

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

**REGULAR MEETING – TUESDAY, APRIL 12, 2005**

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, April 12, 2005, at 9:47 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 arrived late.

PRESENT: William J. Bratton, Chief of Police  
Richard M. Tefank, Executive Director  
Donna Weisz-Jones, 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 MINUTES FOR:**

- Regular Meeting March 29, 2005

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

**2. REPORT OF CHIEF OF POLICE**

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

Chief Bratton stated that there are currently 260 recruits in the Academy and there have been six restorations year to date.

Chief Bratton announced that this was National Police Dispatchers' Week and that the Department has several events planned to honor the 648 men and women in this position. Chief Bratton also stated that Councilmembers LaBonge, Smith, and Zine were present at the 7:00 a.m. roll call this morning.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

At this time, Commissioner Caruso entered the Police Commission Boardroom.

### **3. REPORT OF THE EXECUTIVE DIRECTOR**

Executive Director Tefank announced that the Photo Red Light Contract issue is still under negotiations between the Department, selected vendor, and the City Attorney's Office. Executive Director Tefank stated that he hopes to have this matter calendared by the end of this month or early next month.

Executive Director Tefank reported that the next Community Police Advisory Board (C-PAB) presentation will be scheduled for the April 26, 2005 Commission meeting.

Executive Director Tefank also reported that the C-PAB Summit was held this past Saturday at Paramount Studios and that President Cunningham and Commissioner Skobin had also attended this meeting.

### **4. REPORT OF THE INSPECTOR GENERAL**

Inspector General Birotte stated that his office was currently working on improving the timeliness and quality of its reviews and audits to ensure compliance with the Consent Decree.

### **5. COMMISSION BUSINESS**

Commissioner Ochi commended Executive Director Tefank for his work in facilitating a meeting with the Federal, State, County, City and Department human and community relations entities to review the recommendations from the City's Human Relations Commission following the Devin Brown incident.

Commissioner Ochi also asked that Special Order No. 40 be calendared for the next Board meeting.

Commissioner Skobin stated that he had attended the Los Angeles based Climate of Trust program and also asked that a presentation be made to the Commission regarding the Valley anti-gang coalition.

President Cunningham stated that he had attended the annual C-PAB Summit and was very pleased with the attendance and interaction with the C-PAB members. President Cunningham also stated that he'd like to encourage children under the age of 19 years old to attend next years C-PAB Summit.

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 April 8, 2005.

RECEIVED and FILED.

## **7. CONSENT AGENDA ITEMS**

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

### **7-A. DEPARTMENT’S REPORT APPROVED – VARIANCE APPROVED**

DEPARTMENT’S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from the Los Angeles Unified School District for nighttime construction which began on Tuesday, March 22, 2005 from 3:00 p.m. to 11:30 p.m. and will be completed on Thursday, May 5, 2005 for the work site located at 10233 Woodward Avenue, as set forth.

[BPC #05-0109]

Recommendation(s) for Board action:

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

### **7-B. DEPARTMENT’S REPORT APPROVED – VARIANCE APPROVED**

DEPARTMENT’S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from the Los Angeles Unified School District for nighttime construction which began on Wednesday, March 23, 2005 from 2:00 p.m. to 10:30 p.m. and will be completed on Tuesday, April 12, 2005 for the work site located at 7839 Amestoy Avenue, as set forth.

[BPC #05-0108]

Recommendation(s) for Board action:

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

**7-C. DEPARTMENT'S REPORT APPROVED – VARIANCE APPROVED**

DEPARTMENT'S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from the Department of Water and Power for nighttime construction beginning on Saturday, April 16, 2005 from 12:00 a.m. to 8:00 a.m. and will be completed on Saturday, April 16, 2005 for the work site located at the Southeast corner of 9<sup>th</sup> Street and Figueroa Street, as set forth. [BPC #05-0111]

Recommendation(s) for Board action:

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

**7-D. DEPARTMENT'S REPORT APPROVED – VARIANCE APPROVED**

DEPARTMENT'S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from the Department of Water and Power for nighttime construction beginning on Saturday, April 23, 2005 from 12:00 a.m. to 8:00 a.m. and will be completed on Saturday, April 23, 2005 for the work site located at the Northeast corner of 8<sup>th</sup> Street and Figueroa Street, as set forth. [BPC #05-0112]

Recommendation(s) for Board action:

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

**7-E. DEPARTMENT'S REPORT APPROVED – VARIANCE APPROVED**

DEPARTMENT'S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from the Department of Water and Power for nighttime construction beginning on Saturday, April 2, 2005 from 12:00 a.m. to 6:00 a.m. and will be completed on Saturday, April 2, 2005 for the work site located at 312 West 5<sup>th</sup> Street, as set forth. [BPC #05-0113]

Recommendation(s) for Board action:

