

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

REGULAR MEETING – TUESDAY, JANUARY 11, 2005

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, January 11, 2005, 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, Caruso, and Ochi. President Cunningham presiding.

PRESENT: Jim McDonnell, Acting 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
Officer Deborah Nichols, Sergeant-at-Arms

1. APPROVAL OF THE MINUTES FOR:

- Regular Meeting August 11, 2004

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

2. REPORT OF THE CHIEF OF POLICE

Assistant Chief McDonnell gave the Department's "weekly crimes year to date" statistical report for the period ending January 8, 2005.

Assistant Chief McDonnell reported that the City's Emergency Operations Center had been activated for the storm.

Assistant Chief McDonnell also reported that an Amber Alert had been successfully resolved and that the two year old child was back with his family.

Assistant Chief McDonnell stated that there had been one restoration year to date, 162 recruits currently in the academy, and one retirement last week.

3. REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Tefank stated that the Photo Red Light issue would be calendared for the January 18, 2005 Police Commission meeting.

Executive Director Tefank reported that Detective Dan Debellis is the Acting Commanding Officer of Commission Investigation Division until a Lieutenant is hired.

4. REPORT OF THE INSPECTOR GENERAL

Inspector General Birotte stated that his office had extended several offers to potential special investigators yesterday, and that they should begin working by early March, provided that they pass their background check.

Inspector General Birotte reported that he would be submitting a reorganization chart of his office in the near future. This chart will reflect the past and present changes in staffing.

5. COMMISSION BUSINESS

President Cunningham reported that he and Commissioner Caruso attended the Public Safety Committee meeting to discuss the possible merger of the Police Department and the Los Angeles Airport Police Department.

Commissioner Caruso stated that the City Council would need to act by February 11, 2005 to place a measure on the May 17, 2005 ballot to amend the City Charter regarding autonomy for the Airport Police.

Commissioner Ochi was a guest speaker at the San Fernando Valley Community Cultural Center.

Commissioner Ochi stated that the Hate Crimes Task Force and Cultural Language Task Force would be meeting in the near future.

Commissioner Ochi provided a demonstration of a portable translation device that can be used by officers in the field. Timothy McCune, Integrated Wave Technology, Inc. gave the demonstration.

Commissioner Skobin stated that he had attended the most recent Recruit Graduation, which was held at the Fire Department's Academy because of the recent storm.

Commissioner Skobin announced that he would convene a working group for evaluation of Use of Force.

Commissioner Alarcon stated that her priorities for the 2005 Goals would revolve around Community Policing, Senior Lead Officers, and Community Police Advisory Boards.

Commissioner Caruso stated that his goal for the next quarter would be to place the Citywide half-cent sales tax measure on the ballot to recruit more police officers.

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 January 7, 2005.

RECEIVED and FILED.

7. CONSENT AGENDA ITEMS

7-A. VARIANCE – APPROVED

DEPARTMENT'S REPORT regarding request for variance to Los Angeles Municipal Code Section 41.40 from Right of Way, Inc., to permit weekend construction which will begin on Saturday, January 15, 2005 from 8:00 a.m. to 4:00 p.m. and will be completed on Sunday, January 16, 2005 for the worksite located at 515 South Olive Street, as set forth. [BPC #04-0770]

Recommendation for Board action:

1. APPROVE the request for variance.

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

8. REGULAR AGENDA ITEMS

8-A. REVIEWED – DEPARTMENT'S REPORT APPROVED – PROPOSED FLASHLIGHT POLICY ADOPTED AS AMENDED – (SEE DETAILED MINUTES FOLLOWING)

DEPARTMENT'S PROPOSED FLASHLIGHT POLICY and DEPARTMENT'S REPORT in response to Board Request for development of a policy and training curriculum regarding the "Use of the Flashlight," as set forth. [BPC #04-0752]

Recommendation for Board action:

1. REVIEW and APPROVE the Department's Report.
2. ADOPT the proposed flashlight policy.

The above matter was REVIEWED with Commander Kim and Captain Meyer, Training Group.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

Commissioner Caruso moved, seconded by Commissioner Skobin, to *AMEND the proposed flashlight policy as follows:

The Primary use of the flashlight is for illumination purposes. Use of the flashlight as an impact device is discouraged by the Department. However, under exigent circumstances, ***when the use of a baton is not feasible**, the flashlight may be used as an impact device. Consistent with the Department's Use of Force Policy, any use of the flashlight as an impact device shall be reported, with an explanation as to why the flashlight was used in lieu of other impact devices. The reason for the use of the flashlight as an impact device will be critically reviewed. Unanimously APPROVED.

8-B. UPDATE GIVEN

DEPARTMENT UPDATE regarding the New Police Headquarters Facility and current health and safety issues relative to the Police Administration Building.

