

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

**REGULAR MEETING – TUESDAY, JANUARY 18, 2005**

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, January 18, 2005, at 9:45 a.m., in Room 146, Parker Center, Los Angeles. On calling the roll, the following members were present: Commissioners Skobin, Alarcon, and Ochi. Vice President Skobin presiding. Commissioners Caruso and Cunningham arrived late.

**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  
Officer Jose Ceja, Sergeant-at-Arms  
Officer Ernesto Vicencio, Sergeant-at-Arms

**1. APPROVAL OF THE MINUTES FOR:**

- Regular Meeting January 4, 2005
- Special Meeting January 4, 2005

Commissioner Alarcon moved, seconded by Commissioner Ochi, 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 15, 2005.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

At this time, Vice President Skobin stated that Item Nos. 8-C and 8-D would be continued for two weeks to February 1, 2005.

**3. REPORT OF THE EXECUTIVE DIRECTOR**

Executive Director Tefank stated that he would have the Board's task force liaison assignments on the agenda for the next Commission meeting of January 25, 2005.

Executive Director Tefank also announced that Lieutenant Kirk would be receiving a commendation from the City Council on Wednesday, January 19, 2005.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

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

**8-E. DEPARTMENT'S MEMO NOTED AND FILED – TRANSMIT TO THE PUBLIC SAFETY COMMITTEE**

DEPARTMENT'S MEMO regarding an update on the Anti-Retaliation policy and database which is currently being created and will be completed for Board review within the previously stated 90-day time frame, as set forth. [BPC #05-0011]

Recommendations for Board action:

1. NOTE and FILE the Department's memo.
2. TRANSMIT to the Public Safety Committee for informational purposes.

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

The Board NOTED and FILED the above matter and DIRECTED the Board Secretary to TRANSMIT the Department's memo to the Public Safety Committee.

**4. REPORT OF THE INSPECTOR GENERAL**

Acting Inspector General Martin announced that Inspector General Birotte and his wife Rebecca are now the proud parents of André Birotte, III.

Acting Inspector General Martin also stated that the staff transition at the Inspector General's Office should be complete by the end of March 2005.

**5. COMMISSION BUSINESS**

Commissioner Ochi reported that she and President Cunningham attended the Los Angeles Regional Crime Laboratory groundbreaking ceremony last Friday.

Commissioner Ochi also reported that she and Assistant Chief McDonnell attended a New Year celebration for the Council General of Japan.

Commissioner Ochi requested that a meeting be scheduled with the Mayor's Office, Police Department, and community representatives of Little Tokyo to discuss the recreation center in the New Police Headquarters Facility.

Commissioner Caruso announced that he had commissioned a poll to determine the likelihood of passage of a Citywide measure to raise the sales tax by a half cent to hire more LAPD officers and was please to announce that the poll suggests that this measure would pass. Commissioner Caruso stated that this summary information would be transmitted to the City Council this morning.

Commissioner Skobin stated that he had met with Captain McCarthy and Sergeant Turvey Special Operations Support Division, and Deputy City Attorney Raffish to discuss streamlining the parade permit process.

Commissioner Skobin announced three upcoming events: 2/20/05 - special services at West Angeles Church, in conjunction with Law Enforcement Day; 2/20/05 - Black History Month celebration at Crenshaw Christian Church; and 03/01/05 - Board of Police Commissioners' Community Meeting at Micheltorena Elementary School.

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 14, 2005.

RECEIVED and FILED.

## **7. CONSENT AGENDA ITEMS**

### **7-A. VARIANCE – RETROACTIVELY APPROVED**

DEPARTMENT'S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from PPR A rePipe Company to permit nighttime construction beginning on Monday, January 10, 2005 from 10:00 p.m. to 5:00 a.m., to be completed by Friday, January 21, 2005 at the work site located on Van Nuys Boulevard, as set forth. [BPC #05-0008]

Recommendation for Board action:

1. Retroactively APPROVE the Department's report and request for variance.

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

## **8. REGULAR AGENDA ITEMS**

### **8-A. PRESENTATION GIVEN - REPORT BY ANALYSIS GROUP INC. RECEIVED AND FILED**

PRESENTATION by Analysis Group Inc., Los Angeles Police Department, Office of the Chief Legislative Analyst, and Office of the Mayor regarding Proposed Pedestrian and Motor Vehicle Stop Data Analyses Methodology Report, 2005, which is being released for a 30-day public review and comment period and associated public outreach process.

Recommendation for Board action:

1. RECEIVE and FILE.

A presentation was given by Ms. Garrett, Office of the Chief Legislative Analyst, Mr. Chaleff, Consent Decree Bureau, and Mr. Strombom, Analysis Group.

The following persons addressed the Board:

Ricardo Garcia and Tut Hayes.

The public hearing was closed.

The Board RECEIVED AND FILED the above matter.

### **8-B. REVIEWED – APPROVED RECOMMENDATION NOS. 2 AND 4 – CONTINUED FOR 30 DAYS – (SEE DETAILED MINUTES FOLLOWING)**

CONTINUED FROM 11/09/04

DEPARTMENT'S REPORTS and WRITTEN APPEAL AND FORMAL PROTEST BY REDFLEX TRAFFIC SYSTEMS, INC. regarding contract negotiations with Nestor Traffic Systems, Inc., to provide automated photo red light program services, as set forth.