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

**7-F. DEPARTMENT'S REPORT APPROVED – VARIANCE APPROVED**

DEPARTMENT'S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from the Irish Communication Company for nighttime construction beginning on Saturday, April 4, 2005 from 7:00 p.m. to 6:00 a.m. and will be completed on Friday, April 15, 2005 for the work site located on 1<sup>st</sup> Street between Broadway and Hill Street, as set forth. [BPC #05-0114]

Recommendation(s) for Board action:

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

### **8. REGULAR AGENDA ITEMS**

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

#### **8-O. DEPARTMENT'S REPORT RECEIVED AND FILED – (SEE DETAILED MINUTES FOLLOWING)**

DEPARTMENT'S REPORT regarding Standards for the Department approved flashlight, as set forth. [BPC #05-0116]

Recommendation(s) for Board action:

1. MOTION to REVIEW and APPROVE the Department's report.

The above matter was DISCUSSED with Captain Hara and Sergeant Katapodis, Training Division, and Bob Baker and Corina Lee, Los Angeles Police Protective League.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

Commissioner Caruso moved, seconded by Commissioner Alarcon, to AUTHORIZE the Chief of Police to determine the standards for issuance and training of flashlights and to RECEIVE AND FILE the Department's report. Which motion was ADOPTED by the following vote: Ayes: Alarcon, Caruso, and Cunningham (3); Noes: Ochi and Skobin (2).

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

#### **8-P. DEPARTMENT'S REPORT APPROVED – PROPOSED SPECIAL ORDER "VEHICLE PURSUIT POLICY – REVISED" APPROVED**

DEPARTMENT'S REPORT regarding Revision of Department Manual Section 4/205 -proposed SPECIAL ORDER entitled Vehicle Pursuit Policy – Revised, as set forth. [BPC #05-0117]

Recommendation(s) for Board action:

1. MOTION to REVIEW and APPROVE the Department's report.

2. MOTION to REVIEW and ADOPT the proposed Special Order "Vehicle Pursuit Policy - Revised".

The above matter was DISCUSSED with Assistant Chief Papa, Office of Support Services, Chief Bratton, and Sergeant Moen, Training Division.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

Commissioner Caruso moved, seconded by Commissioner Alarcon, to APPROVE the Department's report and proposed Special Order. Unanimously APPROVED.

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

DEPARTMENT'S REPORT regarding updated response to the Office of the Inspector General's recommendations regarding managing retaliation, as set forth. [BPC #05-0115]

Recommendation(s) for Board action:

1. MOTION to REVIEW and APPROVE the Department's report.
2. MOTION to TRANSMIT the Department's report to the City Council and the Public Safety Committee.

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

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

At this time, Item Nos. 8-F and 8-H through 8-K were taken up together.

**8-F. DEPARTMENT'S REPORT RECEIVED – DIRECT OFFICE OF THE INSPECTOR GENERAL TO SUBMIT AN ANALYSIS OF THIS REPORT – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 8-K)**

DEPARTMENT'S REPORT regarding the Initiation of Complaints Audit, Third Quarter Fiscal Year 2004/2005, in accordance with the Annual Audit Plan, as set forth. [BPC #05-0104]

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.

**8-H. DEPARTMENT'S REPORT RECEIVED – DIRECT OFFICE OF THE INSPECTOR GENERAL TO SUBMIT AN ANALYSIS OF THIS REPORT – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 8-K)**

DEPARTMENT'S REPORT regarding the Motor Vehicle and Pedestrian Stop Data Collection Audit, Third Quarter Fiscal Year 2004/2005, in accordance with the Annual Audit Plan, as set forth. [BPC #05-0106]

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.

**8-I. DEPARTMENT'S REPORT RECEIVED – DIRECT OFFICE OF THE INSPECTOR GENERAL TO SUBMIT AN ANALYSIS OF THIS REPORT – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 8-K)**

DEPARTMENT'S REPORT regarding the Categorical Use of Force Systems Audit, Third Quarter, Fiscal Year 2004/2005, in accordance with the Annual Audit Plan, as set forth. [BPC #05-0107]

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.

**8-J. DEPARTMENT'S REPORT RECEIVED – DIRECT OFFICE OF THE INSPECTOR GENERAL TO SUBMIT AN ANALYSIS OF THIS REPORT – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 8-K)**

DEPARTMENT'S REPORT regarding the Complaint, Form 1.28, Investigations Audit, Third Quarter, Fiscal Year 2004/2005, in accordance with the Annual Audit Plan, as set forth. [BPC #05-0110]

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.

**8-K. DEPARTMENT'S REPORT APPROVED – OFFICE OF THE INSPECTOR GENERAL'S REPORT APPROVED – EXECUTIVE DIRECTOR'S REPORT APPROVED – (SEE DETAILED MINUTES FOLLOWING)**

DEPARTMENT'S REPORT, OFFICE OF THE INSPECTOR GENERAL'S REPORT, and EXECUTIVE DIRECTOR'S REPORT regarding the monthly Consent Decree status report for the period ending March 31, 2005, as set forth. [BPC #05-0101, #05-0101A, and #05-0101B]

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.
3. MOTION to APPROVE the Executive Director's report.

