

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

REGULAR MEETING – TUESDAY, AUGUST 3, 2004

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, August 3, 2004, at 12:23 p.m., in Room 146, Parker Center, Los Angeles. On calling the roll, the following members were present: Commissioners Cunningham III, Skobin, Caruso, and Ochi. President Cunningham presiding. Commissioner Alarcon was absent.

PRESENT: William J. Bratton, Chief of Police
Richard M. Tefank, Executive Director
Jim Axtell, Deputy City Attorney
Julie Valenzuela, Commission Executive Assistant
Jill Bogle, Hearing Reporter
Officer Troy Abordo, Sergeant-at-Arms
Detective Tom Butler, Sergeant-at-Arms
Detective Ben Jones, Sergeant-at-Arms

1. APPROVAL OF MINUTES FOR:

- Regular Meeting April 20, 2004
- Special Meeting July 22, 2004

Commissioner Caruso moved, seconded by Commissioner Skobin, 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 July 31, 2004.

Chief Bratton announced that today was National Night Out and that there will be community events in all 18 areas throughout the City. Chief Bratton stated that he will first attend an event in Hollywood, then join the Mayor and other Board members at the Police Museum for an event at 6:30p.m.

Chief Bratton stated that the Department will meet the sixty day requirement which has been placed on the Southeast Use of Force Incident investigation. Chief Bratton also stated that he will be meeting with John Mack and the Mayor's Committee tomorrow.

In response to a Board request, Chief Bratton stated that the Department will be giving a presentation in the next two weeks regarding a National study that is currently being done on the use of flashlights and other tools by police officers. Chief Bratton stated that the Department will be replacing the current flashlights with a smaller, palm-size version which is five times more powerful than the current standard size flashlight.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

3. COMMISSION BUSINESS

Commissioner Ochi attended the Chief's meeting with the Asian Pacific American Community.

Commissioner Ochi held an Hate Crimes Task Force Meeting with the Department relative to revamping the Hate Crimes curriculum.

Commissioner Ochi also held a meeting with Assistant Chief Papa and the Little Tokyo Community to discuss the new Police Administration Building location and new gymnasium.

Commissioner Ochi stated that the Discipline Task Force will meet this week to discuss new revisions for Professional Standards Bureau and would also like to place this matter on a future agenda.

Commissioner Skobin attended a Hispanic Community Forum at Elysian Park where President Cunningham and Chief Bratton were also in attendance.

Commissioner Skobin also attended an Open House held by the Department's Motor Transport Division in conjunction with Commanding Officer Paul Bardon's retirement.

Commissioner Skobin INSTRUCTED the Office of the Inspector General to initiate, for pending projects and placement on future agenda, a review regarding donations to the Department and to determine the appropriate levels of review for this process.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

4. REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Tefank announced that the next Police Commission Offsite Meeting would be held on August 11, 2004 at the Watts Labor Community Action Committee, Phoenix Hall in Council District 15.

Executive Director Tefank gave an update regarding the timeline for Commission Policy Initiatives.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

5. REPORT OF THE INSPECTOR GENERAL

Inspector General Birotte gave an update relative to the Southeast Use of Force Incident.

Inspector General Birotte also introduced a new staff member, Special Investigator Django Sibley.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

6. INFORMATION – FILED ITEMS

Information items on file, submitted for the period ending July 30, 2004.

RECEIVED and FILED.

7. CONSENT AGENDA ITEMS

Commissioner Ochi moved, seconded by Commissioner Caruso, to APPROVE Item Nos. 7-A through 7-G and 7-I through 7-O. Unanimously APPROVED.

7-A. VARIANCE - CANCELLED

CANCEL a request for variance to Los Angeles Municipal Code 41.40 from the Alameda Corridor Transportation Authority – Requestor no longer requires a variance, as set forth.

[BPC #04-0472]

7-B. VARIANCE - APPROVED

APPROVE a request for variance to Los Angeles Municipal Code 41.40 from the Department of Water and Power for nighttime construction beginning on Wednesday, August 4, 2004, from 10:00 p .m. to 5:00 a.m., which will be completed on Tuesday, August 31, 2004 for the worksite located at the intersection of Lincoln Boulevard and Jefferson Boulevard, as set forth.

