

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

REGULAR MEETING – TUESDAY, MARCH 1, 2005

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, March 1, 2005, at 6:28 p.m., at Micheltorena Elementary School, 1511 Micheltorena Street, Silver Lake. On calling the roll, the following members were present: Commissioners Cunningham III, Skobin, Alarcon, and Ochi. President Cunningham presiding. Commissioner Caruso was absent.

PRESENT: Jim McDonnell, Acting Chief of Police
Richard M. 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 Ernesto Vicencio, Sergeant-at-Arms
Detective Aaron Bankhead, Sergeant-at-Arms
Detective Gilbert Silva, Sergeant-at-Arms

At this time, the Rampart Explorers opened the meeting with the Presentation of Colors.

1. PUBLIC COMMENT PERIOD (CLOSED SESSION ITEMS)

The following person addressed the Board:

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. 2-A, pursuant to Government Code Section 54957.6.

2. CLOSED SESSION ITEMS

2-A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Review of Officer Involved Shootings and other personnel matters. Government Code Section 54957.6.

2A-1. REVIEWED – ADOPTED: AYES (3); NOES (1).

CONTINUED FROM 02/22/05
(Officer Involved Shooting – OIS)

1. OIS #034-04
One Sergeant I
Six Police Officers II

2A-2. REVIEWED - ADOPTED

(Officer Involved Shooting - Animal Shooting)

2. A-D #027-04
One Police Officer II

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

3. APPROVAL OF MINUTES – NONE.

4. INTRODUCTION BY COUNCILMEMBER ERIC GARCETTI

Ms. Shane Goldsmith, Field Deputy, Council District 13 expressed Councilmember Garcetti's regrets for not attending this Board meeting, however he was running a 103 degree temperature and was not feeling well. Ms. Goldsmith welcomed the Police Commission, Department, and the Community, to the Thirteenth Council District and acknowledged the Rampart Senior Lead Officers for the outstanding work that they do everyday.

Captain Beck, Rampart Division and Rampart Community Police Advisory Board (C-PAB) Co-Chair Bertha Woolridge gave a status report presentation on the Rampart C-PAB.

5. COMMENDATIONS/CERTIFICATES OF APPRECIATION

The Board gave Certificates of Appreciation to the Domestic Abuse Response Team:

Officer Robert Canizalez, Officer Andres Cardenas, Officer Todd Doyle, Officer Gary Ferrato, Officer Adam Niebergall, Officer Kosal Bun, Officer Robin Jones, and Officer Edward Reagan.

6. REPORT OF THE CHIEF OF POLICE

Assistant Chief McDonnell gave the Department's "weekly crimes year to date" statistical report for the period ending February 26, 2005.

Assistant Chief McDonnell reported that the Days of Dialogue had taken place last Saturday at 20 different locations throughout the City.

Assistant Chief McDonnell announced that the Los Angeles County Peace Officers Association had named Police Commissioner Alan Skobin as the Reserve Officer of the Year.

The following persons addressed the Board:

Tut Hayes and John Walsh.

The public hearing was closed.

7. REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Tefank reported that the Photo Red Light contract would return to the Board by late March or early April.

Executive Director Tefank also reported that he attended a meeting with the Human Relations Commission and would continue to provide information to the Board regarding his meetings with this Commission.

The following persons addressed the Board:

Tut Hayes and John Walsh.

The public hearing was closed.

8. REPORT OF THE INSPECTOR GENERAL

Inspector General Birotte reported that he had also participated in the Days of Dialogue at the Southeast fire station this past weekend.

9. COMMISSION BUSINESS

Commissioner Skobin reported that he had also attended the Human Relations Commission meeting.

Commissioner Skobin also stated that he was able to observe the command post for the Academy Awards and commended the Department for a job well done.

10. INFORMATION – FILED ITEMS

Information items on file, submitted for the period ending February 25, 2005.

RECEIVED and FILED.

