

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

REGULAR MEETING – TUESDAY, MARCH 29, 2005

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, March 29, 2005, at 9:45 a.m., in Room 146, Parker Center, 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: George Gascón, 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
Officer Jose Ceja, Sergeant-at-Arms
Detective Ben Jones, Sergeant-at-Arms
Detective Gilbert Silva, Sergeant-at-Arms

1. APPROVAL OF MINUTES

NONE.

2. REPORT OF CHIEF OF POLICE

Acting Chief Gascón gave the Department's "weekly crimes year to date" statistical report for the period ending March 26, 2005.

Acting Chief Gascón stated that there are currently 207 recruits in the Academy, four restorations and no retirements last week.

3. REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Tefank announced that the Annual C-PAB Summit would be held on April 9, 2005 at Paramount Studios from 8:30 a.m. to 1:30 p.m.

4. REPORT OF THE INSPECTOR GENERAL

Inspector General Birotte announced that his office would begin the interview process for Police Performance Auditor.

5. COMMISSION BUSINESS

President Cunningham presented a Certificate of Appreciation to Reverend Eugene Marzette for his work organizing the Walk for Life and Peace events.

Executive Director Tefank presented the Police Commission's Employee of the Month award to Detective II Ben Jones, Commission Investigation Division.

Commissioner Ochi reported that the Board had received a letter from Human Relations Commission and requested that Executive Director Tefank share the information received with other entities such as the Police Department, Los Angeles County Human Relations, and California State Human Relations Section. Commissioner Ochi also asked that Executive Director Tefank follow up and calendar recommendations for discussion.

Commissioner Skobin stated that he had attended the Hugh O'Bryant Leadership Award Dinner honoring Chief Bratton, Sheriff Baca, and the Los Angeles City and County Fire Chiefs.

6. INFORMATION – FILED ITEMS

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

RECEIVED and FILED.

7. CONSENT AGENDA ITEMS

Commissioner Ochi moved, seconded by Commissioner Skobin, to APPROVE the Department's reports and request for variances, attached to Item Nos. 7-A through 7-C. Unanimously APPROVED.

7-A. VARIANCE – DEPARTMENT'S REPORT APPROVED – VARIANCE REQUEST RETROACTIVELY APPROVED

DEPARTMENT'S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from Los Angeles Unified School District for nighttime construction which began on Tuesday, February 22, 2005 from 9:00 p.m. to 11:30 p.m. to be completed on Thursday, April 7, 2005 for the work site located at 731 North Detroit Street, as set forth. [BPC #05-0087]

Recommendation(s) for Board action:

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

7-B. VARIANCE – DEPARTMENT’S REPORT APPROVED – VARIANCE REQUEST RETROACTIVELY APPROVED

DEPARTMENT’S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from Colich & Sons/J.R. Pipeline J.V. for nighttime construction which began on Monday, March 21, 2005 from 9:00 p.m. to 7:00 a.m. and will be completed on Friday, December 29, 2006 for the work site located on the lower north outfall sewer, downstream Centinela Avenue siphon, as set forth. [BPC #05-0088]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department’s report and retroactively APPROVE the variance request.

7-C. VARIANCE – DEPARTMENT’S REPORT APPROVED – VARIANCE REQUEST RETROACTIVELY APPROVED

DEPARTMENT’S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from Taisei Construction Corporation for nighttime construction which began on Monday, March 21, 2005 from 9:00 p.m. to 7:00 a.m. and will be completed on Friday, May 27, 2005 for the work site located at 610 South Main Street, as set forth. [BPC #05-0095]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department’s report and retroactively APPROVE the variance request.

8. REGULAR AGENDA ITEMS

At this time, President Cunningham announced that Item 8-G would be continued to April 12, 2005.

8-G. ENTIRE MATTER CONTINUED TO 04/12/05

CONTINUED FROM 03/22/05

DEPARTMENT’S REPORT in response to Board query regarding the Board of Rights Process Status report, as set forth. [BPC #05-0082]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department’s report.

