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# AGENDA



## BOARD OF POLICE COMMISSIONERS

### REGULAR MEETING

**TUESDAY, SEPTEMBER 14, 2004  
9:30 A.M.**

**PARKER CENTER, ROOM 146  
150 NORTH LOS ANGELES STREET  
LOS ANGELES, CA 90012**

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Commissioners: David S. Cunningham, III, President  
Alan J. Skobin, Vice President  
Corina Alarcon  
Rick J. Caruso  
Rose Ochi

Members of the public are invited to address the Board of Police Commissioners on any item on the agenda prior to action by the Board on that specific item. Members of the public may also address the Board on any matter within the subject matter jurisdiction of the Board. The Board will entertain such comments during the Public Comment Period. Public comment will be limited to two (2) minutes per individual for each item addressed, unless there are more than ten (10) comment cards for each item, in which case the public comment will be limited to one (1) minute per individual. The aforementioned limitation may be waived by the President of the Board.

*(NOTE: Pursuant to Government Code Section 54954.3(b) the legislative body of a local agency may adopt reasonable regulations, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.)*

Members of the public who wish to address the Board are urged to complete a Speaker Card and submit it to the Board Secretary prior to commencement of the public meeting. The cards 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 card 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.

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.

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 THE MINUTES FOR:**

- Regular Meeting October 14, 2003
- Regular Meeting July 20, 2004

**2. REPORT OF THE CHIEF OF POLICE**

- Significant Incidents
- Crime Statistics
- Recruitment/Reinstatement/Reassignment of Officers

**3. REPORT OF THE EXECUTIVE DIRECTOR**

**4. REPORT OF THE INSPECTOR GENERAL**

**5. COMMISSION BUSINESS**

- Meetings/Events Attended
- Consideration of Future Agenda Items/Pending Projects

**6. INFORMATION – FILED ITEMS**

- A. Information items on file, as submitted for the period ending September 3, 2004.

**7. CONSENT AGENDA ITEMS**

The remaining Consent Agenda items are considered to be routine and non-controversial upon which documentation provided to the Board is adequate to give sufficient information for approval without inquiry or discussion. It is designated to minimize the time required for the handling of routine matters in order to permit additional time to be spent on more significant matters. The President will call for ayes and nays on the Consent Agenda as a whole and the vote will be treated as a separate vote on each item. These items may be moved to the Regular Agenda at the order of the President or at the request of the other members of the Board or if a member of the general public has submitted a request to speak on the subject.

- A. APPROVE and TRANSMIT to the Mayor and City Council, a donation of 30 PowerShot A80 cameras and accessories valued at \$10,768.50 from Canon USA, Inc. to be utilized by the Southeast Area Gang Enforcement Unit, as set forth.

[BPC #04-0588]

## 8. REGULAR AGENDA ITEMS

- A. APPROVE and TRANSMIT to the Mayor, Contract No. 04-011-020 between the Department and California Commission on Peace Officer Standards and Training (POST) to present the Robert Presley Institute of Criminal Investigation Core Course and purchase of equipment from July 1, 2004 through June 30, 2005 and upon Mayor's approval, AUTHORIZE the Chief of Police to sign and execute said contract, as set forth. [BPC #04-0584]
- B. APPROVE and TRANSMIT to the Public Safety Committee, the Department's response relative to any arrests or pursuits of suspects identified by the State of California DNA Database, as set forth. [BPC #04-0587]
- C. APPROVE and TRANSMIT to the Public Safety Committee, the Department's response to Assembly Bill 2895 (Goldberg) Domestic Violence: Arrest, as set forth. [BPC #04-0592]
- D. APPROVE and TRANSMIT to the Public Safety Committee, the Department's report relative to Scientific Investigation Division's Quarterly Forensic Crime Laboratory Project report, as set forth. [BPC #04-0591]
- E. DISCUSS and APPROVE Commission's staff report reviewing four (4) options relative to streamlining requests for variance as it relates to Los Angeles Municipal Code Section 41.40, as set forth. The Executive Director recommends that the Board ADOPT Option 3:
- Option 1 TRANSFER Noise Enforcement Team (NET) staff to Commission Investigation Division, which would eliminate review by chain of command which currently averages 27 days.
  - Option 2 AUTHORIZE all variance requests to be processed between Commission and NET staff, which would eliminate review by chain of command which currently averages 27 days.
  - Option 3 AUTHORIZE all variance requests to be processed between Commission and NET staff including retroactive approvals for private construction. This option would eliminate review by chain of command (27 days) and scheduling time on Commission agenda, which averages 14 days.
  - Option 4 REQUEST that City Council AMEND LAMC Section 41.40 to allow the Board to relegate its variance approval authority to the Chief of Police or another designee within the Department or Commission staff.
- F. REVIEW and APPROVE the Department's report relative to review of proposed recommendations for the use and design of an "LAPD flashlight," as set forth. [BPC #04-0590]
- G. RECEIVE and FILE the Office of the Inspector General's Activity Report for the month of July 2004, as set forth. [BPC #04-0584]

- H. REVIEW and APPROVE the Department's corrected Categorical Use of Force Investigations Interim Audit Report, as set forth. [BPC #04-0402A]
- I. DISCUSS and APPROVE the monthly Consent Decree Status reports submitted by the:
  - 1. Department [BPC #04-0586A]
  - 2. Executive Director [BPC #04-0586B]
  - 3. Office of the Inspector General [BPC #04-0586]

CONTINUED FROM 08/17/04

- J. APPROVE and TRANSMIT to the City Administrative Officer, the Department's Revised Cost of Special Services Analysis for Fiscal Year 2003/2004 and Supplemental information, as set forth. [BPC #04-0557 and #04-0557A]

CONTINUED FROM 08/17/04

- K. REVIEW and APPROVE the Department's Warrant Applications and Supporting Affidavits Audit, Third Quarter Fiscal Year 2003/2004, pursuant to Paragraph 128 of the Consent Decree and the Inspector General's analysis of this report, as set forth. [BPC #04-0138 and #04-0138A]

CONTINUED FROM 07/13/04

- L. REVIEW and APPROVE the Department's report relative to the Board of Inquiry report and executive summary on the in-custody death of Mr. Eugene Yamabe, as set forth. [BPC #04-0447]
- M. APPROVE and TRANSMIT to the Public Safety Committee, the Department's progress report relative to review of the Retaliation Investigation Process – 7<sup>th</sup> Update, as set forth.

**9. PUBLIC COMMENT PERIOD**

**10. CLOSED SESSION ITEMS**

- A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE – PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Review of Officer Involved Shootings, Law Enforcement Related Injury, and other personnel matters. Government Code Section 54957.
  - 1. OIS #048-03 Two Detectives III  
Eight Detectives II
  - 2. OIS #052-03 Two Sergeants I  
Two Police Officers III  
Ten Police Officers II

- 3. LEARD #A001-04  
One Sergeant I  
One Police Officer II  
One Police Officer I
- 4. ACC #049-03  
One Detective II

B. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE – PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Discussion and possible Board action relative to investigation concerning Complaint File No. 03-4055. Government Code Section 54957.6.

- 1. Detective II

CONTINUED FROM 08/31/04

C. 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.

D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code Section 54957.

- 1. Chief of Police
- 2. Executive Director
- 3. Inspector General
- 4. Commission Executive Assistant

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

## **11. 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 may be obtained by calling the Office of the Secretary, Police Commission, at (213) 485-3531 (TDD 213/485-9818), after 9:30 a.m., Friday, September 10, 2004.

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.