

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

REGULAR MEETING – TUESDAY, FEBRUARY 17, 2004

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, February 17, 2004, at 9:55 a.m., in Room 146, Parker Center, Los Angeles. On calling the roll, the following members were present: Commissioners Cunningham III, Skobin, Caruso, Ochi, and Saucedo. Commissioner Caruso arrived late. President Cunningham presiding.

PRESENT: William J. Bratton, Chief of Police
Daniel R. Koenig, Executive Director
Mark Burton, Senior Assistant City Attorney
Julie Valenzuela, Commission Executive Assistant
Jill Bogle, Hearing Reporter
Officer Jose Ceja, Sergeant-at-Arms
Officer Deborah Nichols, Sergeant-at-Arms
Officer Ernesto Vicencio, Sergeant-at-Arms

1. APPROVAL OF MINUTES FOR:

- ? Regular Meeting December 16, 2003
- ? Regular Meeting February 3, 2004

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

2. REPORT OF CHIEF OF POLICE

Chief Bratton gave the Department's "weekly crimes year to date" statistical report for the period ending February 14, 2004.

Chief Bratton reported that there are currently 123 recruits in the Academy. He also stated that the next class is scheduled to begin in April. The size of this class will be determined by the number of retirements.

The following person addressed the Board:

Wanda Solomon

The public hearing was closed.

3. COMMISSION BUSINESS

Commissioner Ochi reported that there had been an Hate Crimes Task Force meeting with Detective Support and the Hate Crimes Unit.

Commissioner Ochi also stated that she had attended the Department's graduation ceremony last Friday.

At this time, Commissioner Caruso entered the Commission room.

Commissioner Skobin would like a schedule of various town hall Consent Decree meetings, which include discussions of Civilian Oversight, so that the Board can attend these meeting whenever they come up.

President Cunningham announced that there was a very successful fundraising meeting on February 5, 2004 at the California Club, which was hosted by Commissioner Caruso. President Cunningham stated that some of the top law firms in Los Angeles were present.

President Cunningham reported that on February 11, 2004, City Council adopted the proposal for the Blue Ribbon Rampart Review Panel (Panel) with an 11 to 1 vote. President Cunningham anticipates a complete report from this Panel by September 2004.

President Cunningham also stated that he had attended a meeting with Chief Bratton, which was hosted by the Urban League, to address African American recruitment issues.

4. INFORMATION – FILED ITEMS

Information items on file, submitted for the period ending February 13, 2004.

RECEIVED and FILED.

5. CONSENT AGENDA ITEMS

EXECUTIVE DIRECTOR RECOMMENDS FOR BOARD ACTION

Commissioner Ochi moved, seconded by Commissioner Caruso, to APPROVE Item Nos. 5-A through 5-D. Unanimously APPROVED.

5-A. FIREARMS/AMMUNITION SALES POLICE PERMIT - APPROVED

APPROVE an application for a Firearms/Ammunition Sales Police Permit from Mr. Stephen Ziarniak, as set forth. [BPC #04-0027]

5-B. FIREARMS/AMMUNITION SALES POLICE PERMIT - APPROVED

APPROVE an application for a Firearms/Ammunition Sales Police Permit from Mr. Burton Toepfer, as set forth. [BPC #04-0028]

5-C. **FIREARMS/AMMUNITION SALES POLICE PERMIT - APPROVED**

APPROVE an application for a Firearms/Ammunition Sales Police Permit from Mr. Gary Markowitz, as set forth. [BPC #04-0029]

5-D. **FIREARMS/AMMUNITION SALES POLICE PERMIT - APPROVED**

APPROVE an application for a Firearms/Ammunition Sales Police Permit from Mr. David Shaffer, as set forth. [BPC #04-0041]

6. REGULAR AGENDA ITEMS

COMMISSIONER REQUESTS FOR INFORMATION/ACTION

At this time, Item No. 6-D was taken out of order.

6-D. **CONTINUED TO MARCH 16, 2004**

CONTINUED FROM 02/03/04

Department to report on status of Hunter La Ley Quarterly reports and related promotional seminars.

The above matter was DISCUSSED with Mr. Chaleff, Consent Decree Bureau.

6-A. **REVIEWED – APPROVED, AS AMENDED – TRANSMIT TO MAYOR AND CITY COUNCIL**

REVIEW and APPROVE the Executive Director's report supplementing the CLA's review of the 77th Area OPG Contract selection process and TRANSMIT to the Mayor and City Council for their consideration, as set forth.

The above matter was REVIEWED with Executive Director Koenig.

The following persons addressed the Board:

Cynthia McClain-Hill, representing Keyser Tow and Eric Nishizawa, representing Al's Towing.

The public hearing was closed.

After a general discussion, Commissioner Ochi moved, seconded by Commissioner Caruso, to AMEND the Executive Director's report by deleting the last sentence of the last paragraph relative to dispatch logs. Unanimously APPROVED AS AMENDED.

6-B. CONTINUED TO MARCH 2, 2004

CONTINUED FROM 02/03/04

Department to report on Strategies and Options to fund additional police officers.

