

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

**REGULAR MEETING – TUESDAY, FEBRUARY 8, 2005**

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, February 8, 2005, at 9:42 a.m., in the Parker Center Auditorium, Los Angeles. On calling the roll, the following members were present: Commissioners Cunningham III, Skobin, Alarcon, Caruso, and Ochi. President Cunningham presiding.

PRESENT: Jim McDonnell, Assistant Chief of Police  
Richard Tefank, Executive Director  
Mark Burton, Senior Assistant City Attorney  
Julie Valenzuela, Commission Executive Assistant  
Jill Bogle, Hearing Reporter  
Officer Ernesto Vicencio, Sergeant-at-Arms  
Detective Tom Butler, Sergeant-at-Arms  
Detective Ben Jones, Sergeant-at-Arms  
Detective Gilbert Silva, Sergeant-at-Arms  
Officer Deborah Nichols, Sergeant-at-Arms  
Officer Jose Ceja, Sergeant-at-Arms

**1. APPROVAL OF THE MINUTES FOR:**

- Regular Meeting January 18, 2005
- Regular Meeting January 25, 2005

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

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

Assistant Chief McDonnell gave the Department's "weekly crimes year to date" statistical report for the period ending February 5, 2005.

Assistant Chief McDonnell stated that the District Attorney had made a determination not to file criminal charges against the officers involved in the Stanley Miller case.

Assistant Chief McDonnell reported that there was a gunfire attack at the 77<sup>th</sup> Street Area Police Station early Sunday morning.

Assistant Chief McDonnell also reported that shortly after this incident, a pursuit was initiated in the Newton Area where a suspect was believed to have been "driving under the influence" The pursuit ended in an officer involved shooting fatality. The suspect was a 13 year-old boy.

Assistant Chief McDonnell stated that there were nine (9) reinstatements, one (1) restoration, and one (1) retirement last week, and 104 recruits currently enrolled at the Academy.

The following person addressed the Board:

Tut Hayes and Reverend Brazil.

The public hearing was closed.

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

Executive Director Tefank introduced Lieutenant Andre Dawson who had accepted the Commanding Officer position in Commission Investigation Division.

Executive Director Tefank reported that there had been three community meetings regarding the Stop Data Analysis Methodology and that the last community meeting would be this Wednesday night, 2/9/05 at 7:00 p.m. at the British Petroleum Plaza Auditorium.

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

Inspector General Birotte reported that he has been working closely with the officer involved shooting incident regarding the 13-year old.

Inspector General Birotte stated that he and his staff are currently interviewing applicants for various positions within the office.

Inspector General Birotte hopes to be fully staffed within the next 30 to 60 days.

At this point in the proceedings, Commissioner Caruso expressed his deep regret over the officer involved shooting incident.

Commissioner Caruso also expressed his concern over the fact that it would take 30 to 45 days for a special order to come back before the Commission to address the policy for "Shooting at or from a Moving Vehicle". Commissioner Caruso stated that there should be an immediate order of some kind that would remind the officers of what the current policy is and what the Department Manual states in regards to this matter. Commissioner Caruso also stated that the officers should be reminded that only under exigent circumstances should shots be fired at or from a moving vehicle.

## **5. COMMISSION BUSINESS**

Commissioner Skobin reported that he had attended a meeting at Valley Bureau regarding the Consent Decree status update and Stop Data Analysis Methodology.

Commissioner Skobin stated that he would be meeting with Inspector General Birotte, Executive Director Tefank, Deputy Chief Berkow, Assistant Chief McDonnell, and other Department personnel and staff from the Inspector General's Office to discuss the Use of Force process.

Commissioner Alarcon stated that she was disappointed with the District Attorney's decision regarding the Stanley Miller incident. Commissioner Alarcon also reiterated Commissioner Caruso's sentiment regarding the incident involving the 13-year old boy in the officer involved shooting.

