

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

REGULAR MEETING – TUESDAY, MARCH 15, 2005

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, March 15, 2005, at 9:41 a.m., in Room 146, Parker Center, Los Angeles. 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
Deborah Nichols, Sergeant-at-Arms

1. APPROVAL OF MINUTES:

NONE.

2. REPORT OF CHIEF OF POLICE

Acting Chief McDonnell gave the Department's "weekly crimes year to date" statistical report for the period ending March 12, 2005.

Acting Chief McDonnell reported that there were two recent police pursuits which turned into Use of Force incidents.

Acting Chief McDonnell stated that Recognition Day was held yesterday at the Academy and that there were approximately 200 members of the Police Department that were honored. He also stated that it was a very positive event however, there was no media present.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

3. REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Tefank stated that he and President Cunningham had met with the Commission for Children, Youth and Their Families to discuss gang intervention policies and juvenile intervention programs. Commissioner Ochi requested that Executive Director Tefank also receive input from the Department, Federal, and Los Angeles County Community Relations Sections and report back thereafter to the Police Commission

4. REPORT OF THE INSPECTOR GENERAL

Inspector General Birotte introduced a new employee, Special Investigator II Mark Smith.

Inspector General Birotte also reported that he had attended the Use of Force Symposium.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

5. COMMISSION BUSINESS

Commissioner Ochi stated that she and Commissioner Caruso had attended Recognition Day.

Commissioner Ochi reported that she had attended the IACP Forensics Committee Conference in Washington, D.C.

Commissioner Ochi also reported that she was a guest speaker at the Los Angeles City Women's Conference last Saturday.

Commissioner Ochi thanked Don Sterling for his donation of Clippers tickets to the California Forensic Science Institute.

Commissioner Skobin stated that he had attended the first graduation of Reserve Motor Officers.

Commissioner Skobin also thanked the Police Foundation for its financial support for the program and commented that the Department should find ways to budget for this training.

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 March 11, 2005.

RECEIVED and FILED.

7. CONSENT AGENDA ITEMS

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

7-A. VARIANCE - APPROVED

DEPARTMENT'S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from Wastewater Conveyance Engineering Division for nighttime construction beginning on Monday, September 1, 2005 from 8:30 p.m. to 5:30 a.m. to be completed on Friday, April 7, 2006, at the work site located on Flower Street between Pico Boulevard and Washington Boulevard, as set forth. [BPC #05-0073]

Recommendation(s) for Board action:

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

7-B. VARIANCE – RETROACTIVELY APPROVED

DEPARTMENT'S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from RePipe – California for nighttime construction beginning on Monday, March 14, 2005 from 10:00 p.m. to 6:00 a.m. to be completed on Friday, April 15, 2005 for the work site located on Sepulveda Boulevard between Rayen Street and Nordhoff Street, as set forth. [BPC #05-0076]

Recommendation(s) for Board action:

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

7-C. VARIANCE - APPROVED

DEPARTMENT'S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from RePipe – California for nighttime construction beginning on Monday, March 21, 2005 from 10:00 p.m. to 6:00 a.m. to be completed on Friday, May 20, 2005 for the various work sites listed below, as set forth. [BPC #05-0075]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.
2. MOTION to APPROVE the variance request for the following work sites:
 - a) Aurora Street between Baker Street and North Spring Street.
 - b) North Main Street between Rondout Street and Mesnager Street.
 - c) Ann Street between Naud Street and North Main Street.
 - d) Spring Street between Temple Street and Sunset Boulevard.
 - e) Republic Street at the intersection of North Main Street.
 - f) Bauchet Street between Alameda Street and Rosabell Street.
 - g) North Main Street between Chavez Street and Ord Street.
 - h) 7th Street between Valencia Avenue and Witmer Street.
 - i) Columbia Avenue between 8th Street and 7th Street.
 - j) Bond Street south of Pico Boulevard.
 - k) Cherry Street between Pico Boulevard and 11th Street.
 - l) Pico Boulevard between Cherry Street and Figueroa Street.
 - m) Convention Center Drive one block north of Venice Boulevard and Olive Street between 14th Street and Pico Boulevard.

7-D. FIREARMS/AMMUNITION SALES APPLICATION - DENIED

EXECUTIVE DIRECTOR'S REPORT regarding permit for firearms/ammunition sales application for Daniel Abete, as set forth. [BPC #05-0067]

Recommendation(s) for Board action:

1. MOTION to DENY the firearms/ammunition sales application for Daniel Abete.
2. MOTION to APPROVE the Executive Director's report.

Commissioner Ochi moved, seconded by Commissioner Alarcon, to APPROVE the Executive Director's report and recommendation to DENY the permit. Unanimously APPROVED.