The above matter was REVIEWED with Ms. Johnson, Fiscal and Technical Services Bureau and Executive Director Koenig.

The Board DIRECTED Executive Director Koenig with the assistance of Department staff, to provide a written report regarding the above matter – CONTINUED TO MARCH 2, 2004.

6-C. DISCUSSED – CONTINUED INDEFINITELY

CONTINUED FROM 02/03/04

Department to report on recommendations for Budgetary efficiencies, such as the DARE Program, background investigations for Police Officer Candidates, and Long-Term Sick/IOD officers.

The above matter was DISCUSSED with Chief Bratton and Ms. Johnson, Fiscal and Technical Services Bureau.

The following persons addressed the Board:

Lieutenant Luther Lutz, Los Angeles Police Protective League and Dale Brown, DARE America.

The public hearing was closed.

6-E. NOT DISCUSSED – CONTINUED TO MARCH 2, 2004

CONTINUED FROM 02/03/04

REVIEW and APPROVE the Department's recommendations on the recruitment of police officer candidates in light of the current hiring freeze and reduced Police Department staffing.

6-F. NOT DISCUSSED – CONTINUED TO MARCH 2, 2004

Commission staff to report on issues identified in the Independent Monitor's Quarterly report scheduled for release on February 13, 2004.

CHIEF OF POLICE SUBMITS FOR BOARD INFORMATION/ACTION

6-G. APPROVED – TRANSMIT TO MAYOR AND CITY COUNCIL

AUTHORIZE the Chief of Police, with concurrence from the Mayor's Office and Chief Legislative Analyst, to negotiate and execute a contract amendment to Agreement Number C-102921, between the Department and BearingPoint, for the stabilization and enhancement of the Automated Personnel Records Imaging System (APRIS) and Integrated Crime and Arrest Records System (ICARS) to increase the contract amount, extend the term, and modify the performance and payment schedules, subject to the approval of the City Attorney as to form and legality.

Commissioner Ochi moved, seconded by Commissioner Saucedo, to AUTHORIZE the Chief of Police to negotiate and execute the above matter and TRANSMIT to the Mayor and City Council. Unanimously APPROVED.

6-H. APPROVED – TRANSMIT TO THE MAYOR AND CITY COUNCIL

APPROVE and TRANSMIT to the Mayor and City Council, the Department's sole source professional services contract between the City and Robert J. Mundy to provide equine farrier services; and AUTHORIZE the Chief of Police to execute the contract, as set forth.

[BPC #04-0030]

Commissioner Ochi moved, seconded by Commissioner Skobin, to AUTHORIZE and APPROVE the above matter, and TRANSMIT to the Mayor and City Council. Unanimously APPROVED.

6-I. APPROVED AS AMENDED

APPROVE and TRANSMIT to the Mayor and City Council, the Department's sole source professional services contract between the City and Kiefer Consulting, Inc. for the Department's FOCUS Knowledge Transfer training, mentoring, and maintenance services; and AUTHORIZE the Chief of Police to enter into contract negotiations with said contractor, as set forth.

[BPC #04-0035]

The above matter was DISCUSSED with Mr. Hart, Information Communication and Services Bureau.

Commissioner Skobin moved, seconded by Commissioner Ochi, to AMEND the above matter to AUTHORIZE the Chief of Police to enter into contract negotiations with Kiefer Consulting, Inc. Unanimously APPROVE AS AMENDED.

6-J. RECEIVED AND FILED

RECEIVE and FILE the Department's Activity Report for the month of November 2003, as set forth. [BPC #04-0043]

6-K. REVIEWED – APPROVED – TRANSMIT TO MAYOR AND CITY COUNCIL FOR THEIR INFORMATION

REVIEW and APPROVE the Department's report on Community Policing Efforts in 2003 and TRANSMIT the report to the Mayor and City Council for their information, as set forth.

The above matter was REVIEWED with Commander Moore, Office of Operations and Sergeant Dennis, Community Policing Unit.

The following person addressed the Board:

Page Miller

The public hearing was closed.

Commissioner Ochi moved, seconded by Commissioner Caruso, to APPROVE the above matter and TRANSMIT this report to the Mayor and City Council for informational purposes. Unanimously APPROVED.

At this time, Item Nos. 6-L, 6-Q, and 6-R were taken up together.

6-L. REVIEWED – APPROVED – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 6-R)

REVIEW and APPROVE the Department's Discipline Report, Third Quarter 2003, as set forth. (Also Calendared as Item No. 8-B in Closed Session.) [BPC #03-0510]

6-Q. REVIEWED – APPROVED – (SEE DETAILED MINUTES FOLLOWING ITEM NO. 6-R)

REVIEW and APPROVE the Inspector General's analysis of the Department's Discipline Report, Third Quarter 2003, as set forth. (Also Calendared as Item No. 8-B in Closed Session.) [BPC #03-0510A]

6-R. REVIEWED - APPROVED – (SEE DETAILED MINUTES FOLLOWING)

REVIEW and APPROVE the Inspector General’s analysis of the Department’s report of Criminal Cases Submitted to Prosecutors for Review, Third Quarter 2003, as set forth. (Also Calendared as Item No. 8-C in Closed Session.) [BPC #03-0516A]

The above matters were REVIEWED with Commander Lillo, Professional Services Bureau and Inspector General Birotte.

