

**LOS ANGELES POLICE DEPARTMENT
BOARD OF POLICE COMMISSIONERS
REGULAR MEETING
AGENDA**

150 North Los Angeles Street
Room 146, Parker Center

Tuesday, 9:30 A.M.
March 20, 2001

Commissioners: Raquelle de la Rocha, President
 Dean Hansell, Vice President
 Herbert F. Boeckmann, II
 T. Warren Jackson

Members of the public are invited to address the Board of Police Commissioners on any item of the agenda prior to action by the Board on that specific item. Public comment on matters appearing on the printed agenda will be limited to one (1) minute per individual for each item addressed, unless this limitation is waived by the President of the Board. It is requested that individuals who require the services of a translator contact the Board Secretary no later than the day preceding the meeting. Whenever possible, a translator will be provided.

Members of the public may also address the Board on any matter within the subject matter jurisdiction of the Board. The Board as the last item of regular business will entertain such comments. If a member of the public has not previously addressed the Board during the meeting on another item of business, public comment will be limited to three (3) minutes per individual. If a member has already spoken to items on the printed agenda, public comment will be limited to two (2) minutes per individual, unless the President of the Board waives this limitation.

Members of the public are urged to complete a Request to Address the Board of Police Commissioners form and submit it to the Board Secretary prior to commencement of the public meeting. The request forms are available at the public counter, Room 150, Parker Center. However, should a member of the public feel the need to address a matter while the meeting is in progress, a request form may be obtained from the Sergeant-At-Arms, who will submit the completed form to the Board Secretary prior to final consideration of the matter.

Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72-hours prior to the meeting you wish to attend.

SI REQUIERE SERVICIOS DE TRADUCCION, FAVOR DE NOTIFICAR LA OFICINA CON 24 HORAS POR ANTICIPADO.

NOTE: The meeting is tape-recorded and the tape is kept for 30 days.

1. **APPROVAL OF MINUTES FOR THE REGULAR MEETINGS OF MARCH 21, AND JUNE 6, 2000.**
2. **COMMISSION BUSINESS**
3. **REPORT OF THE CHIEF OF POLICE**
 - **SIGNIFICANT INCIDENTS**
 - **CRIME STATISTICS**
4. **CHIEF OF POLICE RECOMMENDS FOR BOARD ACTION**
 - A. Approval of the permit application of Hill Crane Services, Inc. for a variance to Los Angeles Municipal Code Section 41.40 for nighttime construction 8:00 p.m. to 5:00 a.m., Tuesday, March 20, 2001 at work site 4929 Wilshire Boulevard, as set forth.
 - B. CONTINUED FROM 3/6/01
Retroactive approval of the permit application of the Department of Water and Power for a variance to Los Angeles Municipal Code Section 41.40 for nighttime construction from 9:00 p.m. to 5:30 a.m., Monday through Friday, which began February 22, 2001, at various locations, as set forth.
 - C. CONTINUED FROM 3/6/01
Approval of the permit application of Department of Water and Power for a variance to Los Angeles Municipal Code Section 41.40 for nighttime construction from 9:00 p.m. to 7:00 a.m., Monday through Friday, which will begin March 15, 2001 and scheduled to end June 15, 2001, at work site located on Lankershim Boulevard from Universal Place to Cahuenga Boulevard, as set forth.
 - D. CONTINUED FROM 3/6/01
DENY the permit application of the Department of Water and Power for a variance to Los Angeles Municipal Code Section 41.40 for nighttime construction at a work site locations Cahuenga Boulevard East between Lakeridge Place and Odin Street, Wilcox Avenue at Hollywood Boulevard, and Wilcox Avenue at Sunset Boulevard, as set forth.
 - E. Retroactive approval of the permit application of Traffic Management, Inc. for a variance to Los Angeles Municipal Code Section 41.40 for nighttime construction from 9:00 p.m. to 5:00 a.m., Monday through Friday, which began February 26, 2001 and is scheduled to end June 22, 2001. The work site location is on the North side of Sunset Boulevard between Edgemont Street and Vermont Avenue. The portion of location approved for nighttime

construction is Sunset Boulevard from Vermont Avenue to L. Ron Hubbard Street and the remaining portion of the location denied nighttime construction is L. Ron Hubbard Street to Edgemont Street, as set forth.