8. REGULAR AGENDA ITEMS

8-A. NO ACTION TAKEN – (SEE DETAILED MINUTES FOLLOWING AND ON PAGE 12)

REVISITED FROM 03/08/05

DEPARTMENT'S REPORT regarding Special Event Permit request filed by ANSWER Coalition for the "Protest Invasion and Occupation of Iraq" on Saturday, March 19, 2005, as set forth. [BPC #05-0074]

Recommendation(s) for Board action:

1. MOTION to RESCIND previous action of the Commission on March 8, 2005, Item No. 6-A “Information – Filed Items,” approving Department’s report for Special Event Permit request regarding the “Protest Invasion and Occupation of Iraq” march and rally, ONLY.
2. MOTION to RECONSIDER approval of Special Event Permit for the “Protest Invasion and Occupation of Iraq” march and rally.
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 march 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 Department’s report and request for Special Event Permit for the “Protest Invasion and Occupation of Iraq” march and rally.

Commissioner Skobin moved, seconded by Commissioner Alarcon, to RESCIND the previous action of the Commission on March 8, 2005 and RECONSIDER approval of the Special Event Permit for the above matter. Unanimously APPROVED.

The above matter was DISCUSSED with Captain McCarthy, Special Operation Support Division, Captain Downing, Hollywood Division, Debra Gonzalez, Deputy City Attorney, and Julie Raffish, Deputy City Attorney.

The following persons addressed the Board:

Lieutenant George Grein, Los Angeles County Sheriff Transit Services Bureau, John Escher, John Beachem, ANSWERLA Coalition, Jane Galbraith, Jeff Loeb, George Pappas, Kerry Morrison, and Tut Hayes.

The public hearing was closed.

After a lengthy discussion, Commissioner Skobin moved, seconded by Commissioner Ochi, to AMEND the special event permit application conditions and restrictions by including the condition to “**march in the street only and not on the sidewalk.**” Which failed of adoption by the following vote: Ayes, Skobin and Ochi (2); Noes, Alarcon and Cunningham (2).

Commissioner Alarcon moved, seconded by President Cunningham, to AMEND the special event permit application by changing the direction of the route from west to east, beginning at Hollywood Boulevard and Orange, adjacent to 6910 Hollywood Boulevard travelling eastbound with the route ending at Hollywood Boulevard and Vine Street. Which failed of adoption by the following vote: Ayes, Alarcon and Cunningham (2); Noes, Ochi and Skobin (2).

At this point in the proceedings, Item No. 8-A was held on the desk and Item No. 8-L was taken out of order.

8-L. DEPARTMENT'S REPORT DATED MARCH 3, 2005 APPROVED – DEPARTMENT'S ORIGINAL REPORT RECEIVED AND FILED – TRANSMIT TO PUBLIC WORKS COMMITTEE

CONTINUED FROM 01/25/05

DEPARTMENT'S REPORT regarding a request received from City Council (Council File No. 04-2320) to research a proposal under California Vehicle Code Section 21101.4(A)(1), to temporarily close two streets in the Harbor Gateway Area due to criminal activity

[BPC #05-0014 and #05-0014A]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report dated March 3, 2005 in support of the Harbor Gateway Street Closures on 121st Street at Figueroa Street, and on Hoover Street at El Segundo Boulevard.
2. MOTION to RECEIVE AND FILE the Department's original report.
3. MOTION to TRANSMIT reports to the Public Works Committee.

The above matter was DISCUSSED with Captain Craig, Southeast Patrol Division and Mr. Moody, Council District 15.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

The Board INSTRUCTED the Department to correct the language of the report dated March 3, 2005 on page 2, paragraph 1, third sentence to omit "Corina Alarcon" and change the sentence to read: **"During the meeting of the Board of Police Commissioners on January 25, 2005, Commission inquired about the LAFD's position on the ability of emergency equipment to turn around in a cul-de-sac"**

Commissioner Ochi moved, seconded by Commissioner Skobin, to APPROVE the Department's report dated March 3, 2005, RECEIVE AND FILE the original Department's report, and TRANSMIT the above matter to the Public Works Committee. Unanimously APPROVED.

8-B. DEPARTMENT'S REPORT APPROVED – PAMPHLET ENTITLED “PROGRAMS, RESOURCES, SERVICES AND STRATEGIES” APPROVED AS AMENDED – TRANSMIT TO PUBLIC SAFETY COMMITTEE – (SEE DETAILED MINUTES FOLLOWING)

DEPARTMENT'S REPORT in response to Public Safety Committee request (Council File No. 04-1786) regarding report on strategies of the Department to reduce homicides and violent crime and to provide a written list of programs, resources and services for Council offices to distribute to the public, as set forth. [BPC #05-0069]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report and pamphlet entitled, “Programs, Resources, Services and Strategies.”
2. MOTION to TRANSMIT report and pamphlet to Public Safety Committee.

