

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

REGULAR MEETING – TUESDAY, AUGUST 31, 2004

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, August 31, 2004, at 9:39 a.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
Debra Gonzales, Deputy City Attorney
Julie Valenzuela, 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 August 3, 2004

Commissioner Ochi 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 August 28, 2004.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

3. REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Tefank gave an update relative to Commission staffing and personnel issues.

4. REPORT OF THE INSPECTOR GENERAL

Inspector General Birotte stated that Department audits, which are currently being reviewed by his office, should be ready for Commission review beginning in October.

5. COMMISSION BUSINESS

None.

6. INFORMATION – FILED ITEMS

Information items on file, submitted for the period ending August 27, 2004.

RECEIVED and FILED.

7. CONSENT AGENDA ITEMS

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

7-A. DONATION - APPROVED

APPROVE a monetary donation in the amount of \$6,300.00 from Westside Pavillion to the West Los Angeles Explorer Post No. 800, as set forth. [BPC #04-0563]

7-B. DONATION – RETROACTIVELY APPROVED

Retroactively APPROVE a monetary donation in the amount of \$593.69 from the Broad Foundation to assist with travel expenses for Department personnel to speak to the Urban Superintendent Academy about the CompStat Program, as set forth. [BPC #04-0564]

7-C. DONATION - APPROVED

APPROVE a monetary donation in the amount of \$3,150.00 from Westfield Shoppingtown, Century City to the West Los Angeles Explorer Post No. 800, as set forth. [BPC #04-0565]

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

APPROVE and TRANSMIT to the Mayor and City Council, a monetary donation in the amount of \$10,800.00 from the Los Angeles Police Foundation to the Underwater Dive Unit, as set forth. [BPC #04-0566]

7-E. DONATION - APPROVED

APPROVE a monetary donation in the amount of \$100.00 from A Flooring America to be used by the Deputy Auxiliary Police (DAP) Youth Program, as set forth. [BPC #04-0582]

7-F. VARIANCE – RETROACTIVELY APPROVED

Retroactively APPROVE a request for variance to Los Angeles Municipal Code 41.40 from California Traffic Control, Inc. for an early morning and nighttime variance which began on Saturday, August 28, 2004 from 5:00 a.m. to 7:00 p.m., one day only at 800 West Sixth Street, as set forth. [BPC #04-0577]

7-G. VARIANCE - APPROVED

APPROVE a request for variance to Los Angeles Municipal Code 41.40 from Cable Engineering Services for nighttime construction beginning on Monday, September 20, 2004 from 9:00 p.m. to 7:00 a.m. and is scheduled for completion on Friday, September 27, 2004 for the work site located at 6420 Wilshire Boulevard, as set forth. [BPC #04-0578]

7-H. VARIANCE - APPROVED

APPROVE a request for variance to Los Angeles Municipal Code 41.40 from PPR, A RePipe Company for nighttime construction beginning on Monday, September 13, 2004 from 10:00 p.m. to 7:00 a.m. and is scheduled for completion on Friday, October 29, 2004 for the work site located on Norton Avenue, Wilton Place, Sixth Street, and Catalina Street, as set forth. [BPC #04-0579]

7-I. VARIANCE – RETROACTIVELY APPROVED

Retroactively APPROVE a request for variance to Los Angeles Municipal Code 41.40 from L.A. Propoint, Inc. for nighttime construction, which began on Monday, August 23, 2004 from 8:00 p.m. to 4:30 a.m. and is scheduled to be completed on Saturday, October 30, 2004 for the work site located at 125 North Grand Avenue, as set forth. [BPC #04-0583]

8. REGULAR AGENDA ITEMS

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

8-E. REVIEWED – APPROVED AS AMENDED

REVIEW and APPROVE the Office of the Inspector General's report relative to the Blue Ribbon Rampart Review Panel, as set forth.

- Police Commission Protocols for the Blue Ribbon Rampart Review Panel (BRRRP);
- Office of the Inspector General protocols for the BRRRPs access to documents;
- Amended work rules for the Inspector General's work with the BRRRP;
- Contract for services between Technical Threat Analysis Group and the Los Angeles Police Foundation; and
- The Los Angeles Police Foundation's accounting of funds disbursed and received relative to the BRRRP.

The above matter was DISCUSSED with Inspector General Birotte and Ms. Connie Rice, Chair, Blue Ribbon Rampart Review Panel.

Commissioner Ochi moved, seconded by Commissioner Skobin, to AMEND the Protocols for the Blue Ribbon Panel as follows:

- 1) DELETING "as needed" from page 1, line number 8 and INSERT "as requested";
- 2) DELETE "City's" from page 4, recommendation E Retainer last paragraph.

Unanimously APPROVED AS AMENDED.

8-A. PRESENTATION GIVEN – BOARD SUPPORTS PUBLIC SAFETY AND HOMELAND SECURITY TAX ACT – MEASURE A

PRESENTATION and BOARD ACTION relative to an update given by Sheriff Baca or his representative regarding the Public Safety and Homeland Security Tax Act – Measure A, which will be included on the November Ballot measure.

The above matter was DISCUSSED with Chief Paul Tanaka, Sheriff Baca's Assistant and Assistant Chief McDonnell, Office of Human Resources.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

Commissioner Caruso moved, seconded by Commissioner Ochi, to SUPPORT the Public Safety and Homeland Security Tax Act – Measure A. Unanimously APPROVED.

