

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

**REGULAR MEETING – TUESDAY, JUNE 21, 2005**

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, June 21, 2005, at 9:37 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  
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

At this time, the Board adjourned into Closed Session to discuss Item No. 10-A.

**10-A. DISCUSSED – DIRECTION GIVEN TO EMPLOYEE RELATIONS ADMINISTRATOR**

CONTINUED FROM 02/22/05

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

The Board reconvened in Open Session at 10:05 a.m.

**1. APPROVAL OF MINUTES**

- Regular Meeting June 7, 2005

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

**2. REPORT OF CHIEF OF POLICE**

Acting Chief McDonnell reported on the Department's "weekly crimes year to date" statistical report for the period ending June 18, 2005.

Acting Chief McDonnell stated that there would be 47 recruits graduating this Friday. He also stated that there had been six restorations year to date, 372 recruits currently in the academy, and two retirements last week.

Acting Chief McDonnell also reported on "Operation Silent Night," which was a multi-agency overnight task force that served warrants on the Vineland Boyz gang in North Hollywood. Acting Chief McDonnell stated that Chief Bratton would be having a press conference at 1:30 p.m. regarding "Operation Silent Night".

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

Executive Director Tefank stated that Hollenbeck Community-Police Advisory Board (C-PAB) would be giving a presentation at the July 12, 2005 Board meeting and Wilshire C-PAB would be giving their presentation at the July 19, 2005 Board meeting.

Executive Director Tefank also reported that the C-PAB Co-Chair luncheon would be held on Thursday, June 30, 2005 at Palermo Restaurant.

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

Inspector General Birotte reported that his office is still going through the process of filling six Police Performance Auditor positions.

### **5. COMMISSION BUSINESS**

Ms. Connie Rice, Chair of the Blue Ribbon Rampart Review Panel gave an update and stated that the report should be completed by Fall 2005.

Commissioner Skobin reported attending the Reserve Corp Inspection on Saturday.

President Cunningham stated that he had also attended the Reserve Corp Inspection as well as the Walk For Peace and Life.

At this time, Assistant Chief Gascón presented Mr. Robert M. Jones with a City Council Resolution for his outstanding dedication to the City and enrichment of law enforcement.

The Board also presented a Certificate of Appreciation to Teresita (Tess) Timm.

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

#### **8-C. DISCUSSED – DEPARTMENT’S REPORT APPROVED AS MODIFIED – EXECUTIVE DIRECTOR’S REPORT APPROVED – CHIEF OF POLICE AUTHORIZED – TRANSMIT TO PUBLIC SAFETY COMMITTEE - (SEE DETAILED MINUTES FOLLOWING)**

DEPARTMENT’S REPORT, dated June 16, 2005, and EXECUTIVE DIRECTOR’S REPORT, dated June 16, 2005, relative to approving a Memorandum of Agreement (MOA) between the Los Angeles Police Department and the Department of General Services, Office of Public Safety, as set forth. [BPC #05-0202 and #05-0202A]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report.
2. MOTION to APPROVE the Memorandum of Agreement.
3. MOTION to AUTHORIZE the Chief of Police to execute this agreement
4. MOTION to APPROVE the Executive Director's report.
5. MOTION to TRANSMIT the reports and MOA to the Public Safety Committee.

The above matter was DISCUSSED with Councilmember Greuel, Council District Two, Captain Cansler, Planning and Research Division, Executive Director Tefank, and Ms. Weisz-Jones, City Attorney's Office.

The Board INSTRUCTED Executive Director Tefank to include the modified Board recommendations and transmit the after action letter to the Public Safety Committee.

The following persons addressed the Board:

Ricardo Garcia, ACLU, Julie Butcher, Isa-Kae Meksin, Sally Neubauer, Christine Peters, Bernadette Soter, Lucinda Phillips, Kristin Sabo, Toby Leaman, Al Moggia, Joseph Barrett, and Adena Tessler, Council District 11.

Commissioner Skobin moved, seconded by Commissioner Ochi, to APPROVE the Memorandum of Agreement in concept, the Executive Director's report, MODIFY the Department's report to include the recommendation that Consent Decree provisions be reviewed and incorporate the changes into these provisions, INSTRUCT the Executive Director to add this Board's recommendations in an after action letter, and TRANSMIT to the Public Safety Committee. Unanimously APPROVED AS MODIFIED.

At this point in the proceedings, the Board recognized Special Investigator Sam Colina for Employee of the Month, May 2005.

## **6. INFORMATION – FILED ITEMS**

Information items on file, submitted for the period ending June 17, 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 RETROACTIVELY APPROVED – DEPARTMENT’S REPORT APPROVED**

DEPARTMENT’S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from Fluoresco Lighting & Signs for nighttime construction which began on Monday, June 13, 2005, from 7:00 p.m. to 1:00 a.m. and will be completed on Saturday, July 11, 2005, for the work site located South of the 101 Freeway, North of Second Street, East of Los Angeles Street, San Pedro Street and Alameda Street, and West of Hill Street and Grand Avenue, as set forth. [BPC #05-0196]

Recommendation(s) for Board action:

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

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

DEPARTMENT’S REPORT regarding a request for variance to Los Angeles Municipal Code Section 41.40 from Harrison/Roberts Environmental Management for nighttime construction which began on Monday, June 6, 2005, for 24 hours a day and will be completed on Monday, July 30, 2005, for the work site located at 7228 Beverly Boulevard, as set forth. [BPC #05-0197]