[BPC #04-0509]

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

APPROVE and TRANSMIT to the Mayor and City Council, a donation of various equipment valued at \$88,183.20 from State Point of Contact, Office of Criminal Justice Planning to be used by various divisions throughout the Department, as set forth. [BPC #04-0480]

7-D. DONATION - APPROVED

APPROVE a donation of silver cruiser bicycle valued at \$518.52 from East Valley Police Activities League Supporters to be used by the North Hollywood Area Patrol Division, as set forth. [BPC #04-0481]

7-E. DONATION – RETROACTIVELY APPROVED

Retroactively APPROVE a monetary donation of \$2,212.00 from the City of Columbus, Ohio Civil Service Commission to assist with travel expenses for Department personnel to participate as panelists in the Promotional Assessment Board, as set forth. [BPC #04-0482]

7-F. DONATION - APPROVED

APPROVE a monetary donation in the amount of \$650.00 from the Topanga Banjo/Fiddle Contest & Folk Festival, Inc., to West Valley Area Explorer Post No. 515, as set forth. [BPC #04-0483]

7-G. DONATION - APPROVED

APPROVE a monetary donation in the amount of \$500.00 from Highland Park Ebell Club to the Northeast Area Explorers, as set forth. [BPC #04-0484]

7-I. DONATION - APPROVED

APPROVE a monetary donation in the amount of \$50.00 from Audiences Unlimited, Inc, to the Northeast Area Explorers, as set forth. [BPC #04-0486]

7-J. DONATION – APPROVED

APPROVE a monetary donation in the amount of \$500.00 from Ellis Paint Company to the Harbor Area Explorers, as set forth. [BPC #04-0489]

7-K. DONATION - APPROVED

APPROVE a monetary donation in the amount of \$50.00 from Mr. and Mrs. Victor Penn to the Devonshire Area Explorer Post No. 660, as set forth. [BPC #04-0490]

7-L. DONATION - APPROVED

APPROVE a monetary donation in the amount of \$100.00 from Mr. and Mrs. John Gritmon to the Harbor Area Explorers, as set forth. [BPC #04-0491]

7-M. DONATION - APPROVED

APPROVE a monetary donation in the amount of \$100.00 from Banning Residence Museum to the Harbor Area Explorers, as set forth. [BPC #04-0492]

7-N. DONATION - APPROVED

APPROVE a monetary donation in the amount of \$50.00 from Mr. and Mrs. Accetta to the Harbor Area Explorers, as set forth. [BPC #04-0493]

7-O. DONATION - APPROVED

APPROVE a monetary donation in the amount of \$50.00 from Mr. and Mrs. Brian Rainwater to the Devonshire Area Explorers, as set forth. [BPC #04-0497]

At this time, Commissioner Skobin was excused and left the boardroom.

7-H. DONATION - APPROVED

APPROVE a monetary donation in the total amount of \$2,100.00 from Mr. Alan Skobin, Mr. Rickey Gelb, and the Los Angeles Police Protective League to the Fugitive Warrant Section, Detective Support Division, as set forth. [BPC #04-0485]

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

At this time, Commissioner Skobin re-entered the boardroom.

8. REGULAR AGENDA ITEMS

At this time, Commissioner Ochi moved, seconded by Commissioner Skobin, to APPROVE Item Nos. 8-H through 8-K. Unanimously APPROVED.

8-H. APPROVED

APPROVE the Chief's Personal Expense Statement for expenses incurred in the amount of \$2,399.84 from December 6 through December 11, 2003, to attend the UK-US Police Chiefs' Conference, as set forth. [BPC #04-0502]

8-I. APPROVED

APPROVE the Chief's Personal Expense Statement for expenses incurred in the amount of \$1,296.94 from April 20 through April 23, 2004, to attend the Police Executive Research Forum 2004 Annual Meeting, as set forth. [BPC #04-0503]

8-J. APPROVED

APPROVE the Chief's Personal Expense Statement for expenses incurred in the amount of \$1,456.70, from June 8 through June 13, 2004, to speak at Northeastern University, as set forth. [BPC #04-0504]

8-K. APPROVED

APPROVE the Chief's Personal Expense Statement for expenses incurred in the amount of \$437.20, for June 23 and June 24, 2004, to attend a swearing in ceremony for the Chief of Police of Hartford, Connecticut, as set forth. [BPC #04-0505]

At this time, Item No. 8-P was taken up.