Commissioner Caruso moved, seconded by Commissioner Alarcon, to RECEIVE the Department's report and DIRECT the Office of the Inspector General to submit an analysis of the reports attached to Item Nos. 8-F, 8-H, 8-I, and 8-J and to APPROVE the Department's report, Office of the Inspector General's report, and Executive Director's report, attached to Item No. 8-K. Unanimously APPROVED.

**8-G. DEPARTMENT'S REPORT APPROVED**

DEPARTMENT'S REPORT regarding Audit Recommendation Status Report, Fourth Quarter 2004, as set forth. [BPC #05-0105]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.

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

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

**8-C. DEPARTMENT'S REPORT APPROVED – GRANT AGREEMENT APPROVED**

DEPARTMENT'S REPORT and GRANT from the State of California Office of Traffic Safety regarding a grant agreement entitled "California Seat Belt Compliance Campaign" (CSBCC), as set forth. [BPC #05-0100]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.
2. MOTION to ACCEPT the grant.
3. MOTION to REQUEST the Mayor and City Council to:
  - a) AUTHORIZE the Chief of Police to ACCEPT funds in the amount of \$89,200.00 for the period May 16, 2005 through June 5, 2005 for the CSBCC;
  - b) AUTHORIZE the Chief of Police to execute this grant agreement on behalf of the City, subject to approval of the City Attorney as to form and legality;
  - c) AUTHORIZE the Chief of Police to reapply for CSBCC funds on behalf of the City as they become available;
  - d) AUTHORIZE the Controller to establish an appropriation account within the Department No. 70, Fund 339, Account No. W511 and Revenue Source Code for Fund 339 to be assigned by the Controller: and,
  - e) AUTHORIZE the Department to prepare Controller instructions for any necessary technical adjustments subject to approval of the City Administrative Officer, and AUTHORIZE the Controller to implement the instructions.
4. MOTION to TRANSMIT the Department's report and grant agreement to the Mayor and City Council.

Commissioner Ochi moved, seconded by Commissioner Caruso, to APPROVE the above matter. 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. Johnson, Fiscal and Technical Services Bureau gave an UPDATE regarding the above matter.

The following person addressed the Board:

Tut Hayes.

The public hearing was closed.

**8-D. DEPARTMENT'S REPORT APPROVED – TRANSMIT TO BUDGET AND FINANCE COMMITTEE**

DEPARTMENT'S REPORT in response to Council File No. 04-0767 regarding a monthly update on the funding and staffing needs for the Mission Area Police Station, as set forth.

[BPC #05-0102]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.
2. MOTION to TRANSMIT report to the Budget and Finance Committee.

The above matter was DISCUSSED with Mr. Brennan, Personnel Division.

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

**8-E. DEPARTMENT'S REPORT APPROVED – TRANSMIT TO BUDGET AND FINANCE COMMITTEE**

DEPARTMENT'S REPORT in response to City Council request, Council File No. 03-1250-S71, relative to the appropriate personnel classification to staff the Jail Division Commanding Officer position, as set forth.

[BPC #05-0103]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.
2. MOTION to TRANSMIT report to the Budget and Finance Committee.

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

**8-L. DEPARTMENT'S REPORT APPROVED**

CONTINUED FROM 03/29/05

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.

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

**8-N. DEPARTMENT'S REPORT ACCEPTED – DEPARTMENT'S SUPPLEMENTAL REPORT ACCEPTED**

CONTINUED FROM 03/08/05

DEPARTMENT'S REPORTS in response to Board query concerning Medical Fraud scams effecting 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 and #05-0010A]

Recommendation(s) for Board action:

1. MOTION to ACCEPT the Department's report.
2. MOTION to ACCEPT the Department's supplemental report.

The above matter was DISCUSSED with Ms. Weisz-Jones, City Attorney's Office.

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

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

CONTINUED FROM 03/29/05

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-A 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.

The above matter was DISCUSSED with Inspector General Birotte and Commander Lillo, Internal Affairs Group.

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

## **9. PUBLIC COMMENT PERIOD**

The following person addressed the Board on general issues:

Tut Hayes.

The public hearing was closed.

## **10. 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 Nos. 10-A and 10-B, pursuant to Government Code Section 54957.

### **10-A. REVIEWED – APPROVED IN OPEN SESSION**

CONTINUED FROM 03/29/05

**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 this report. Government Code Section 54957. (Also calendared as Item No. 8-M In Open Session) [BPC #05-0048 and #05-0048A]

**10-B. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/PUBLIC EMPLOYEE PERFORMANCE EVALUATION.** Review of Officer Involved Shootings (OIS), and other personnel matters. Government Code Section 54957.

### **10B-1. REVIEWED - ADOPTED**

1. OIS #044-04 Two Police Officers II

### **10B-2. REVIEWED – CONTINUED TO APRIL 19, 2005**

2. OIS #047-04 Two Police Officers III  
Two Police Officers II