Commissioner Alarcon reported that she had met with several employee associations regarding the Department's outreach efforts for recruitment and promotional opportunities. Commissioner Alarcon stated that she would agendize this matter before the Board when the report was complete.

Commissioner Ochi stated that she had been in Washington D.C. to facilitate DNA training.

Commissioner Ochi announced that there would be a joint Cultural Language Task Force and Hate Crime Task Force meeting on Wednesday, 2/9/05.

Commissioner Ochi stated that she would like to receive a status update on the community recreation center whenever the Department gives an update on the New Police Headquarters Facility.

President Cunningham stated that he went to the site of the officer involved shooting concerning the 13 year-old boy and feels both empathy and anger over this tragic incident.

Commissioner Caruso stated that the half-cent sales tax measure would be considered for placement on the May ballot by the City Council on Wednesday, 2/9/05. City Council would need 10 affirmative votes in order to place this measure on the May 2005 ballot.

## **6. INFORMATION – FILED ITEMS**

Information items on file, submitted for the period ending February 4, 2005.

RECEIVED and FILED.

## **7. CONSENT AGENDA ITEMS**

NONE.

## **8. REGULAR AGENDA ITEMS**

### **8-A. RECEIVED AND FILED**

OFFICE OF THE INSPECTOR GENERAL'S REPORT regarding the Activity Report for the month of November 2004, as set forth. [BPC #05-0033]

Recommendation for Board action:

1. RECEIVE and FILE the Office of the Inspector General's report.

### **8-B. RECEIVED AND FILED**

DEPARTMENT'S REPORT regarding the Activity Report for the month of November 2004, as set forth. [BPC #05-0035]

Recommendation for Board action:

1. RECEIVE and FILE the Department's report.

### **8-C. UPDATE GIVEN**

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

An update on the above matter was given by Ms. Sanchez-Owens, Facilities Management Division.

### **8-D. UPDATE GIVEN**

PRESENTATION and UPDATE from the Community Police Advisory Board regarding community initiated problem solving, crime strategies, and other programs and goals within the Newton Area.

An update regarding the above matter was given by Captain Kane, Newton Area and Mark Wilson, C-PAB Newton Division.

### **8-E. REVIEWED – DEPARTMENT'S REPORT APPROVED**

DEPARTMENT'S REPORT in response to Board query for information regarding "Flyer Parties", as set forth. [BPC #05-0029]

Recommendation for Board action:

1. REVIEW and APPROVE the Department's report.

The above matter was DISCUSSED with Captain Buck, Detective Coffey, and Detective Sage, Juvenile Division.

The Board DIRECTED Executive Director Tefank to draft a letter to City Council and the City Attorney requesting that the City support legislation regarding Nitrous Oxide.

The Board also DIRECTED the Department to report back in 2 to 3 months regarding Department policy on how this issue is handled and the booking policy.

**8-G. REVIEWED – DEPARTMENT’S REPORT APPROVED**

DEPARTMENT’S REPORT in response to Board query regarding gang prevention and community youth programs that the Department sponsors and/or supports, as set forth.

[BPC #05-0028]

Recommendation for Board action:

1. REVIEW and APPROVE the Department’s report.

The above matter was DISCUSSED with Captain Buck, Juvenile Division.

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

The Board DIRECTED Executive Director Tefank to find out whether or not the Community Police Advisory Boards (C-PAB) have initiated outreach programs such as DAP or explorer programs within their community – report back in 60 days.

**8-F. REVIEWED – DEPARTMENT’S REPORT APPROVED**

DEPARTMENT’S REPORT regarding an audit on the effectiveness of TASER deployment, as set forth.

[BPC #05-0034]

Recommendation for Board action:

1. REVIEW and APPROVE the Department’s report.

The above matter was REVIEWED with Captain Webb, Use of Force Division.