8-P DISCUSSED – ENTIRE MATTER CONTINUED

APPROVE and TRANSMIT to the Mayor and City Council, a legislative proposal regarding fortune-telling regulation and the licensing of fortunetellers in the City of Los Angeles, as set forth. [BPC #04-0494]

This matter was DISCUSSED with Captain Szymanski and Detective Escontrias, Commercial Crimes Division.

Commissioner Caruso moved, seconded by Commissioner Skobin, to INSTRUCT the Department to REPORT BACK with a more comprehensive study relative to regulations for fortune telling businesses such as increased penalties, placing of notices and provisions to better protect the public, and examining other major cities policy (i.e., Chicago, New York). Unanimously APPROVED.

8-A. DISCUSSED – UPDATE GIVEN

Verbal update and DISCUSSION regarding the status of TEAMS II.

This matter was DISCUSSED with Deputy Chief Doan, TEAMS II.

8-B. DISCUSSED – ENTIRE MATTER CONTINUED FOR 30 DAYS

CONTINUED FROM 07/13/04

DISCUSSION and RECOMMENDATIONS 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]

This matter was DISCUSSED with Mr. Brennan, Personnel Division and Lieutenant Lutz, Los Angeles Police Protective League.

The Board INSTRUCTED the Department to REPORT BACK with a comparison study of other law enforcement agencies in major cities such as San Francisco, Chicago, and New York – ENTIRE MATTER CONTINUED FOR 30 DAYS.

8-C. DISCUSSED – UPDATE GIVEN

UPDATE and DISCUSSION by the Department regarding the Fiscal Year 2004/2005 Budget and development of the Fiscal Year 2005/2006.

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

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

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

8-R. REVIEWED – APPROVED

REVIEW and APPROVE Commission staff's monthly status report for April and May 2004 relative to the Revised Burglar Alarm Dispatch Policy and FORWARD this report to the Mayor and City Council for their information, as set forth. [BPC #04-0470]

The above matter was REVIEWED with Lieutenant Kirk, Commission Investigation Division.

Commissioner Skobin moved, seconded by Commissioner Ochi, to APPROVE the monthly status reports for April and May 2004 regarding the Revised Burglar Alarm Dispatch Policy and FORWARD these reports to the Mayor and City Council for their information. Unanimously APPROVED.

8-D. UPDATE GIVEN - ENTIRE MATTER CONTINUED TO AUGUST 17, 2004

Verbal update regarding the status of the Blue Ribbon Rampart Review Panel.

This matter was DISCUSSED with Inspector General Birotte.

8-E. UPDATE GIVEN

Verbal update regarding the status of the Transportation Task Force and the 19th Area Official Police Garage.

Commissioner Skobin gave an update regarding the above matter.

8-F. APPROVED – TRANSMIT TO PUBLIC SAFETY COMMITTEE

APPROVE and TRANSMIT to the City Council's Public Safety Committee, the Department's Sixth Progress report regarding Review of the Retaliation Investigation Process, as set forth.

[BPC #04-0499]

This matter was DISCUSSED with Commander Lillo, Internal Affairs Group.

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

8-G. DISCUSSED – DEPARTMENT INSTRUCTED TO REPORT BACK

DISCUSSION and RECOMMENDATIONS of the Department's preliminary assessment of the District Policing Pilot Program, as set forth. [BPC #04-0506]

This matter was DISCUSSED with Assistant Chief Gascon and Dr. Jablonski, Behavioral Science Services Section.

The Board INSTRUCTED the Department to continue to proceed with the program and REPORT BACK at the end of the year with another assessment.

