

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

REGULAR MEETING – TUESDAY, JANUARY 4, 2005

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, January 4, 2005, at 9:46 a.m., in Room 350, City Hall, 200 North Spring Street, Los Angeles. On calling the roll, the following members were present: Commissioners Cunningham III, Skobin, and Ochi. President Cunningham presiding. Commissioners Alarcon and Caruso were absent.

PRESENT: William J. Bratton, Chief of Police
Richard Tefank, Executive Director
Mark Burton, Senior Assistant City Attorney
Julie Valenzuela, Commission Executive Assistant
Jill Bogle, Hearing Reporter
Officer Troy Abordo, Sergeant-at-Arms
Detective Tom Butler, Sergeant-at-Arms
Officer Jose Ceja, Sergeant-at-Arms
Officer Ernesto Vicencio, Sergeant-at-Arms

At this time, President Cunningham asked the audience for a moment of silence for the Tsunami victims in Southeast Asia.

Thereafter, the Board presented Lieutenant Kirk, Commission Investigation Division with a commendation upon her retirement.

1. APPROVAL OF THE MINUTES FOR:

- Regular Meeting December 7, 2004
- Special Meeting December 7, 2004
- Regular Meeting December 14, 2004

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

2. REPORT OF THE CHIEF OF POLICE

Chief Bratton gave the Department's "weekly crimes year to date" statistical report for the period ending January 1, 2005.

Chief Bratton reported that the year-end statistics would be presented shortly and that there was a decrease in gunshots fired over New Year's Eve this year.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

3. REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Tefank reported that the Photo Red Light issue is tentatively scheduled for the January 11, 2005 Commission meeting.

Executive Director Tefank also reaffirmed the staff liaison with the Community Police Advisory Board (C-PAB) and stated that the C-PAB status update meetings were being scheduled beginning this month.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

4. REPORT OF THE INSPECTOR GENERAL

Inspector General Birotte stated that his office was currently going through a significant reorganization.

Inspector General Birotte also introduced Christina Nutting, Special Investigator II.

5. COMMISSION BUSINESS

Commissioner Ochi stated that she had attended the last roll call for the year at Central Division.

Commissioner Ochi also stated that her priorities for the Board's 2005 Goals would be to focus on the Cultural Language Task Force, Hate Crimes Task Force, management of the Board of Rights process, and retaliation.

Commissioner Skobin's priorities for 2005 Goals related to Use of Force and officer safety, the elimination of red tape, traffic and transportation, interagency cooperation, the Consent Decree, and community policing.

President Cunningham's priorities for 2005 Goals included openness and accountability, TEAMS II, and the intake of complaints.

President Cunningham directed Inspector General Birotte to outline an audit plan for TEAMS II as it becomes operational and asked that the Inspector General report back in 45 days with an update.

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 December 30, 2004.

RECEIVED and FILED.

At this time, the Board recessed its regular meeting to proceed with the special meeting.

The Board reconvened its regular meeting at 10:46 a.m.

7. CONSENT AGENDA ITEMS

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

7-B. VARIANCE - APPROVED

DEPARTMENT'S REPORT regarding request for variance to Los Angeles Municipal Code Section 41.40 from Right of Way Inc., to permit nighttime construction beginning on Friday, January 7, 2005 from 10:00 p.m. to 5:00 a.m., to be completed by Saturday, January 8, 2005 for the work site located at 860 Via De La Paz, as set forth. [BPC #04-0768]

Recommendation for Board action:

1. APPROVE the Department's report.

7-C. VARIANCE - APPROVED

DEPARTMENT'S REPORT regarding request for variance to Los Angeles Municipal Code Section 41.40 from Department of Public Works, Bureau of Engineering, to permit 24 hour construction beginning on Wednesday, June 1, 2005 and estimated to be completed by Wednesday, March 1, 2006 for the work site located on Third Street and Broadway, as set forth. [BPC #04-0771]

Recommendation for Board action:

1. APPROVE the Department's report.

7-D. VARIANCE - APPROVED

DEPARTMENT'S REPORT regarding request for variance to Los Angeles Municipal Code Section 41.40 from Department of Public Works, Bureau of Engineering, to permit nighttime construction beginning on Monday, July 11, 2005 from 8:30 p.m. to 5:30 a.m. to be completed by Monday, May 22, 2006 for the work site located on Grand Avenue from 21st Street to 18th Street, 18th Street from Grand Avenue to Hill Street, and Hill Street from 18th Street to Pico Boulevard, as set forth. [BPC #04-0676A]

Recommendation for Board action:

1. APPROVE the Department's report.

7-E. VARIANCE – RETROACTIVELY APPROVED – EXTENSION APPROVED

DEPARTMENT'S REPORT regarding request for variance to Los Angeles Municipal Code Section 41.40 from Bureau of Street Lighting, to permit nighttime construction, which began on Thursday, December 9, 2004 from 11:00 p.m. to 5:00 a.m. and is scheduled for completion by Friday, December 31, 2004 for the work site located at the Third Street tunnel between Hill Street and Flower Street, as set forth. [BPC #04-0753]

Recommendations for Board action:

1. Retroactively APPROVE the Department's initial report.
2. Retroactively APPROVE the Department's variance extension report.

