and will be completed on Sunday, July 18, 2004, at the work located at 2049 Century Park East and 2000 Avenue of the Stars in the City of Los Angeles, as set forth. [BPC #04-0463]

8-B. VARIANCE – RETROACTIVELY APPROVED

Retroactively APPROVE a request for variance to Los Angeles Municipal Code 41.40 from Southwest Pipeline and Trenchless Corp. to permit nighttime construction which began on Tuesday, July 6, 2004 from 9:00 p.m. to 7:00 a.m. and will be completed by Friday, October 15, 2004, for various work sites which will begin at Genesee Avenue and Olympic Boulevard and will proceed west, as set forth. [BPC #04-0464]

8-C. VARIANCE – RETROACTIVELY APPROVED

Retroactively APPROVE a request for variance to Los Angeles Municipal Code 41.40 from Department of Water and Power to permit nighttime construction which began on Saturday, July 10, 2004 from 12:00 a.m. to 8:00 a.m. only, for work located at 510 South Spring Street, as set forth. [BPC #04-0465]

8-D. DONATION – APPROVED AND TRANSMIT TO MAYOR AND CITY COUNCIL

APPROVE and TRANSMIT to the Mayor and City Council, a donation of various computer equipment valued at \$13,544.40 from Mr. David Sapperstein to Air Support Division, as set forth. [BPC #04-0462]

8-E. DONATION – APPROVED

APPROVE a monetary donation in the amount of \$310.00 from Mr. C. Thomas Hebert to the West Los Angeles Police and Community Together (PACT) Program, as set forth. [BPC #04-0460]

8-F. DONATION – APPROVED

APPROVE a donation of three Sony digital cameras valued at \$1,350.00 from Supporters of Law Enforcement In Devonshire (S.O.L.I.D.) to be used by Devonshire personnel, as set forth.

[BPC #04-0461]

9. REGULAR AGENDA ITEMS

9-A. DISCUSSED – ENTIRE MATTER CONTINUED FOR 60 DAYS

DISCUSSION and POSSIBLE BOARD ACTION on the Executive Director's status report regarding Review of the Board of Rights Process, as set forth.

The above matter was DISCUSSED with Executive Director Tefank.

The Board DIRECTED Executive Director Tefank to REPORT BACK IN 60 DAYS with modifications to the above matter.

9-B. PRESENTATION GIVEN

PRESENTATION and DISCUSSION regarding the Department's intake of public complaints.

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

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

9-C. REVIEWED - APPROVED

REVIEW and APPROVE the Department's Audit of Initiation of Complaints, First Quarter Fiscal Year 2003/2004, pursuant to Paragraph 74 of the Consent Decree and the Annual Audit Plan for Fiscal Year 2003/2004, and the Inspector General's Review of this audit, as set forth.

[BPC #04-0042 and #04-0042A]

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

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

Commissioner Skobin moved, seconded by Commissioner Ochi, to APPROVE the Inspector General's recommendation except for Recommendation No. 1 and the Department's recommendations except for Recommendation No. 4 and DIRECT the Department to report back with further analysis of logging and documentation issues. Unanimously APPROVED.

9-D. **APPROVED**

CONTINUED FROM 07/13/04

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]

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

9-E. **DISCUSSED**

UPDATE, DISCUSSION, and POSSIBLE BOARD ACTION regarding the New Police Headquarters Facility and move to temporary quarters.

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

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

Retroactively APPROVE and TRANSMIT to the Mayor and City Council, the Department's standard agreement form for a \$45,000.00 grant application for the Coverdell Forensic Science Improvement Act – Training Program, as set forth. [BPC #04-0468]

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

At this time, Item 9-H was taken out of order.

9-H. **DISCUSSED – APPROVED AS AMENDED**

REVIEW and APPROVE the Department's request for additional funding of \$10,000.00 for ~~the continuance of~~ **past services rendered** to the Facilitator's (Ed Edelman) contract for the Regional Crime Laboratory Facility Project, as set forth. [BPC #04-0459]

The above matter was DISCUSSED with Mr. Johnson, Scientific Investigation Division.

Commissioner Ochi STATED that the authorization for funding is for **past services rendered**.

Commissioner Ochi moved, seconded by Commissioner Alarcon, to AMEND the contract with the above change noted. Unanimously APPROVED.

9-G. REVIEWED - APPROVED

REVIEW and APPROVE the Department's Revised reporting procedure for Confidential Audit Division Findings, as set forth. [BPC #04-0168A]

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

The Board INSTRUCTED the Department to ensure the President of the Police Commission receives direct notification from the Department.

Commissioner Skobin moved, seconded by Commissioner Alarcon, to APPROVE the revised report, as modified. Unanimously APPROVED.

At this time, Item 9-L was taken out of order.

9-L. RECEIVED DEPARTMENT'S REPORT – OFFICE OF THE INSPECTOR GENERAL DIRECTED TO SUBMIT REVIEW OF DEPARTMENT'S REPORT

RECEIVE the Department's Mental Illness Audit, pursuant to Paragraph 113 of the Consent Decree, and DIRECT the Office of the Inspector General to submit an analysis of this report along with any appropriate recommendations to the Board, as set forth. [BPC #04-0471]

This matter was DISCUSSED with Commander Ward, Detective Services Group and Mr. Chaleff, Consent Decree Bureau.

At this time, Item Nos. 9-K and 9-M were taken up together.

9-K. APPROVED – TRANSMIT TO THE PUBLIC SAFETY COMMITTEE – (SEE DETAILED MINUTES FOLLOWING ITEM 9-M)

APPROVE and TRANSMIT to the Public Safety Committee, the Department's monthly status report on Consent Decree Gang Unit Compliance issues, pursuant to Paragraph 106(h) of the Consent Decree, as set forth. [BPC #04-0469]

9-M. APPROVED – TRANSMIT TO THE PUBLIC SAFETY COMMITTEE – (SEE DETAILED MINUTES FOLLOWING)

APPROVE and TRANSMIT to the Public Safety Committee, the Department's Consent Decree Enforcement Detail status report, as set forth. [BPC #04-0476]

The above matters were DISCUSSED with Mr. Chaleff, Consent Decree Bureau and Commander Roupoli, Special Operations Bureau.

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

9-J. VERBAL UPDATE GIVEN

Verbal update regarding the status of the 18 Official Police Garage contracts.

This matter was DISCUSSED with Ms. Gonzales-Kimbrough, Deputy City Attorney.

9-I. DISCUSSED – ENTIRE MATTER CONTINUED INDEFINITELY

APPROVE and TRANSMIT to the Public Safety Committee, the Department's fact sheet for proposed changes to Special Order 1, 2003, as set forth. [BPC #04-0456]

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

Commander Lillo stated that the modifications would take approximately 6 months to one year for completion.

The Board DIRECTED the Department to modify the Special Order as follows:

- Item H – Keep current practice
 - Item 2B – Balance on framing allegations
 - Item 3A – No preliminary adjudication before thorough investigation
 - Item 3G – Expansion of Other Judicial Review
- Outline all changes when modified and redline.

The Board INSTRUCTED the Office of the Inspector General to submit an analysis when the modification is complete.

ENTIRE MATTER CONTINUED INDEFINITELY – Department INSTRUCTED to provide an update in October 2004.

10. PUBLIC COMMENT PERIOD

The following persons addressed the Board on general matters:

Tut Hayes, Mr. Lopez, Ignacio Saavedra, and Bill Murray.

The public hearing was closed.

11. CLOSED SESSION ITEMS

The following person addressed the Board relative to Item 11-C:

Tut Hayes.

The public hearing was closed.

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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.