8-L. APPROVED

REVIEW and APPROVE the Department's request to enter into sole source contract negotiations with LoJack Corporation to provide the Department with Stolen Vehicle Recovery Network System services and AUTHORIZE the Chief of Police to enter into contract negotiations with LoJack, as set forth. [BPC #04-0507]

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

8-M. APPROVED

REVIEW and APPROVE the Department's request to authorize Western Badge and Trophy Company to manufacture a limited number of replica LAPD "lapel style" badges to be given to guests of the International Association of Chiefs of Police (IACP) Conference in November 2004, as set forth. [BPC #04-0487]

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

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

8-N. DISCUSSED

DISCUSSION and RECOMMENDATIONS of the Inspector General's report relative to Board query regarding twelve (12) complaint form investigations for which responses to "kickback" memorandums are pending, as set forth. [BPC #04-0478]

This matter was DISCUSSED with Inspector General Birotte and Commander Lillo, Internal Affairs Group.

8-O. REVIEWED - APPROVED

REVIEW and APPROVE a pilot program involving the use of tire deflation devices and vehicle barricades, otherwise referred to as Vehicle Intervention Techniques, at the Los Angeles International Airport (LAX) and other potential terrorist target location and events, as set forth. [BPC #04-0488]

This matter was REVIEWED with Commander Moore, Office of Operations and Captain Bower, LAX, Field Services Division.

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

8-Q. REVIEWED - APPROVED

REVIEW and APPROVE the Department's recommendation to incorporate a real time briefing into the categorical use of force protocols to ensure that the Inspector General is fully briefed, as set forth. [BPC #04-0495]

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

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

8-S. RECEIVED – DIRECT OFFICE OF INSPECTOR GENERAL TO SUBMIT AN ANALYSIS OF THIS REPORT

RECEIVE the Department's report of Personnel Complaint Investigations submitted to prosecutors for review, Second Quarter 2004 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. (Also calendared as Item No. 10-C in Closed Session) [BPC #04-0500]

This matter was DISCUSSED with Commander Lillo, Internal Affairs Group.

The Board RECEIVED the Department's report and DIRECTED the Office of the Inspector General to submit an analysis of this report.

8-T. REVIEWED - APPROVED

REVIEW and APPROVE the Department's report of Personnel Complaint Investigations submitted to prosecutors for review, First Quarter 2004 and the Inspector General's analysis of this report, pursuant to Paragraphs 101 and 136 of the Consent Decree, as set forth. (Also calendared as Item No. 10-E in Closed Session) [BPC #04-0372 and #04-0372A]

This matter was REVIEWED with Commander Lillo, Internal Affairs Group.

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

8-U. REVIEWED - APPROVED

REVIEW and APPROVE the Office of the Inspector General's Complaint Investigations Audit, Fourth Quarter, Fiscal Year 2003/2004, pursuant to Paragraph 136 of the Consent Decree, as set forth. [BPC #04-0501]

This matter was REVIEWED with Inspector General Birotte and Mr. Chaleff, Consent Decree Bureau.

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

8-V. REVIEWED – APPROVED

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

1. Department
2. Executive Director [BPC #04-0516A]
3. Office of the Inspector General [BPC #04-0516]

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

The Department will submit a written monthly Consent Decree Status report at the next meeting of August 11, 2004.

Commissioner Skobin moved, seconded by Commissioner Ochi, to APPROVE the verbal report submitted by the Department and the written reports from the Executive Director and Office of the Inspector General. Unanimously APPROVED.

8-W. UPDATE GIVEN

Verbal update on the City's Semi-Annual Consent Decree Compliance Status report to the Court.

Mr. Chaleff, Consent Decree Bureau provided a verbal update on this matter.

8-X. REVIEWED – APPROVED AS AMENDED

REVIEW and APPROVE the Department's Ethics Enforcement Section Quarterly report First Quarter 2004 and the Inspector General's review of this report, pursuant to Paragraph 135 of the Consent Decree, as set forth. (Also Calendared as Item No. 10-D in Closed Session)
[BPC #04-0357 and #04-0357A]

This matter was REVIEWED with Commander Lillo, Internal Affairs Group and Inspector General Birotte.

Commissioner Skobin moved, seconded by Commissioner Ochi, to APPROVE the Inspector General's report and AMEND the Department's report, to DIRECT Planning and Research Division to review/evaluate the existing policy which requires officers assigned to the front desk at Parker Center and Department substations to complete a significant activities log. Unanimously APPROVED AS AMENDED.