- F. Retroactive approval of the permit application of Modern Continental/HNTB for a variance to Los Angeles Municipal Code Section 41.40 for nighttime construction from 9:00 p.m. to 7:00 a.m., Monday through Friday which began October 11, 2000 and scheduled to end February 2002 at the following locations: College Street from Main Street to North Broadway, New High Street (approximately 100 feet South of College), North Broadway Street (160 feet North and 160 feet South of College Street), as set forth.
- G. Retroactive approval of the permit application of Sancon Technologies, Inc. for a variance to Los Angeles Municipal Code Section 41.40 for nighttime construction from 10:00 p.m. to 6:00 a.m., for one night only, Tuesday, March 13, 2001 at the work location at Ventura Boulevard between Tropical Drive and Eureka Drive, as set forth.
- H. Approval and transmittal to the Mayor and City Council for the following: (1) interim budget request for 60 positions of Community Police Aide, Mayor and City Council approval for funding the remainder of the fiscal year and (2) an additional budget request for the Department's 2001/2002 budget for 150 regular positions, as set forth.
- I. Approval of the absence of the Chief of Police from the City March 13 through March 14, 2001, to attend the Visionary Management in Law Enforcement sponsored by the San Francisco Police Department and the University of San Francisco in San Francisco, California; and, if approved designating Deputy Chief J. I. Davis as Acting Chief of Police for this period, as set forth.
- J. Approval and transmittal to the Human Relations Commission regarding the Anti-discrimination efforts of the Los Angeles Police Department.
- K. Discussion regarding the Los Angeles Police Department Penalty Guide dated March 10, 2001.
- L. Discussion and approval of protocol for Senior Lead Officer implementation.

5. MISCELLANEOUS

- A. Discussion and approval of the draft of ordinance adding section 55.15 to the Los Angeles Municipal Code to require firearm dealers in the City to obtain the right thumb print of purchasers of firearms and to maintain the thumb print record, as set forth.
- B. Discussion and consideration of application Mr. Eduardo Ramos for a Firearms/Ammunition police permit.
- C. Discussion and consideration of application Mr. Armen Bandarian for a Firearms/Ammunition police permit.
- D. Discussion and consideration of application Mr. Jonathan Imai for a Firearms/Ammunition police permit.
- E. Discussion and consideration of application Mr. Tai Kwon Lee for a Firearms/Ammunition police permit.
- F. Discussion and consideration of application Mr. Joseph Penrod for a Firearms/Ammunition police permit.
- G. CONTINUED FROM 3/6/01
Discussion and approval of motion relative to Use of Force.

1. Establish the policy, effective immediately, that the Department and the Commission shall use the term "Categorical Use of Force" to mean (i) all incidents involving the use of deadly force by an LAPD officer; (ii) all uses of an upper body control hold by an LAPD officer, including the use of a modified carotid, full carotid or locked carotid; (iii) all uses of force by an LAPD officer resulting in an injury requiring hospitalization, commonly referred to as a law enforcement related injury or LERI incident; (iv) all head strikes with an impact weapon; (v) all other uses of force by an LAPD officer resulting in a death, commonly known as a law enforcement activity related death or LEARD incident; (vi) all deaths while an arrestee or detainee is in the custodial care of the LAPD, commonly referred to as an in-custody death or ICD. In addition, although under current policy, a canine bite is not a use of force, for purposes of Consent Decree compliance only, and not changing the prior policy of the Department and the Commission in any way with respect to canine bites, except as explicitly provided in this motion, the term "Categorical Use of Force" shall also include all incidents where a member of the public is bitten by a canine assigned to the LAPD and where hospitalization is required. (Consent Decree paragraph 13).