11. CONSENT AGENDA ITEMS

Commissioner Ochi moved, seconded by Commissioner Skobin, to APPROVE Item Nos. 11-A and 11-B. Unanimously APPROVED.

11-A. DONATIONS - APPROVED

DEPARTMENT'S REPORT regarding various donations (i.e., monetary, camera equipment, gym equipment, car wash vouchers, etc.) totaling \$20,188.11, which have been received by the Los Angeles Police Department, as set forth. [BPC #05-0053]

Recommendation for Board action:

1. REVIEW and APPROVE the Department's report and ACCEPT the various donations.

11-B. VARIANCE – RETROACTIVELY APPROVED

DEPARTMENT'S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from Fibwrap Construction, Inc. to permit nighttime construction, which began on Wednesday, February 23, 2005 from 9:00 p.m. to 7:00 a.m. and is scheduled to be completed on Tuesday, March 1, 2005 for the work site located at 10500 Owensmouth, as set forth. [BPC #05-0056]

Recommendation for Board action:

1. REVIEW and APPROVE the Department's report and retroactively APPROVE the variance request.

12. REGULAR AGENDA ITEMS

12-A. DEPARTMENT'S REPORT RECONSIDERED – SPECIAL EVENTS PERMIT APPROVED – CATEGORICAL EXEMPTION APPROVED – (SEE DETAILED MINUTES FOLLOWING)

REVISITED FROM 02/15/05

DEPARTMENT'S REPORT regarding a request filed by Nick Curl representing the Los Angeles Marathon, Inc.; for a Special Events Permit for the City of Los Angeles Marathon XX; Acura LA Bike Tour; Emerald Nuts 5K event on Sunday, March 6, 2005. [BPC #05-0026]

Recommendations for Board action:

1. MOTION to set aside the Commission's earlier approval of this permit.
2. MOTION to reconsider APPROVAL of Special Events Permit for the City of Los Angeles Marathon XX; Acura LA Bike Tour; and Emerald Nuts 5K event.

3. MOTION to adopt the Department's recommendation to FIND that this approval is Categorically Exempt from the California Environmental Quality Act (CEQA) under City CEQA Guidelines Article III, Section 1, d 6, because this marathon is a temporary use of land which has no permanent effect on the environment and therefore fits into the classification of projects described in that categorical exemption.
4. MOTION to APPROVE the request for Special Events Permit for the City of Los Angeles Marathon XX; Acura LA Bike Tour; and Emerald Nuts 5K event.

The above matter was DISCUSSED with Captain McCarthy, Special Operations Support Division and Mike Nagle, Deputy City Attorney.

The following persons addressed the Board:

Tut Hayes, Jane Scott, and Nick Curl.

The public hearing was closed.

Commissioner Skobin moved, seconded by Commissioner Ochi, to APPROVE Recommendation Nos. 1 and 2. Unanimously APPROVED.

Commissioner Skobin moved, seconded by Commissioner Ochi, to APPROVE Recommendation Nos. 3 and 4. Unanimously APPROVED.

12-B. REVIEWED – DEPARTMENT'S REPORT APPROVED

DEPARTMENT'S REPORT regarding revision to the Annual Audit Plan Status report – Second Quarter, Fiscal Year 2004/2005, as set forth. [BPC #05-0027A]

Recommendations for Board action

1. REVIEW and APPROVE the Department's report with a correction to "Attachment No. 2", which was previously approved on 02/08/05.

The above matter was DISCUSSED with Captain Sanchez, Audit Division.

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

12-C. 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 month of February 2005, as set forth. [BPC #05-0055, #05-0055A, and #05-0055B]

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 REVIEWED with Captain Kroeber, Consent Decree Bureau, Inspector General Birotte, and Executive Director Tefank.

The following person addressed the Board:

John Walsh.

The public hearing was closed.