The above matter was DISCUSSED with Captain Cansler, Office of Operations.

The Board INSTRUCTED the Department to include information pertaining to the Office of the Inspector General in the pamphlet.

Commissioner Alarcon moved, seconded by Commissioner Skobin, to APPROVE the Department's report, MODIFY the pamphlet entitled “Programs, Resources, Services and Strategies” to include the Office of the Inspector General's information, and TRANSMIT the entire matter to the Public Safety Committee. Unanimously APPROVED AS AMENDED.

8-C. DEPARTMENT'S REPORT APPROVED – TRANSMIT TO PUBLIC SAFETY COMMITTEE

DEPARTMENT'S REPORT in response to City Council motion regarding officer involved shootings and complaints, as set forth. [BPC #05-0072]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.
2. MOTION to TRANSMIT report to the Public Safety Committee.

The above matter was DISCUSSED with Commander Lillo, Internal Affairs Group.

President Cunningham INSTRUCTED Executive Director Tefank to prepare the transmittal letter for the Public Safety Committee explaining a more “balanced” (complete) view of the Department’s report regarding officer involved shootings and complaints.

Commissioner Alarcon moved, seconded by Commissioner Skobin, to APPROVE the Department’s report and TRANSMIT this report to the Public Safety Committee. Unanimously APPROVED.

8-D. DEPARTMENT’S REPORT APPROVED – TRANSMIT TO THE PUBLIC SAFETY COMMITTEE

DEPARTMENT’S REPORT in response to Public Safety Committee’s request regarding the Out-of-Statute Personnel Complaints report, as set forth. [BPC #05-0068]

Recommendation(s) for Board action:

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

The above matter was DISCUSSED with Commander Lillo, Internal Affairs Group.

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

8-E. DEPARTMENT’S REPORT RECEIVED – DIRECT OFFICE OF THE INSPECTOR GENERAL TO SUBMIT AN ANALYSIS OF THIS REPORT

DEPARTMENT’S REPORT regarding the Non-Categorical Use of Force Reports Interim Audit – Second Quarter, Fiscal Year 2004/2005, as set forth. [BPC #05-0070]

Recommendation(s) for Board action:

1. MOTION to RECEIVE the Department’s report.
2. MOTION to 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.

Commissioner Skobin moved, seconded by Commissioner Ochi, to RECEIVE the Department’s report and DIRECT the Office of the Inspector General to submit an analysis of this report along with any appropriate recommendations to the Board. Unanimously APPROVED.

8-F. DEPARTMENT'S REPORT APPROVED

DEPARTMENT'S REPORT regarding "Department Training Regarding the Receipt for Property Taken into Custody, Form 10.10 (property receipt)" to ensure that Form 10.10 is issued as mandated by Department policy and the California Penal Code Section 1412, as set forth.

[BPC #05-0061]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.

The above matter was DISCUSSED with Mr. Chaleff, Consent Decree Bureau and Inspector General Birotte.

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

8-G. DEPARTMENT'S REPORT APPROVED AS AMENDED – (SEE DETAILED MINUTES FOLLOWING)

DEPARTMENT'S REPORT in response to Board query regarding the feasibility study on issuing the collapsible baton to all sworn personnel, as set forth. [BPC #05-0064]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.
2. MOTION to APPROVE the collapsible baton as standard-issued equipment for recruit officers.
3. MOTION to APPROVE the continued use of the collapsible baton as an optional item for tenured officers.

The above matter was DISCUSSED with Dr. Greene, Police Training and Education and Sergeant Katapodis, Training Division.

Commissioner Alarcon moved, seconded by Commissioner Ochi, to AMEND the Department's report to add verbiage that would require mandatory training on the use of the collapsible baton and that carrying a collapsible baton on Sam Browne belts, be optional. Unanimously APPROVED AS AMENDED.

8-H. DEPARTMENT'S REPORT APPROVED AS AMENDED – (SEE DETAILED MINUTES FOLLOWING)

DEPARTMENT'S REPORT regarding commendations for the International Association of Chiefs of Police (IACP) Planning Group, as set forth [BPC #05-0058]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.
2. MOTION to APPROVE awarding the Police Commission Distinguished Service Medal to the 2004 IACP Conference Management Team.
3. MOTION to APPROVE awarding a certificate or plaque to the 2004 IACP Conference Coordination Team members.
4. MOTION to APPROVE awarding a certificate or plaque to the Host Committee members.