8-A. PRESENTATION AND UPDATE GIVEN

CONTINUED FROM 03/22/05

PRESENTATION and UPDATE from the Community Police Advisory Board (C-PAB) within the North Hollywood area.

A PRESENTATION and UPDATE was given on the above matter by Captain Sweet, North Hollywood Division and Eric Reuveni, North Hollywood C-PAB.

8-B. DEPARTMENT'S REPORT APPROVED – TRANSMIT TO PUBLIC SAFETY COMMITTEE FOR INFORMATIONAL PURPOSES

EXECUTIVE DIRECTOR'S REPORT regarding the Revised Burglar Alarm Dispatch Policy status report for the months of October, November, and December 2004, as set forth.

[BPC #05-0094]

Recommendation(s) for Board action:

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

The above matter was DISCUSSED with Executive Director Tefank.

The Board INSTRUCTED Executive Director Tefank to provide a report on fines paid in the past year and the number of new permits for alarms.

Commissioner Skobin moved, seconded by Commissioner Ochi, to APPROVE the Executive Director's report and TRANSMIT the above matter to the Public Safety Committee for informational purposes. Unanimously APPROVED.

8-C. DEPARTMENT'S REPORT APPROVED – TRANSMIT TO BUDGET AND FINANCE AND PUBLIC SAFETY COMMITTEES

DEPARTMENT'S REPORT in response to Council File No. 04-1942 relative to a monthly progress report detailing the backfill and funding of sworn positions assigned to the Police Department, as set forth.

[BPC #05-0090]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.
2. MOTION to TRANSMIT this report to the Budget and Finance and Public Safety Committees.

8-D. DEPARTMENT'S REPORT APPROVED – TRANSMIT TO PUBLIC SAFETY COMMITTEE – (SEE DETAILED MINUTES FOLLOWING AND AFTER ITEM NO. 8-E)

DEPARTMENT'S REPORT regarding a status update on the transition of Critical Incident Investigation Division to Force Investigation Division – March 2005, as set forth.

[BPC #05-0096]

Recommendation(s) for Board action:

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

The above matter was DISCUSSED with Captain Egan, Internal Affairs Division. At this time, the entire matter was held on the desk.

8-E. DEPARTMENT'S REPORT APPROVED

DEPARTMENT'S REPORT regarding a status update on the Department's disciplinary process pertaining to Reorganization, Settlements, and the Complaint Management System (CMS), as set forth.

[BPC #05-0089]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.

The above matter was DISCUSSED with Captain Egan, Internal Affairs Division and Commander Lillo, Internal Affairs Group.

The Board INSTRUCTED the Office of the Inspector General and Professional Standards Bureau to review and prepare a report relative to personnel Complaints reviewed by former Chief of Police Pomeroy.

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

At this time, Item No. 8-D was taken up again and DISCUSSED with Commander Lillo, Internal Affairs Group.

Commissioner Skobin moved, seconded by Commissioner Ochi, to APPROVE the Department's report attached to Item No. 8-D and TRANSMIT this report to the Public Safety Committee. Unanimously APPROVED.

8-F. ENTIRE MATTER CONTINUED TO APRIL 12, 2005

CONTINUED FROM 02/22/05

DEPARTMENT'S REPORT and OFFICE OF THE INSPECTOR GENERAL'S REPORT regarding the Discipline Report, Fourth Quarter 2004, in accordance with paragraph 89 of the Consent Decree, as set forth. (Also calendared as Item No. 10-B in Closed Session)

[BPC #05-0048 and #05-0048A]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.
2. MOTION to APPROVE the Office of the Inspector General's report.

8-H. DEPARTMENT'S REPORT APPROVED

DEPARTMENT'S REPORT regarding the Training Content Interim Report, Third Quarter Fiscal Year 2004/2005, in accordance with paragraph 117 of the Consent Decree, as set forth.

[BPC #05-0091]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department'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.

At this time, Item Nos. 8-I and 8-J were taken up together.

8-I. DEPARTMENT'S REPORT APPROVED – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 8-J)

DEPARTMENT'S REPORT regarding the Newton Area Gang Enforcement Detail Command Accountability Performance Audit, as set forth.

