
AGENDA

BOARD OF POLICE COMMISSIONERS

REGULAR MEETING

TUESDAY, APRIL 12, 2005

9:30 A.M.

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



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 March 29, 2005

2. REPORT OF THE CHIEF OF POLICE

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

3. REPORT OF THE EXECUTIVE DIRECTOR

- Status of Future Agenda Items/Pending Projects
- Update on Routine Administrative Matters

4. REPORT OF THE INSPECTOR GENERAL

- Status of Future Agenda Items/Pending Projects
- Significant Incidents
- Update on Office Reorganization
- Status of Consent Decree Compliance

5. COMMISSION BUSINESS

- Meetings/Events Attended
- Consideration of Future Agenda Items/Pending Projects
- Patriot Award presentation to Chief Bratton and Commissioner Caruso.

6. INFORMATION – FILED ITEMS

- A. Information items on file, as submitted for the period ending April 8, 2005.

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. 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.

B. 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.

C. 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 9th 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.

D. 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 8th 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.

E. 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 5th Street, as set forth. [BPC #05-0113]

Recommendation(s) for Board action:

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

F. 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 1st 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

- A. 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.

- B. DEPARTMENT UPDATE regarding the New Police Headquarters Facility and current health and safety issues relative to the Police Administration Building.

- C. 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.

- D. 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.

- E. 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.

- F. 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.

- G. 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.

- H. 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.

- I. 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.

- J. 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.

- K. 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.

CONTINUED FROM 03/29/05

- L. 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.

CONTINUED FROM 03/29/05

- M. 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.

CONTINUED FROM 03/08/05

- N. 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.

- O. 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.

- P. 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".

9. PUBLIC COMMENT PERIOD

10. CLOSED SESSION ITEMS

CONTINUED FROM 03/29/05

- A. 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]

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

(Officer Involved Shooting – OIS)

1. OIS #044-04 Two Police Officers II
2. OIS #047-04 Two Police Officers III
Two Police Officers II

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

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, April 8, 2005.

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.