7-A – SPECIAL EVENT PERMIT APPROVED

DEPARTMENT'S REPORT regarding a request filed by Avanes Zirakian, representing the United Young Armenians Inc., for a Special Event Permit or the "United Young Armenians Public March" which will be held on Sunday, April 24, 2005, as set forth. [BPC #04-0761]

Recommendation for Board action:

1. APPROVE the Department's report.

The following persons addressed the Board:

Hovik Gabikian and Avanes Zirakian.

The public hearing was closed.

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

8. REGULAR AGENDA ITEMS

8-A. REVIEWED - DEPARTMENT'S REPORT ACCEPTED

DEPARTMENT'S REPORT in response to Board query regarding the Cellmark Laboratories DNA analysis incident, as set forth. [BPC #04-0773]

Recommendation for Board action:

1. REVIEW and ACCEPT the Department's report.

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

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

8-B. REVIEWED - DEPARTMENT'S REPORT APPROVED

DEPARTMENT'S REPORT regarding revision to the Annual Audit Plan for Fiscal Year 2004/2005 which would move the Gang Enforcement Detail Selection Criteria Audit currently scheduled for submission in the Third Quarter, Fiscal Year 2004/2005 to the Fourth Quarter, Fiscal Year 2004/2005, as set forth. [BPC #04-0777]

Recommendation for Board action:

1. REVIEW and APPROVE the Department's report.

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

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

8-C. REVIEWED - DEPARTMENT'S REPORT APPROVED

DEPARTMENT'S REPORT regarding the Secret Service Funds Audit, Fiscal Year 2004/2005 conducted by Organized Crime and Vice Division, as set forth. [BPC #04-0774]

Recommendation for Board action:

1. REVIEW and APPROVE the Department's report.

The above matter was REVIEWED with Lieutenant Cruz, Organized Crime and Vice Division.

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

8-D. RECEIVED DEPARTMENT'S REPORTS – DIRECTION GIVEN TO OFFICE OF THE INSPECTOR GENERAL

DEPARTMENT'S REPORTS regarding the Ethics Enforcement Section Quarterly report, Second Quarter 2004 and Third Quarter 2004, as required by Paragraph 127 of the Consent Decree, as set forth. [BPC #04-0759 and #04-0760]

Recommendations for Board action:

1. RECEIVE the Department's Second Quarter 2004 report.
2. RECEIVE the Department's Third Quarter 2004 report.
3. DIRECT the Office of the Inspector General to submit an analysis of both reports along with any appropriate recommendations to the Board.

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

The Board INSTRUCTED the Office of the Inspector General to breakdown and further review "Code 6. – Officers who discourage the filing of complaints or fail to report misconduct" on Page 3 of the Department's Ethics Enforcement Section Quarterly report, Third Quarter 2004.

8-E. RECEIVED DEPARTMENT'S REPORTS – DIRECTION GIVEN TO OFFICE OF THE INSPECTOR GENERAL

DEPARTMENT'S REPORT regarding the Complaint, Form 1.28, Investigations Audit – Second Quarter, Fiscal Year 2004/2005, as required by Paragraph 74 of the Consent Decree, as set forth. [BPC #04-0775]

Recommendations for Board action:

1. RECEIVE the Department's report.
2. DIRECT the Office of the Inspector General to submit an analysis of this report along with any appropriate recommendations to the Board.

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

8-F. REVIEWED - DEPARTMENT'S REPORT APPROVED – OFFICE OF THE INSPECTOR GENERAL'S REPORT APPROVED – EXECUTIVE DIRECTOR'S REPORT APPROVED

DEPARTMENT'S REPORT, OFFICE OF THE INSPECTOR GENERAL'S REPORT, and EXECUTIVE DIRECTOR'S REPORT regarding the monthly Consent Decree status report for the period ending December 31, 2004, as set forth.

[BPC #04-0772, #04-0772A, and #04-0772B]

Recommendations for Board action:

1. REVIEW and APPROVE the Department's report.
2. REVIEW and APPROVE the Office of the Inspector General's report.
3. REVIEW and APPROVE the Executive Director's report.