Ms. Gennusa, Administrative and Technical Services Bureau gave an update on the above matter.

Commissioner Ochi INSTRUCTED Executive Director Tefank to schedule a meeting between the Department and the Mayor's Office to review the feasibility of a gymnasium within the new Police Headquarters Facility.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

8-C. REVIEWED – DEPARTMENT'S REPORT APPROVED AS MODIFIED

DEPARTMENT'S REPORT regarding Audit of Supervisor and Field Training Officer Training, in accordance with the Annual Audit Plan for Fiscal Year 2004/2005, as set forth.

[BPC #05-0005]

Recommendation for Board action:

1. REVIEW and APPROVE the Department's report.

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

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

Commissioner Skobin moved, seconded by Commissioner Ochi, to APPROVE the Department's report with the exception of Recommendation No. 1 from the Supervisor and Field Training Officer Audit. Unanimously APPROVED AS MODIFIED.

8-D. REVIEWED – DEPARTMENT'S REPORT APPROVED

DEPARTMENT'S REPORT regarding the Documentation of Community Outreach Meetings Audit, in accordance with the Annual Audit Plan for Fiscal Year 2004/2005, as set forth.

[BPC #05-0002]

Recommendation for Board action:

1. REVIEW and APPROVE the Department's report.

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

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

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

8-E. REVIEWED – DEPARTMENT'S REPORT APPROVED – (SEE DETAILED MINUTES FOLLOWING)

DEPARTMENT'S REPORT regarding audit of audio tapes used in Non-Categorical and Complaint Investigations, in accordance with the Annual Audit Plan for Fiscal Year 2004/2005, as set forth.

[BPC #05-0003]

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 REVIEWED with Mr. Chaleff, Consent Decree Bureau.

Commissioner Skobin moved, seconded by Commissioner Ochi, to modify the recommendations and APPROVE the Department's report only, and not forward the Department's report to the Office of the Inspector General for review. Unanimously APPROVED.

8-F. REVIEWED – RECEIVED THE DEPARTMENT’S REPORT AND DIRECT THE OFFICE OF THE INSPECTOR GENERAL TO SUBMIT AN ANALYSIS OF THE DEPARTMENT’S REPORT

DEPARTMENT’S REPORT regarding the Use of TEAMS Data Audit, in accordance with the Annual Audit Plan for Fiscal Year 2004/2005, as set forth. [BPC #05-0004]

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 REVIEWED with Mr. Chaleff, Consent Decree Bureau.

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

8-I. REVIEWED – DEPARTMENT’S REPORT APPROVED

DEPARTMENT’S REPORT regarding Audit Recommendation Status Report, Third Quarter, 2004, as required by Paragraph 154 of the Consent Decree, as set forth. [BPC #05-0006]

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 Alarcon, to APPROVE the above matter. Unanimously APPROVED.

8-G. REVIEWED – DEPARTMENT’S REPORT APPROVED – OFFICE OF THE INSPECTOR GENERAL’S REPORT APPROVED

CONTINUED FROM 12/14/04

DEPARTMENT’S REPORT and OFFICE OF THE INSPECTOR GENERAL’S REPORT regarding the Review of the Ethics Enforcement Section Quarterly Report, Second Quarter, 2004, as required by Paragraphs 97 and 127 of the Consent Decree, as set forth.

[BPC #04-0552 and #04-0552A]

Recommendation for Board action:

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

The above matter was REVIEWED with Inspector General Birotte.

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

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

CONTINUED FROM 07/20/04

DEPARTMENT’S REPORT and OFFICE OF THE INSPECTOR GENERAL’S REPORT regarding the Mental Illness Audit, as required by Paragraph 113 of the Consent Decree, as set forth. [BPC #04-0471 and #04-0471A]

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 REVIEWED with Commander Ward, Detectives Bureau and Inspector General Birotte.

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

9. PUBLIC COMMENT PERIOD

The following persons addressed the Board on general issues:

Joi Williams, Tut Hayes, and Bill Murray.

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 and other personnel matters. Government Code Section 54957.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

10A-1. REVIEWED -- ADOPTED AS AMENDED – Ayes: (3); Noes: (2).

- CONTINUED FROM 01/04/05
1. OIS #008-04 One Police Officer III
One Police Officer I

10A-2. REVIEWED - ADOPTED

2. OIS #009-04 Two Police Officer II

10A-3. REVIEWED – ADOPTED

3. OIS #010-04 One Police Officer III
One Police Officer II

10A-4. REVIEWED – ENTIRE MATTER CONTINUED TO JANUARY 18, 2005

- CONTINUED FROM 12/14/04
4. OIS #011-04 One Lieutenant II
One Detective III
One Detective II
One Detective I

11. ADJOURNMENT

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

A motion of adjournment at 12:40 p.m. was made by Commissioner Alarcon, seconded by Commissioner Ochi. 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.