Recommendation(s) for Board action:

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

**7-C. VARIANCE APPROVED – DEPARTMENT’S REPORT 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 which began on Monday, June 13, 2005, from 7:00 p.m. to 1:00 a.m. and will be completed on Tuesday, May 24, 2005, from 9:00 p.m. to 7:00 a.m. and was completed on Thursday, May 26, 2005, for the work site located at 610 South Main Street, as set forth. [BPC #05-0198]

Recommendation(s) for Board action:

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

**8. REGULAR AGENDA ITEMS**

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

DEPARTMENT’S REPORT, dated June 3, 2005, relative to the Consent Decree Mental Illness Project Status Report, First Quarter 2005, as set forth. [BPC #05-0199]

Recommendation(s) for Board action:

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

The above matter was DISCUSSED with Lieutenant Wall, Consent Decree Bureau.

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

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

DEPARTMENT'S REPORT, dated June 17, 2005, in response to Public Safety Committee request regarding a status report on the purchase of equipment and software for Force Investigation Division, as set forth. [BPC #05-0204]

Recommendation(s) for Board action:

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

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

**8-E. RECEIVED AND FILED**

DEPARTMENT'S REPORT, dated June 7, 2005, relative to the Chief's Activity report for the month of February 2005, as set forth. [BPC #05-0201]

Recommendation(s) for Board action:

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

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

**8-F. EXECUTIVE DIRECTOR'S REPORT APPROVED**

EXECUTIVE DIRECTOR'S REPORT, dated June 14, 2005, relative to recommendations from the Human Relations and Police Commissions Community Relations Workgroup regarding Department response to significant community incidents, as set forth. [BPC #05-0200]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Executive Director's report with staff recommendations.

The above matter was DISCUSSED with Executive Director Tefank.

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

**8-D. DEPARTMENT'S REPORT APPROVED – REVISED POLICY ENTITLED  
“POLICY PROHIBITING RETALIATION” ADOPTED – POLICY ENTITLED  
“PROHIBITED ACTS THAT CONTRIBUTE TO RETALIATION” ADOPTED**

DEPARTMENT'S REPORT, dated April 12, 2005, relative to revision of the Department Manual Section 1/272, “Policy Prohibiting Retaliation” and addition of Department Manual Section 1/272.10, “Prohibited Acts That Contribute to Retaliation”, as set forth.

[BPC #05-0115A]

Recommendation(s) for Board action:

1. MOTION to ADOPT the Policy entitled “Policy Prohibiting Retaliation” - Revision to Manual Section 1/272.
2. MOTION to ADOPT the Policy entitled “Prohibited Acts That Contribute to Retaliation” - Addition of Manual Section 1/272.10.

The above matter was DISCUSSED with Mr. Chaleff, Consent Decree Bureau and Mr. Burton, City Attorney's Office.

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

**9. PUBLIC COMMENT PERIOD**

The following person addressed the Board on general issues:

Frances Bloom.

The public hearing was closed.

At this time, Item No. 2-A of the Supplemental Agenda was taken up.

**2-A. DEPARTMENT'S REPORT APPROVED – CHIEF OF POLICE AUTHORIZED TO EXECUTE THIRD AMENDMENT TO CONTRACT C-103404 – TRANSMIT TO MAYOR'S OFFICE**

DEPARTMENT'S REPORT, dated June 16, 2005, relative to a Third Amendment to Contract C-103404 between the Department and Scantron Corporation to increase the total amount of maximum compensation from \$720,000 to \$791,000 and to reduce the contingency dollar amount from \$50,000 to zero dollars, as set forth. [BPC #05-0203]

Recommendation(s) for Board action:

1. MOTION to APPROVE the Department's report and Third Amendment to Contract C-103404.
2. MOTION to AUTHORIZE the Chief of Police to execute this amendment in coordination with the Chief Legislative Analyst and the Mayor's Office, subject to form and legality of the City Attorney.
3. MOTION to TRANSMIT this report and amendment to the Mayor's Office.

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

At this time, Ms. Valenzuela announced that the Board would recess to Closed Session to discuss Item Nos. 10-B and 10-C, in accordance with the appropriate Government Code Sections.

**10. CLOSED SESSION ITEMS**

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

**10B-1. DISCUSSED - ADOPTED**

(Law Enforcement Related Injury Head Strike – LERI-HS)

1. LERI-HS #063-04  
Two Police Officers III  
One Police Officer II  
One Police Officer I

**10B-2. DISCUSSED – ADOPTED AS MODIFIED**

(Law Enforcement Related Injury – LERI)

2. LERI #066-04  
Two Sergeants I  
Two Police Officers III  
One Police Officer II

**10B-3. DISCUSSED - ADOPTED**

3. (Officer Involved Shooting – OIS)  
OIS #068-04
- One Sergeant I  
Four Police Officers III  
Eight Police Officers II  
One Police Officer I  
One Police Service Representative

**10B-4. DISCUSSED - ADOPTED**

4. LERI #069-04
- One Lieutenant I  
Two Sergeants II  
One Sergeant I  
Four Police Officers II

**10-C. DISCUSSED – CONTINUED TO JUNE 28, 2005**

CONTINUED FROM 06/14/05

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION.** Discussion and possible Board action of annual evaluation. Government Code Section 54957.

1. Chief of Police

**ADJOURNMENT**

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

A motion of adjournment at 1:41 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.