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

**8-H. REVIEWED – DEPARTMENT’S REPORT APPROVED**

DEPARTMENT’S REPORT regarding the modified Annual Audit Plan and Status report for the Second Quarter Fiscal Year 2004/2005, as set forth. [BPC #05-0027]

Recommendation for Board action:

1. REVIEW and APPROVE the Department’s report.  
The above matter was REVIEWED with Captain Sanchez, Audit Division.

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

**8-I. REVIEWED – EXECUTIVE DIRECTOR’S REPORT APPROVED**

CONTINUED FROM 01/25/05  
EXECUTIVE DIRECTOR’S REPORT regarding the revised Commission Liaison and Assignments, as set forth.

Recommendation for Board action:

1. REVIEW and APPROVE the Executive Director’s report.

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

**9. PUBLIC COMMENT PERIOD**

The following persons addressed the Board on general issues:

Mr. Juarez, Tony Massengale, Joan Taylor, Morris Griff, Tut Hayes, Shaka Satori, Bernadette Scully, David Wheatley, Debra Reid, Billion I am Sun, Faith United Methodist Church, Evangelist Walter Sally III, James Harris, De De McCrary, Pat Jones, Danny Bakewell, John Mack, Tony Muhammad, Shonteze Williams, Ms. Washington, Brian Windom, and Bo Taylor.

The public hearing was closed.

At this point in the proceedings, Supplemental Agenda Item No. 3-A was taken up.

**3-A. DISCUSSED – UPDATE GIVEN**

DISCUSSION AND POSSIBLE BOARD ACTION to the Chief of Police and the Inspector General regarding the Use of Force Incident involving the arrest of Stanley Miller.

The above matter was DISCUSSED with Deputy Chief Berkow, Professional Standards Bureau and Inspector General Birotte.

At this time, Ms. Valenzuela announced that the Board would recess into Closed Session to discuss Item No. 10-A on the Regular Agenda and Item No. 2-A on the Supplemental Agenda, pursuant to Government Code Section 54957.

**2A-1. REVIEWED – DIRECTION GIVEN**

**PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE/PUBLIC EMPLOYEE PERFORMANCE EVALUATION.** Review of Officer Involved Shootings, Law Enforcement Related Injuries, and other personnel matters. Discussion regarding Complaint File No. 04-2851. Government Code Section 54957.

- |    |                           |  |
|----|---------------------------|--|
| 1. | Complaint File No 04-2851 | One Sergeant 1<br>Three Police Officers III<br>Five Police Officers II |
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The Board reconvened in Open Session to announce its action regarding Supplemental Agenda Item No. 2A-1.

Chief Bratton informed the Board that the Use of Force/Personnel Complaint Investigation for Complaint File No. 04-2851 would be handled as a Non-Categorical Use of Force investigation.

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

**10. CLOSED SESSION ITEMS**

**10-A. 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.

**10A-1. REVIEWED - ADOPTED**

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|----|---|---|
| 1. | Law Enforcement Related Injury (LERI)<br>LERI #019-04 | Four Police Officers III<br>One Police Officer II<br>One Police Officer I |
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**10A-2. REVIEWED - ADOPTED**

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|----|--------------|---|
| 2. | LERI #020-04 | One Police Officer III<br>One Police Officer II |
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**10A-3. REVIEWED – ENTIRE MATTER CONTINUED TO 02/15/05**

3. LERI #026-04 Two Police Officers III  
Four Police Officers II

**10A-4. REVIEWED - ADOPTED**

4. LERI #029-04 One Police Officer III  
One Police Officer II

**10A-5. REVIEWED – ENTIRE MATTER CONTINUED TO 02/15/05**

5. LERI #038-04 One Sergeant I  
Two Police Officers III  
Five Police Officers II

**ADJOURNMENT**

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

A motion of adjournment at 1:56 p.m. was made by Commissioner Alarcon, seconded by Commissioner Ochi. Unanimously ADOPTED.

ATTEST:

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President

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Board Secretary

NOTE: For more detailed information, a certified transcript of this meeting is included as part of the permanent record of these proceedings.