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

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

8-G. REVIEWED - DEPARTMENT'S REPORTS APPROVED – OFFICE OF THE INSPECTOR GENERAL'S REPORT AND EXECUTIVE SUMMARY APPROVED

CONTINUED FROM 04/20/04

DEPARTMENT'S REPORTS and OFFICE OF THE INSPECTOR GENERAL'S REPORT regarding the Audit of Field Data Reports completed by Gang Enforcement Detail Officers, Third Quarter Fiscal Year 2003/2004 and Revised Audit of Gang Enforcement Detail Work Product, Third Quarter Fiscal Year 2003/2004 (SEU ABC Audit), as required by Paragraph 131 of the Consent Decree, as set forth. [BPC #04-0144, #04-0145, and #04-0144A]

Recommendations for Board action:

1. REVIEW and APPROVE the Department's Field Data Report Audit.
2. REVIEW and APPROVE the Department's Revised Audit of Gang Enforcement Detail Work Product.
3. REVIEW and APPROVE the Office of the Inspector General's report and executive summary pertaining to both Department audits.

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

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

8-H. REVIEWED - DEPARTMENT'S REPORT APPROVED – OFFICE OF THE INSPECTOR GENERAL'S REPORT APPROVED

CONTINUED FROM 06/22/04

DEPARTMENT'S REPORT and OFFICE OF THE INSPECTOR GENERAL'S REPORT regarding the Categorical Use of Force Interim Audit report, Fourth Quarter Fiscal Year 2003/2004, as required by Paragraph 129 of the Consent Decree, as set forth.

[BPC #04-0402 and #04-0402B]

Recommendations for Board action:

1. REVIEW and APPROVE the Department's report.
2. REVIEW and APPROVE the Office of the Inspector General's report.

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

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

8-I. REVIEWED - DEPARTMENT'S REPORT APPROVED – OFFICE OF THE INSPECTOR GENERAL'S REPORT AND EXECUTIVE SUMMARY APPROVED

CONTINUED FROM 07/13/04

DEPARTMENT'S REPORT and OFFICE OF THE INSPECTOR GENERAL'S REPORT regarding the Gang Enforcement Detail Work Product – Warrant Applications and Supporting Affidavits Audit Supplemental – Fourth Quarter 2004, as required by Paragraph 131 of the Consent Decree, as set forth. [BPC #04-0438 and #04-0438A]

Recommendations for Board action:

1. REVIEW and APPROVE the Department's report.
2. REVIEW and APPROVE the Office of the Inspector General's report and executive summary.

The above matter was DISCUSSED 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 on general issues:

Kristie Morris, Gayle Henry, Tracy Smith, Daniel Torres Jr., Bill Murray, 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 No. 10-A, pursuant to Government Code Section 54957.

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. REVIEWED - ADOPTED

CONTINUED FROM 12/14/04

1. OIS #006-04 Five Police Officers II

10A-2. REVIEWED - ADOPTED

2. LEARD #007-04 Four Police Officers II

10A-3. REVIEWED – CONTINUED TO JANUARY 11, 2005

3. OIS #008-04 One Police Officer III
One Police Officer I

10A-4. REVIEWED - ADOPTED

4. OIS #014-04 One Police Officer III
Four Police Officers II
One Police Officer I

10A-5. CONTINUED TO JANUARY 25, 2005

5. OIS #022-04 Four Police Officers II

11. ADJOURNMENT

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

A motion of adjournment at 1:38 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.

**LOS ANGELES POLICE DEPARTMENT
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SPECIAL MEETING – TUESDAY, JANUARY 4, 2005

The Board of Police Commissioners of the City of Los Angeles convened in special session Tuesday, January 4, 2005, at 10:37 a.m., in Room 350, City Hall, 200 North Spring Street, Los Angeles. On calling the roll, the following members were present: Commissioners Cunningham III, Skobin, and Ochi. President Cunningham presiding. Commissioners Alarcon and Caruso were absent.

PRESENT: William J. Bratton, Chief of Police
Richard Tefank, Executive Director
Mark Burton, Senior Assistant City Attorney
Julie Valenzuela, Commission Executive Assistant
Jill Bogle, Hearing Reporter
Officer Troy Abordo, Sergeant-at-Arms
Detective Tom Butler, Sergeant-at-Arms
Officer Jose Ceja, Sergeant-at-Arms
Officer Ernesto Vicenzio, Sergeant-at-Arms

1. REGULAR AGENDA ITEM

1-A. UPDATE GIVEN

PRESENTATION AND STATUS REPORT (VERBAL) from Ms. Connie Rice relative to the Status of the Blue Ribbon Rampart Review Panel.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

2. PUBLIC COMMENT PERIOD

None. The public hearing was closed.

3. ADJOURNMENT

A motion of adjournment at 10:46 a.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.