For the purpose of the policies set forth in this motion, an “impact weapon” shall be defined as: “a baton, a flashlight and any other object that is capable of delivering a head strike.”

2. Reaffirm and modify its policy and practice regarding reviewing and evaluating uses of force, and certain canine bites as follows: The Commission shall review and evaluate all Categorical Uses of Force including all the reports prepared by the Chief of Police regarding such incidents and related investigation files to determine whether the officer’s conduct conformed with Department policies and procedures, and the requirements of the Consent Decree and shall so inform the Chief of Police. (Consent Decree paragraphs 67 and 142).

3. Direct the Chief of Police in making recommended findings to the Commission (which recommendations shall be made in accordance with the time periods set forth below) on all Categorical Uses of Force incidents, including all such incidents (i) where a member of the public is bitten by a canine assigned to the LAPD and where hospitalization is required or (ii) where there was a head strike with an impact weapon (regardless of whether hospitalization is required), to include recommendations as to whether the involved officer’s conduct conforms with Department policies and procedures and the requirements of the Consent Decree.

4. The Commission hereby reaffirms and modifies its policy regarding review of Categorical Uses of Force by the Use of Force Review Board as follows: The Department shall cause all Categorical Use of Force incidents, including all such incidents (i) where a member of the public is bitten by a canine assigned to the LAPD and where hospitalization is required or (ii) where there was a head strike with an impact weapon (regardless of whether hospitalization is required) to be reviewed by the Use of Force Review Board. (Consent Decree paragraph 69). The Department shall provide materials regarding head strikes and K-9 deployment to assist the Use of Force Review Board in their new review responsibilities for incidents involving head strikes with an impact weapon and incidents where a member of the public is bitten by a canine assigned to the LAPD and where hospitalization is required.

5. The Commission hereby reaffirms and modifies its policy regarding timely submittal of Categorical Use of Force reports for Commission review and evaluation as follows: The Chief of Police shall provide to the Commission all Categorical Use of Force reports at least six months prior to the running of any statute of limitations that would restrict the imposition of discipline related to such Categorical Use of Force. Provided, however, that if the investigation file has not been completed by this time, the Chief of Police shall provide the Commission with an investigation status report.

Further, if the investigation file has not been completed by at least 60 days before the running of any such statute of limitation, the Chief of Police shall provide the Commission with a copy of the underlying file, including all evidence gathered, with a status report of the investigation that includes an explanation of why the investigation has not been completed, a description of the investigation steps still to be completed, and a schedule for the completion of the investigation. (Consent Decree paragraph 67).

6. The Commission hereby reaffirms and modifies its policy regarding review of Categorical Uses of Force by the Inspector General as follows: The Inspector General shall review and evaluate and promptly report his or her findings in writing to the Commission on all Categorical Use of Force investigations, including all such incidents (i) where a member of the public is bitten by a canine assigned to the LAPD and where hospitalization is required or (ii) where there was a head strike with an impact weapon (regardless of whether hospitalization is required). The Inspector General's review shall assess the quality, completeness, and findings of the investigations and shall include determinations of whether the investigation were completed in a timely manner, whether summarized and transcribed statements accurately matched the recorded statements, whether all available evidence was collected and analyzed and whether the investigation was properly adjudicated. (Consent Decree paragraphs 136 and 142).

7. The Commission hereby reaffirms and modifies its policy and practice regarding reviewing and evaluating all Categorical Uses of Force as follows: The Commission shall review and evaluate all Categorical Uses of Force, including all reports prepared by the Chief of Police, the Use of Force Review Board and the Inspector General and related investigation files, and determine whether the applicable officer's conduct conforms with LAPD policies and procedures, and the requirements of the Consent Decree and shall so inform the Chief of Police. In the case of investigations regarding Categorical Use of Force incidents that have not been completed at least 60 days prior to the running of any such statute of limitations, the Commission shall review and evaluate the investigation to determine whether the administrative investigation was unduly delayed due to a related criminal investigation, and, if so, shall assess the reasons thereof. The Commission shall annually issue a publicly available report detailing its findings regarding Categorical Use of Force incidents. No later than February 15 of each year the Executive Director of the Board of Police Commissioners, in consultation with the Inspector General shall prepare and transmit to the Board of Police Commissioners for its review and issuance a draft of such report, detailing the findings of the Commission over the previous calendar year period concerning its review of all Categorical Uses of Force and its determination whether each officer's conduct conformed with LAPD policies and procedures and the requirements of the Consent