8-Y. REVIEWED – APPROVED

REVIEW and APPROVE the Department's Consent Decree Mental Illness Project Status report, Second Quarter 2004, as set forth. [BPC #04-0498]

This matter was REVIEWED with Commander Ward, Detective Bureau and Lieutenant Wall, Consent Decree Mental Illness Project Coordinator.

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

8-Z. REVIEWED - APPROVED

REVIEW and APPROVE the Proposed 2003-2006 Memorandum of Understanding (MOU) No. 25, which covers the employees in the Police Officers, Captain and Above Representation Unit represented by the Los Angeles Police Command Officers Association, as set forth.

[BPC #04-0479]

This matter was REVIEWED with Commander Hansohn and Lieutenant Wakefield, Personnel Group.

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

8-AA. REVIEWED - APPROVED

REVIEW and APPROVE the Office of the Inspector General's analysis of Special Order No. 13, 2004 – Revised Non-Categorical Use of Force reporting, pursuant to Paragraph 136 of the Consent Decree, as set forth.

[BPC #04-0386A]

This matter was REVIEWED with Inspector General Birotte.

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

8-BB. REVIEWED - APPROVED

REVIEW and APPROVE the Department's Special Order – Complaint Advisory, Form 1.28.10 – Activated, and Complaint Form, Form 1.28.0 – Revised (148.6), as set forth. [BPC #04-0455]

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

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

9. PUBLIC COMMENT PERIOD

The following persons addressed the Board:

Kathy Knight, Mkmitaryan Meline, and Tut Hayes.

The public hearing was closed.

At this time, Ms. Valenzuela announced that the Board would recess to Closed Session to discuss Item Nos. 10-A through 10-G, 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 Injuries, and other personnel matters. Government Code Section 54957.

10A-1. **ADOPTED**

1. LEARD #A048-03 Four Police Officers II

10A-2. **DISCUSSED - ADOPTED**

2. LEARD #A026-03 Two Police Officers II

10A-3. **ADOPTED**

3. LEARD #A028-03 One Police Officer III
One Police Officer I

10A-4. **ADOPTED**

4. ACC #054-03 One Police Officer II + II

10A-5. **ADOPTED**

5. ACC #055-03 One Police Officer III + I

10A-6. **DISCUSSED - ADOPTED**

6. A-D #041-03 One Sergeant II
One Sergeant I
One Police Officer III
Two Police Officers II
One Police Officer I

10-B. DISCUSSED

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE – PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Discussion with Chief of Police regarding status of investigation and review of Officer Involved Shootings which may not be completed 60-days prior to the statute of limitations, pursuant to Paragraph 67 of the Consent Decree. Government Code Section 54957.

1. OIS #048-03

10-C. NOT DISCUSSED

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Discussion regarding the Commission's assessment of the appropriateness of the Chief of Police's actions on the Department's report of Personnel Complaint Investigations submitted to prosecutors for Review, Second Quarter 2004. Government Code Section 54957. (Also Calendared as Item No. 8-S in Open Session) [BPC #04-0500]

10-D. DISCUSSED

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Discussion regarding the Commission's assessment of the appropriateness of the Chief of Police's actions on the Department's Ethics Enforcement Section Quarterly report, First Quarter 2004 and the Inspector General's Review of this report. Government Code Section 54957. (Also Calendared as Item No. 8-X in Open Session) [BPC #04-0357 and #04-0357A]

10-E. NOT DISCUSSED

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Discussion regarding the Commission's assessment of the appropriateness of the Chief of Police's actions on the Department's report of Personnel Complaint Investigations submitted to prosecutors for review, First Quarter 2004 and the Inspector General's analysis of this report. Government Code Section 54957. (Also Calendared as Item No. 8-T in Open Session) [BPC #04-0372 and #04-0372A]

10-F. NOT DISCUSSED

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE. Discussion and update from the Office of the Inspector General regarding Complaint file No. 00-1431. Government Code Section 54957.6.

10-G. NOT DISCUSSED – CONTINUED TO AUGUST 17, 2004

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code Section 54957.

1. 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 4:31 p.m. was made by Commissioner Ochi, and seconded by Commissioner Skobin. 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.