[BPC #04-0703, #04-0703A, #04-0703B, and #04-0703C]

Recommendations for Board action:

1. REVIEW and APPROVE the Department's initial report.
2. REVIEW and ACCEPT the written appeal and formal protest by Redflex Traffic Systems, Inc.
3. REVIEW and APPROVE the Department's supplemental reports.
4. AUTHORIZE the Chief of Police to enter into contract negotiations with Nestor Traffic Systems, Inc.

The above matter was DISCUSSED with Captain McCarthy, Special Operations Support Division, Sergeant Foster, Traffic Coordination Section, Mr. Ogura, Department of Transportation, Photo Red Light Program, and Ms. Khorassyne, Deputy City Attorney.

The following persons addressed the Board:

Randall Keen, Maury Hannigan, Tut Hayes, Bruce Higgins, and Adena Tessler.

The public hearing was closed.

Commissioner Alarcon moved, seconded by Commissioner Caruso, to APPROVE Recommendation Nos. 2 and 4, release the information requested by Affiliated Computer Services immediately, and CONTINUE Recommendation Nos. 1 and 3 FOR 30 DAYS – TO BE PRESENTED WITH THE CONTRACT. This motion was APPROVED by the following vote: Ayes; Alarcon, Caruso, Ochi, and Cunningham (4); Noes, Skobin (1).

**8-C ENTIRE MATTER CONTINUED TO FEBRUARY 1, 2005**

DEPARTMENT'S REPORT regarding response to Board query of information relative to the policies and practices on the use of police vehicles as it relates to the blocking of suspect vehicles, as set forth. [BPC #05-0009]

Recommendation for Board action:

1. REVIEW and ACCEPT the Department's report.

**8-D. ENTIRE MATTER CONTINUED TO FEBRUARY 1, 2005**

DEPARTMENT'S REPORT regarding response to Board query concerning medical fraud scams affecting medical supplies and services provided to immigrant communities, the scope and significance of the problem, and what regulatory action or other options the Police Commission may take to address this problem, as set forth. [BPC #05-0010]

Recommendation for Board action:

1. REVIEW and ACCEPT the Department's report.

**8-F. EXECUTIVE DIRECTOR'S REPORT ACCEPTED – TRANSMIT TO PUBLIC SAFETY COMMITTEE**

EXECUTIVE DIRECTOR'S REPORT regarding the status of the Official Police Garage Association Vehicle Impound Information Center Website, as set forth. [BPC #05-0012]

Recommendations for Board action:

1. REVIEW and ACCEPT the Executive Director's report.
2. TRANSMIT to the Public Safety Committee for informational purposes.

The above matter was DISCUSSED with Executive Director Tefank and Mr. Minzer, Official Police Garage Association of Los Angeles.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

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

At this time, Item Nos. 8-G and 8-H were taken up simultaneously.

**8-G. DEPARTMENT'S MEMO NOTED AND FILED – (SEE DETAILED MINUTES FOLLOWING ITEM 8-H)**

DEPARTMENT'S MEMO regarding Non-Categorical Use of Force reports interim audit scheduled for submission in the Second Quarter, Fiscal Year 2004/2005, which will be submitted in the Third Quarter, Fiscal year 2004/2005, as set forth. [BPC #04-0778]

Recommendation for Board action:

1. NOTE and FILE the Department's memo.

**8-H. DEPARTMENT'S MEMO NOTED AND FILED – (SEE DETAILED MINUTES FOLLOWING)**

DEPARTMENT'S MEMO regarding Warrant Applications and Supporting Affidavits Audit scheduled for submission in the Second Quarter, Fiscal Year 2004/2005, which will be submitted in the Third Quarter, Fiscal Year 2004/2005, as set forth. [BPC #04-0138B]

Recommendation for Board action;

1. NOTE and FILE the Department's memo.

Item Nos. 8-G and 8-H were DISCUSSED with Captain Sanchez, Audit Division.

The Board NOTED and FILED Item Nos. 8-G and 8-H.

## 9. PUBLIC COMMENT PERIOD

The following person addressed the Board on general issues:

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 through 10-C, pursuant to Government Code Section 54957.

## 10. CLOSED SESSION ITEMS

### 10-A. NOT DISCUSSED – CONTINUED TO JANUARY 25, 2005

CONTINUED FROM 12/07/04

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-B. DISCUSSED – APPROVED – INSTRUCTIONS GIVEN

CONFERENCE WITH LABOR NEGOTIATOR. Discussion and bargaining instructions to the Employee Relations Administrator regarding Meet and Confer procedure for the Risk Management Information System Use Protocols, pursuant to Paragraphs 8, 47, and 184 of the Consent Decree. Government Code Section 54957.6. [BPC #04-0371A]

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

### 10C-1. REVIEWED – ADOPTED AS MODIFIED

CONTINUED FROM 01/11/05

- |    |             |                   |
|----|-------------|-------------------|
| 1. | OIS #011-04 | One Lieutenant II |
|    |             | One Detective III |
|    |             | One Detective II  |
|    |             | One Detective I   |

### 10C-2. REVIEWED – ADOPTED THE RECOMMENDATIONS OF THE CHIEF OF POLICE

- |    |             |                           |
|----|-------------|---------------------------|
| 2. | OIS #012-04 | One Police Officer II + 2 |
|----|-------------|---------------------------|