8-B. PRESENTATION GIVEN - DISCUSSED

PRESENTATION and DISCUSSION relative to the Department's Training curriculum for recruit officers and continuing education provided at the Los Angeles Police Department.

The above matter was DISCUSSED with Captain Hara, Lieutenant Dedmon, and Sergeant Moen, Training Group and Lieutenant MacArthur, Chief's Office.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

At this time, Item 8-O was taken out of order.

8-O. REVIEWED – APPROVED

REVIEW and APPROVE the Department's report relative to amending Los Angeles Municipal Code Section 42.15 regarding regulation of public expression activities on the Venice Beach Boardwalk, as set forth. [BPC #04-0434A]

The above matter was REVIEWED with Mark Brown, Senior Assistant City Attorney.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

Commissioner Caruso moved, seconded by Commissioner Skobin, to APPROVE the Department's report in SUPPORT of Ordinance amending Section 42.15 of the Los Angeles Municipal Code. Unanimously APPROVED.

8-C. UPDATE GIVEN

Department UPDATE relative to the status of the Board of Police Commissioner's Reserve Corps Initiatives, which was approved at a Special Commission meeting on June 8, 2004.

The above matter was DISCUSSED with Commander Hansohn, Personnel Group

At this time, the Commission acknowledged Reserve Officer Jim Lombardi as Reserve Officer of the Year.

8-D. UPDATE GIVEN

Department UPDATE relative to the status and implementation of the Recruitment Advisory Committee.

The above matter was DISCUSSED with Captain Webb, Recruitment and Employment Division.

8-F. UPDATE GIVEN

UPDATE and DISCUSSION by the Department regarding the Fiscal Year 2004/2005 Budget, development of the budget for Fiscal Year 2005/2006, and update regarding Board request for funding of promotional and backfill positions.

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

8-G. UPDATE GIVEN

UPDATE regarding the New Police Headquarters Facility and health and safety improvements to Police Administration Building (PAB).

The above matter was DISCUSSED with Assistant Chief Papa, Office of Support Services.

8-H. RECEIVED REPORT – OFFICE OF INSPECTOR GENERAL DIRECTED TO SUBMIT AN ANALYSIS OF DEPARTMENT’S REPORT

RECEIVE the Department’s Categorical Use of Force Investigations Final Audit report, Fourth Quarter Fiscal Year 2003/2004, pursuant to Paragraph 128 of the Consent Decree and DIRECT the Office of the Inspector General to submit an analysis of this report, as set forth.

[BPC #04-0559]

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

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

8-I. APPROVED – TRANSMIT TO PUBLIC SAFETY COMMITTEE

APPROVE and TRANSMIT to the City Council’s Public Safety Committee, the Department’s response relative to development of a plan to test DNA within ten days of the commission of a crime, as set forth.

[BPC #04-0562]

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

8-J. APPROVED – TRANSMIT TO PUBLIC SAFETY COMMITTEE

APPROVE and TRANSMIT to the City Council's Public Safety Committee, the Department's Gang Enforcement Detail monthly status report, July 2004 for Consent Decree compliance, as set forth. [BPC #04-0568]

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

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

8-K. APPROVED

REVIEW and APPROVE the Department's Annual Audit Plan Status report, Fourth Quarter Fiscal Year 2003/2004, as set forth. [BPC #04-0541]

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

8-L. REVIEWED – APPROVED

REVIEW and APPROVE the Executive Director's monthly status report relative to the Revised Burglar Alarm Dispatch Policy, June 2004, as set forth. [BPC #04-0567]

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

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

8-M. REVIEWED - APPROVED

REVIEW and APPROVE the Executive Director's report relative to streamlining the process of accepting various donations that are received by the Department, as set forth. [BPC #04-0581]

The above matter was REVIEWED with Ms. Johnson, Fiscal and Technical Services Bureau and Mr. Romo, Policy Group.

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

8-N. RECEIVED AND FILED

RECEIVE and FILE the Chief of Police's Activity Report for the month of June 2004, as set forth. [BPC #04-0580]

8-P. REVIEWED - APPROVED

CONTINUED FROM 08/11/04

REVIEW and APPROVE the Department's request to terminate Professional Services Agreement No. C-103853 with Haas Shorthand Reporting, Inc. for court reporter services, as set forth. [BPC #04-0522]

The above matter was DISCUSSED with Paul de Montesquiou, representing Haas Shorthand Reporting, Inc., and Lieutenant Harer, Internal Affairs Group.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

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

9. PUBLIC COMMENT PERIOD

The following person addressed the Board on general issues:

Tut Hayes.

The public hearing was closed.

Ms. Valenzuela announced that the Board would recess to Closed Session to discuss Item Nos. 10-A through 10-C on the Regular Agenda, and Item No. 2-A on the Supplemental Agenda, 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. LERI #A031-03
Two Police Officers III
Nine Police Officers II

10A-2. ADOPTED

2. LERI #A032-03
Four Police Officers II

10A-3. ADOPTED

3. A-D #051-03
One Police Officer III

At this time, Item No. 2-A from the Supplemental Agenda was taken up.

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

2A-1. ADOPTED

1. OIS #046-03
Two Police Officers III

10-B. DISCUSSED – CONTINUED TO SEPTEMBER 14, 2004

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.

10-C. NOT 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 12:48 p.m. was made by Commissioner Ochi, 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.