The Board INSTRUCTED the Department to prepare an additional chart with the Quarterly Discipline Report, which would compare public complaints versus departmental complaints.

Commissioner Ochi moved, seconded by Commissioner Caruso, to APPROVE Item Nos. 6-L, 6-Q, and 6-R. Unanimously APPROVED.

6-M. REVIEWED – APPROVED AS AMENDED– TRANSMIT TO MAYOR AND CITY COUNCIL FOR THEIR INFORMATION

REVIEW and APPROVE the Department’s proposed modification to the emergency call for services dispatch policy and TRANSMIT the report to the Mayor and City Council for their information, as set forth.

The above matter was REVIEWED with Commander Moore and Captain Smith, Office of Operations.

Commissioner Ochi moved, seconded by Commissioner Caruso, to AMEND the Department’s report by removing the requirement to stop at all intersections, stop signs, and/or red lights when answering a “Code 3” response call, which will allow officers to use their discretion when answering each emergency call, and modifying the current existing policy and TRANSMIT the report to the Mayor and City Council for informational purposes. Unanimously APPROVED AS AMENDED.

6-N. ENTIRE MATTER WITHDRAWN - CONTINUED INDEFINITELY

CONTINUED FROM 02/03/04

APPROVE the Department initiating the process to acquire COPLINK from KNOWLEDGE COMPUTING CORPORATION and report back to the Board before initiating any long term agreement, as set forth.

INSPECTOR GENERAL SUBMITS FOR BOARD INFORMATION/ACTION

6-O. REVIEWED – APPROVED – TRANSMIT TO MAYOR AND CITY COUNCIL FOR THEIR INFORMATION

REVIEW and APPROVE the Inspector General's report on retaliation; DIRECT the Chief of Police to prepare a response including a plan to ensure the Retaliation Policy is fully and consistently implemented throughout the Department; and, TRANSMIT this report to the Mayor and City Council for their information.

The above matter was REVIEWED with Inspector General Birotte, Assistant Inspector General Bershon, and Assistant Chief McDonnell.

Commissioner Saucedo moved, seconded by Commissioner Ochi, to APPROVE the above matter and TRANSMIT this report to the Mayor and City Council for informational purposes. Unanimously APPROVED.

6-P. NOT DISCUSSED – CONTINUED TO MARCH 2, 2004

APPROVE modifications to the Inspector General's work rules to facilitate his work with the Blue Ribbon Rampart Review Panel, as set forth.

7. PUBLIC COMMENT PERIOD

The following persons addressed the Board on general issues:

Herman Jones, James Gibbons, Fannie Gibson, Bilal Mafundi Ali, Peggy Lee Kennedy, Rick Mantley, Robert Lockhart, and Mr. Juarez.

The public hearing was closed.

Ms. Valenzuela announced that the Board would recess into Closed Session to discuss Item Nos. 8-A through 8-D, pursuant to the appropriate Government Code Sections.

8. CLOSED SESSION ITEMS

8-A. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE – PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Review of Officer Involved Shootings, Law Enforcement Related Injuries, and other personnel matters. Government Code Section 54957.

8A-1 ADOPTED

1. LERI #A006-03 One Sergeant I
 Eight Police Officers II
 One Police Officer I

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

8A-2. NOT DISCUSSED – CONTINUED TO MARCH 2, 2004

2. OIS #013-03 One Police Officer III + I
 Two Detectives I

8A-3. ADOPTED

3. OIS #014-03 Two Police Officers II

Commissioner Ochi moved, seconded by Commissioner Saucedo, to ADOPT the above matter. Unanimously APPROVED.

8-B DISCUSSED – APPROVE IN OPEN SESSION – (SEE ITEM NOS. 6-L AND 6-Q)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Discussion regarding the Commission's assessment of the appropriateness of the Chief of Police's action on the Department's Discipline Report for the Third Quarter of 2003 and the Inspector General's analysis of this report. Government Code Section 54957. (Also Calendared as Item Nos. 6-L and 6-Q in Open Session) [BPC #03-0510 and #03-0510A]

8-C. NOT DISCUSSED – CONTINUED TO MARCH 2, 2004

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Approve the Department's report on Criminal Cases submitted to Prosecutors for Review, Third Quarter of 2003, and discussion regarding the Commission's assessment of the appropriateness of the Chief of Police's action of this report in consideration with the Inspector General's analysis of this report. Government Code Section 54957. (Also Calendared as Item No. 6-R in Open Session) [BPC #03-0516 and #03-0516A]

8-D. NOT DISCUSSED

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code Section 54957.

1. Chief of Police
2. Executive Director
3. Inspector General

9. ADJOURNMENT

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

A motion of adjournment at 12:10 p.m. was made by Commissioner Saucedo, 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.