[BPC #05-0092]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.

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

DEPARTMENT'S REPORT regarding the Wilshire Area Gang Enforcement Detail Command Accountability Performance Audit, as set forth. [BPC #05-0093]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.

The above matters were DISCUSSED with Mr. Chaleff, Consent Decree Bureau.

Commissioner Skobin moved, seconded by Commissioner Ochi, to APPROVE the Department's reports attached to Item Nos. 8-I and 8-J. Unanimously APPROVED.

8-K. DEPARTMENT'S REPORT APPROVED

DEPARTMENT'S REPORT in response to Board query regarding training, policy, and use of the Pursuit Intervention Technique (PIT), as set forth. [BPC #05-0099]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.

The above matter was DISCUSSED with Captain Hara, Training Division.

President Cunningham INSTRUCTED the Department to report back with more information when the PIT maneuver is deployed. Specifically, how often does this result in accidents and/or injury to others? President Cunningham also stated that this report need not be agendized and that it can be information only.

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

At this time, Item Nos. 8-L and 8-M were taken up together.

Commissioner Skobin moved, seconded by Commissioner Ochi, to RECEIVE AND FILE the reports attached to Item Nos. 8-L and 8-M. Unanimously APPROVED.

8-L. DEPARTMENT'S REPORT RECEIVED AND FILED

DEPARTMENT'S REPORT regarding the Activity Report for the month of December 2004, as set forth. [BPC #05-0097]

Recommendation(s) for Board action:

1. MOTION to RECEIVE and FILE the Department's report.

8-M. DEPARTMENT'S REPORT RECEIVED AND FILED

OFFICE OF THE INSPECTOR GENERAL'S REPORT regarding the Activity Report for the month of February 2005, as set forth. [BPC #05-0098]

Recommendation(s) for Board action:

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

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

CONTINUED FROM 08/31/04

DEPARTMENT'S REPORT and OFFICE OF THE INSPECTOR GENERAL'S REPORT regarding the Categorical Use of Force Investigations Final Audit Report, Fourth Quarter Fiscal Year 2003/2004, in accordance with the Annual Audit Plan for Fiscal Year 2003/2004, as set forth. [BPC #04-0559 and #04-0559A]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.
2. MOTION to APPROVE the Office of the Inspector General's report.

The above matter was DISCUSSED with Inspector General Birotte.

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

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

CONTINUED FROM 11/02/04

DEPARTMENT'S REPORT and OFFICE OF THE INSPECTOR GENERAL'S REPORT regarding the Assessment of Second Quarter 2004 Bureau Gang Coordinator Inspections, in accordance with paragraph 106(h) of the Consent Decree, as set forth.

[BPC #04-0616 and #04-0616A]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.
2. MOTION to APPROVE the Office of the Inspector General's report.

The above matter was DISCUSSED with Inspector General Birotte.

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:

Page Miller and Mr. Juarez.

The public hearing was closed.

10. CLOSED SESSION ITEMS

At this point in the proceedings, President Cunningham inquired if there were any members of the public wishing to speak on Item Nos. 10-A through 10-D. There being no speaker cards for Item Nos. 10-A through 10-D, the public hearing was closed.

At this time, Ms. Valenzuela announced that the Board would recess into Closed Session to discuss Item Nos. 10-A through 10-D, pursuant to the appropriate Government Code Sections.

10-A. REVIEWED – ENTIRE MATTER WITHDRAWN BY THE POLICE COMMISSION DUE TO LACK OF SUFFICIENT EVIDENCE

CONTINUED FROM 03/08/05

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Discussion and possible Board action relative to investigation concerning Complaint File No. #00-4679. Government Code Section 54957.6.

1. Former Chief of Police

10-B. ENTIRE MATTER CONTINUED TO 04/12/05

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Discussion and possible Board action regarding the Commission's assessment of the appropriateness of the Chief of Police's actions on the Department's Discipline Report, Fourth Quarter 2004 and the Inspector General's analysis of

A motion of adjournment at 12:00 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.