Commissioner Alarcon moved, seconded by Commissioner Skobin, to AMEND the Department's report and recommendations to include Assistant Chief McDonnell, Los Angeles Police Department and Chief Sandra Hutchins, Los Angeles County Sheriff's Department for the Distinguished Service Medal Award. Unanimously APPROVED AS AMENDED.

8-I. OFFICE OF THE INSPECTOR GENERAL'S REPORT RECEIVED AND FILED

OFFICE OF THE INSPECTOR GENERAL'S REPORT regarding the Activity Report for the month of January 2005, as set forth. [BPC #05-0066]

Recommendation(s) for Board action:

1. MOTION to RECEIVE AND FILE the Office of the Inspector General's report.

The above matter was DISCUSSED with Inspector General Birotte.

Commissioner Ochi moved, seconded by Commissioner Alarcon, to RECEIVE AND FILE the above matter. Unanimously APPROVED.

8-J. DEPARTMENT'S REPORT APPROVED – TRANSMIT TO PUBLIC SAFETY COMMITTEE

CONTINUED FROM 05/18/04

DEPARTMENT'S REPORT in response to a request received from City Council (Council File No. 04-2359) to review strategies to streamline Jail Division's booking and transportation processes at Department jail facilities, as set forth. [BPC #05-0071]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.
2. MOTION to TRANSMIT report to the Public Safety Committee.

The above matter was DISCUSSED with Captain Findley, Jail Division, Mr. Brennan, Personnel Division, and Assistant Chief Papa, Office of Support Services.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

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

8-K. DEPARTMENT'S REVISED REPORT APPROVED – DEPARTMENT'S ORIGINAL REPORT RECEIVED AND FILED – RECOMMENDED QUALIFICATIONS TO COMPETE FOR P-III POSITION APPROVED

CONTINUED FROM 12/07/04

DEPARTMENT'S REPORT in response to Board query regarding PIII Selection process, analysis and status report [BPC #04-0662A and #04-0662B]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's revised report dated March 8, 2005.
2. MOTION to APPROVE the recommended qualifications to compete for a Police Officer III position.
3. MOTION to RECEIVE AND FILE the Department's original report.

The above matter was DISCUSSED with Commander Hansohn and Mr. Brennan, Personnel Group.

Commissioner Skobin moved, seconded by Commissioner Alarcon, to APPROVE Recommendation Nos. 1 and 2 and RECEIVE AND FILE Recommendation No. 3. Unanimously APPROVED.

8-M. UPDATE GIVEN

CONTINUED FROM 03/08/05

DEPARTMENT UPDATE regarding the status of the District Policing Pilot Program.

An update was given by Assistant Chief Gascón, Office of Operations and Dr. Jablonski, Behavioral Science Services Section.

At this time, Item No. 8-A was taken up again.

Item No. 8-A was DISCUSSED further with Captain McCarthy, Special Operations Services Division and Julie Raffish, Deputy City Attorney.

Commissioner Skobin moved, seconded by Commissioner Ochi, to AMEND the special event permit application conditions and restrictions by including the condition to “**march in the street only and not on the sidewalk.**” Which failed of adoption by the following vote: Ayes, Skobin and Ochi (2); Noes, Alarcon and Cunningham (2).

Commissioner Alarcon moved, seconded by President Cunningham, to AMEND the special event permit application by changing the direction of the route from west to east, beginning at Hollywood Boulevard and Orange, adjacent to 6910 Hollywood Boulevard traveling eastbound with the route ending at Hollywood Boulevard and Vine Street. Which failed of adoption by the following vote: Ayes, Alarcon and Cunningham (2); Noes, Ochi and Skobin (2).

Mr. Burton, Senior Assistant City Attorney requested that the Board hold the matter on the desk until the Department and the Applicant could reach an agreement.

President Cunningham denied the request.

9. PUBLIC COMMENT PERIOD

The following persons addressed the Board on general issues:

Chaim Kolodny and Tut Hayes.

The public hearing was closed.

10. CLOSED SESSION ITEMS

At this time, President Cunningham inquired if there was anyone in the public wishing to be heard on Closed Session Item Nos. 10A-1 and 10A-2. There being no public comment cards for this matter, the public hearing was closed.

At this point, Ms. Valenzuela announced that the Board would recess to Closed Session to discuss Item Nos. 10A-1 and 10A-2, pursuant to Government Code Section 54957.

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

10A-1. REVIEWED - ADOPTED

1. (Officer Involved Shooting – OIS)
OIS #033-04
- One Sergeant I
Two Police Officers III
Six Police Officers II
Two Police Officers I

10A-2. REVIEWED - ADOPTED

2. (Animal Dog – A-D)
A-D #043-04
- Two Police Officers II

ADJOURNMENT

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

A motion of adjournment at 1:39 p.m. was made by Commissioner Alarcon, 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.