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

12-D. DEPARTMENT’S REPORT APPROVED – TRANSMIT CONCURRENTLY TO CITY COUNCIL AND OFFICE OF THE CITY CONTROLLER

DEPARTMENT’S REPORT regarding the Supplemental Police Account Quarterly report (October through December 2004), as set forth. [BPC #05-0051]

Recommendations for Board action:

1. REVIEW and APPROVE the Department’s report.
2. TRANSMIT concurrently to the City Council and the Office of the City Controller.

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

12-E. REVIEWED – DEPARTMENT’S REPORT APPROVED – TRANSMIT TO PUBLIC SAFETY COMMITTEE

DEPARTMENT’S REPORT in response to City Council request regarding a comparison and status report of gun-trafficking enforcement, number of guns confiscated, filing rate of cases with the City Attorney’s Office and the District Attorney’s Office, number of warrants issued, and number of gun-traffickers prosecuted in calendar year 2004 compared to previous years, as set forth. [BPC #05-0050]

Recommendations for Board action:

1. REVIEW and APPROVE the Department’s report.
2. TRANSMIT to the Public Safety Committee.

The above matter was REVIEWED with Detective Banuelos, Detective Support Division.

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

12-F. REVIEWED – DEPARTMENT’S REPORT APPROVED – AUTHORIZED CHIEF OF POLICE TO ACCEPT FUNDS – AUTHORIZE CHIEF OF POLICE TO EXECUTE GRANT AGREEMENT – TRANSMIT CONCURRENTLY TO THE MAYOR AND CITY COUNCIL

DEPARTMENT’S REPORT regarding the Sobriety Checkpoint Program II, as set forth. [BPC #05-0052]

Recommendations for Board action:

1. REVIEW and APPROVE the Department’s report and grant agreement.
2. AUTHORIZE the Chief of Police to ACCEPT funds for the Sobriety Checkpoint Program II in the amount of \$347,200.00 for the period of December 1, 2004 through January 3, 2006.
3. AUTHORIZE the Chief of Police to execute this grant agreement on behalf of the City, subject to the approval of the City Attorney as to form and legality.
4. TRANSMIT concurrently to the Mayor and City Council.

The above matter was DISCUSSED with Captain McCarthy, Special Operations Support Division.

Commissioner Ochi moved, seconded by Commissioner Skobin, to APPROVE the Department’s report and grant agreement, AUTHORIZE the Chief of Police to accept the grant funds, AUTHORIZE the Chief of Police to execute this grant agreement, subject to the approval of the City Attorney as to form and legality, and subject to the approval of the Mayor and City Council, TRANSMIT concurrently to the Mayor and City Council. Unanimously APPROVED.

12-G. UNANIMOUSLY SUPPORT THE PROPOSED DRAFT AMENDING ORDINANCE – TRANSMIT TO PUBLIC SAFETY COMMITTEE

PROPOSED DRAFT AMENDING ORDINANCE NO. 175,676 regarding Police Permits, as set forth. [BPC #05-0054]

Recommendations for Board action:

1. MOTION to SUPPORT the Office of the City Attorney's proposed technical amendments to Ordinance No. 175,676 relating to procedures for the conduct of hearings before the Board upon the denial, suspension, or revocation of a police permit.
2. TRANSMIT to the Public Safety Committee.

The above matter was REVIEWED with Detective Jones, Commission Investigation Division.

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

13. COMMUNITY, COMMISSION, AND DEPARTMENT DISCUSSION

The following persons addressed the Board:

John Walsh and Tut Hayes.

The public hearing was closed.

14. PUBLIC COMMENT PERIOD

The following persons addressed the Board on general issues:

Randolph Brandelli, Jane Scott, John Walsh, Patricia Price, Teresa Continery, Joan Taylor Cherie Miller, Tut Hayes, Michael Horne, Mara Perez, Barbara Dakin, and David Lear.

The public hearing was closed.

ADJOURNMENT

A motion of adjournment at 8:50 p.m. was made by Commissioner Skobin, 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.