Decree. Such annual report shall be written with due regard for the privacy interests of individual officers and the interest of the City and the Department in protecting against disclosures of Sensitive Data (as that term is defined in the Consent Decree) and non-public information. Such annual report shall be made publicly available and shall be considered by the Board of Police Commissioners in open session. (Consent Decree paragraphs 67 and 142).

8. Direct the Chief of Police to make appropriate conforming changes to other Department procedures to reflect the Categorical Use of Force definition and policy established in this motion and necessary to comply with Section III and other pertinent provisions of the Consent Decree and report back to the Commission on such changes (Consent Decree paragraphs 55, 56, 57, 62, 63, 64, 67, 69, 80, 82, 83, 88, 89, 93, 95, 111, 129, 134, 136, 142, 147 and 162).

6. SECRETARY SUBMITS FOR BOARD INFORMATION

A. Personnel items on file, as submitted on reports for the period ending March 16, 2001.

7. PUBLIC COMMENT PERIOD

Comments from the public on non-agenda items that is of public interest within the Board's subject matter jurisdiction.

8. CLOSED SESSION

A. Discussion of Public Employee Performance Evaluations – Review of Officer-Involved Shootings and other personnel matters. Government Code Section 54957.

1. LERI A009-00 – one Police Officer III, four Police Officer II's
2. LERI A011-00 – one Police Officer III, one Police Officer II
3. LERI A013-00 – one Police Officer III, one Police Officer II
4. LERI A014-00 – two Police Officer III's, four Police Officer II's
5. LERI A015-00 – two Police Officer II's
6. OIS #020-00 – two Police Officer III's, two Police Officer I's
7. OIS #021-00 – one Sergeant II

8. OIS #023-00 – three Police Officer III’s, two Police Officer II’s
9. OIS #025-00 – one Police Officer II
- B. Discussion with legal counsel on the following litigation case: United Reporting Publishing Corporation v. California Highway Patrol CV– 96-0888B. Government Code Section 54956.9(a).
- C. Discussion of Public Employee Performance Evaluations regarding Criminal Investigations. Government Code Section 54957.
 1. Two Police Officer II’s
- D. Discussion and consideration of application Mr. Richard D. Dugger for a Firearms/Ammunition police permit. Government Code Section 54956.7.
- E. Discussion and consideration of application Mr. Gary A. Barron for a Firearms/Ammunition police permit. Government Code Section 54956.7.
- F. Discussion and consideration of Public Employee Performance Evaluations. Government Code Section 54957.
 1. Detective III
- G. Discussion and consideration regarding confidential Office of the Inspector General retaliation investigation.
 1. Three lieutenants
- H. Discussion with the Inspector General regarding the Los Angeles Police Relief Association relative to ongoing investigations, possible personnel complaints, and potential litigation. Government Code Section 54957.
 1. Former Executive Director
- I. CONTINUED FROM 3/6/01
Discussion and consideration of Public Employee Performance Evaluations regarding Complaint No. 00-1736. Government Code Section 54957.
 1. Chief of Police

The Board will reconvene in Open Session to announce its decision, if any, regarding matters considered in Closed Session.

9. ADJOURNMENT

Support materials relative to Open Session agenda items are available for public inspection in Room 150, Parker Center. The Board may consider matters of an emergency nature not appearing on the published agenda. Information on supplemental agenda items maybe obtained by calling the Office of the Secretary, Police Commission, at (213) 485-3531 (TDD 213/485-9818), after 9:30 a.m., March 16, 2001.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities.