



LOS ANGELES POLICE DEPARTMENT



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RICHARD J. RIORDAN
Mayor

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Welcome to our first Legislators' Night:

It is both a honor and a privilege to be hosting our state and federal legislators at the Los Angeles Police Department's new, state-of-the-art Edward M. Davis Emergency Vehicle Operations Center and Tactics/Firearms Training Facility. The naming of this facility honors the Department's tradition of training excellence, as well as the spirit and innovative leadership of its namesake. Among other things, Chief Davis was the driving force in establishing the Commission on Peace Officers Standards and Training, which created the standards for our law enforcement profession.

The Department has long enjoyed a relationship of shared concerns with our legislators in order to bring the best possible service to the communities we serve. This evening presents a unique opportunity for all of us to interact with each other, as well as tour the facility.

I want to thank all of you for your efforts in contributing to the public safety of the City of Los Angeles.

Very truly yours,

BC Parks
BERNARD C. PARKS
Chief of Police



LEGISLATIVE NIGHT 1998

Improving the relationship between the Los Angeles Police Department and public officials was quickly given priority by Chief Bernard C. Parks when he was sworn into office in August of 1997. Soon after, the Governmental Liaison Office was established and a Governmental Liaison Officer was appointed with the express purpose to develop better working relationships with members of the City Council, local public safety

agencies, City Department general managers and local legislators.

The Governmental Liaison Office also provides oversight of legislative action which may affect public safety officers. The following is a review of the current legislative session. □

UPHOLDING THE PUBLIC TRUST

The Los Angeles City Charter, Section 202, was amended in 1992 to reflect the recommendations of the Independent Commission on the Los Angeles Police Department. The Independent Commission (frequently referred to as the Christopher Commission) focused on complaints of misconduct, patterns of conduct, the disciplinary process, and accountability at all levels for the conduct and performance of sworn members of the Police Department. The Independent Commission also recommended increased civilian oversight by means of a civilian member for a Board of Rights and more extensive involvement of the Police Commission in oversight in the disciplinary process.

During the 1997-98 State of California Legislative Session several bills were introduced concerning the Public Safety Officers Procedural Bill of Rights Act. Many of the bills, if passed, would have negatively impacted the ability of police agencies to hold their employees accountable and would have had a chilling affect on the agencies' ability to exercise duties and responsibilities involving disciplinary matters.

It is imperative that any laws considered by the legislature preserve the rights of peace officers, while balancing those rights against the need for a well disciplined, professional police force in whom the public can place its trust. Based on the powers vested in them, peace officers are, and should be, held to the highest standard of conduct.

Two legislative bills were approved by Governor Pete Wilson last session that amended Government Code Section 3304, Public Safety Officers Procedural Bill of Rights.

One of the amendments requires that, prior to any official determination regarding promotion, transfer, or disciplinary action by an officer's employing department or agency, any complaints determined to be frivolous, as defined, unfounded, or exonerated shall be removed from the officer's general personnel file and placed in a separate file designated by the department or agency. Proponents of this new law argued that unfounded or exonerated complaints held in a officer's personnel file give the reviewing supervisor the impression that "where there is smoke, there is fire," thereby, decreasing the officer's chances for fair consideration regarding promotion, transfer, or disciplinary action.

Personnel files that contain unfounded and exonerated complaints do not have an adverse impact on police officers. On the contrary, a record of unfounded and exonerated complaints can serve to clearly document that either the act complained of did not occur or it was justified, lawful and proper. In evaluation and adjudication of subsequent complaints, records of unfounded and exonerated complaints help to identify chronic or frivolous complainants.

The other amendment revised Government Code Section 3304 to preclude law enforcement management from imposing any punitive action against any public safety officer, when a one-year limit on the duration of the investigation has tolled. By doing so, the law undermines the Department's ability to track problem officers. The law creates two major dilemmas for management. It erodes management's ability to select and assign personnel in sensitive positions and hampers management's ability to protect the public from police officers who are known offenders. It undermines the very essence of accountability and consideration of an officer's pattern of conduct as recommended by the Independent Commission. The

amendment also limits the Department's ability to consider all prior, proven misconduct when considering assignment and promotion of officers.

The Los Angeles Police Department intends to pursue amendment of Government Code Section 3304 to eliminate the imposed burden and correct oversights chaptered into law by these two changes. With changes, the law will continue to provide the intended protections to officers, but with greater consideration to upholding the public trust. □

ABSTRACT OF IMPORTANT LEGISLATIVE NEEDS

The following legislative needs have been proposed by the Chief of Police and are currently being reviewed by the Los Angeles City Council.

Control the Possession and Manufacture of Police Badges

Present laws pertaining to the manufacture, possessing or selling of police badges are not adequate. Los Angeles Municipal Code Sections cover a very limited area of manufacturing and selling, which is a violation within the City of Los Angeles. Penal Code sections address impersonation. However, possession is not in itself illegal. Notifications to the Financial Crimes Division of the Los Angeles Police Department regarding the unauthorized possession of Department badges indicates a need for new legislation to control possession and manufacture of police badges.

Regulating Registration of Names for Internet Domain and Worldwide Web Sites

Existing law does not make it illegal for any individual, group, organization, or business to register an Internet domain name or establish a worldwide Web site in the name of any police department, sheriff's department, marshal's office, district attorney's office, or any other law enforcement entity without the concerned entity's expressed permission or authorization. It is essential that members of the public be able to easily recognize, identify and contact

law enforcement organizations upon which they depend for emergency protection and service. The Penal Code reflects this need by prohibiting unauthorized parties from using police patches, badges and official seals.

Creation of an "Adults Only" Section Within Establishments Dealing With Harmful Matter

Graphic hardcore adult videotapes, magazines, tabloid-style newspapers, comic books and adult novelty items are being sold in locations that are frequented by minors. Current law requires businesses that sell adult videotapes to create an area in their establishments for the placement of that product and to label that area "Adults Only." This requirement does not extend to the sale of other adult material. A common complaint of parents of young children is that this material is often placed at eye level and mixed with other comic books, exposing children to matter far worse than that of a videotape box cover. Current law does not require vendors to act responsibly. Legislation is needed to require that harmful matter be placed appropriately in stores.

Require Pager Companies to Maintain Complete Records

At the present time, Department personnel are refused information pertaining to the ownership or rental information from local pager companies, absent a search warrant or subpoena. Often times a detective is required to service two or three search warrants just to find the company of record for a particular pager. After substantial time and effort, they frequently find that pager companies do not maintain accurate up-to-date records on their equipment and/or clients. In some instances, the company may have only the client's first name or may have destroyed past records when they reissue a pager. Our detectives have found that many of these retailers do not have permanent offices and on one occasion, operated as a street vendor.

Pager companies should be required to maintain accurate records of their equipment and verified identification of their clients. When presented with a search warrant or subpoena by law enforcement for information on equipment that has been reassigned to another company, law enforcement should not be required to prepare a new search warrant of the lack of equipment transfer records.

Carrying Concealed Weapons (CCW) Licenses

Prior to 1998, a concealed weapons permit was good anywhere in the State of California for a period of time not to exceed one year. In 1998, the law was changed so that a permit is now good for two years. Also, with this change, the Sheriff of a county can issue a concealed weapons permit to any individual who spends a substantial part of his/her working hours in the county or in a city within the county, good for 90 days. Substantial and working hours are not clearly defined. The Department's standard is higher.

The City of Los Angeles and the Department have had a continuing position and policy that the issuance of a CCW permit should fall within the jurisdiction of the Chief of Police. The Chief of Police has direct responsibility for crime suppression and safety of all persons within the municipality's jurisdictional boundaries. Allowing another agency to issue CCW permits to individuals spending time

or living in the City takes the control out of the hands of the people who reside there. Legislation is needed to reverse language chaptered in 1998.

Lowering the Requirement for Completion of the Gladys R. Statement, From Under the Age of 14 to the Age of 12

The Gladys R. Statement is used by law enforcement to determine if a juvenile knew the difference between right and wrong and the wrongfulness of an act at the time of its commission. The Gladys R. Statement is given to juveniles who were under the age of 14 at the time the offense was committed. The questions asked of the juvenile are relevant to the crime and the answers are included in the arrest report. Current law presumes juveniles 14 years of age or older are capable of committing crimes. Lowering that age to 12 years or older would effectively make juveniles 12 years of age accountable for the egregious criminal acts which they commit. This change would remove obstacles that currently delay prosecution and delivery of necessary rehabilitative services.

Authority to Securely Detain 601 Welfare and Institution Code (Pre-Delinquent) Minors be Reinstated

Currently, law enforcement is not allowed to securely detain 601 WIC juveniles for a period of time sufficient to evaluate the minor's problems (education, maturity, etc.) and needs, and to provide appropriate programs and assistance. The Department recognizes a need to detain a minor for a period of time sufficient to provide appropriate intervention, when it is in the best interest of the minor, when the minor is beyond the control of the parents or guardians, and when parents or guardians request the court's intervention. For the welfare and benefit of the minor, the Department will continue to seek reinstatement of past detention authority.

Requiring Certain Parolees to Register with Local Law Enforcement Agencies

The ability of law enforcement agencies to respond to crime surges would be greatly enhanced if parolees were required to register with local law enforcement agencies much like sexual offenders are required to do. Mandating that all parolees register with their local law enforcement agency will provide investigators a tool that will expedite the identification of repeat offenders responsible for the crimes being investigated.

The use of such a registry for criminal investigations will have an immediate impact in solving a variety of crimes.

Enable the City of Los Angeles to Obtain Automatic Number Identification (ANI) Automatic Location Identification (ALI) for 3-1-1

The City is developing an implementation plan for a 3-1-1 Non-Emergency System. To ensure effective processing of non-emergency calls and an effective

response to critical 9-1-1 calls for service, the City of Los Angeles must obtain authority through legislation that will provide for an Automatic Number Identification (ANI) and Automatic Location Identification (ALI) on the 3-1-1 Emergency Telephone System.

Enable the City of Los Angeles to Assess a City 9-1-1/PSAP (Public Safety Answering Point) Telecommunications and Support Infrastructure Cost

It is the responsibility of local governments to develop and improve emergency communication facilities and equipment in such a manner as to provide rapid response to any person calling the 9-1-1 telephone number seeking police, fire and/or medical assistance. In order to fulfill this responsibility, the Emergency Command Control Communications Systems Division (ECCCS) staff has initiated an effort to acquire support for legislation authorizing the City of Los Angeles to impose a local 9-1-1 surcharge. □

POLICY STATEMENT ON PERSONNEL MATTERS 1999-2000

The Department Legislative Policy Statement on Personnel Matters 1999-2000 has been approved by the Board of Police Commissioners and is currently being reviewed by the Council of the City of Los Angeles.

PUBLIC EMPLOYER/EMPLOYEE RELATIONS

Use of Polygraph Test

Preserve the City's right to use polygraph test on police and fire personnel applicants where there is an apparent conflict in background check information, and where necessary to do background checks on sworn peace officers for transfers to or allowing peace officers to remain in sensitive positions, as provided for by Government Code Section 3307.

Financial Disclosure

Preserve the City's right to require financial disclosure by sworn peace officers (including those of any member of his family or household) if it is necessary for the employing agency to ascertain the desirability of assigning the peace officer to or allowing the peace officer to remain in a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered, as provided for by Government Code 3308.

Peace Officer Discipline/Peace Officer Bill of Rights

Charter Section 202 of the City of Los Angeles was amended in 1992 to reflect the recommendations of the Independent Commission on the Los Angeles Police Department¹ which focused on complaints of misconduct, patterns of conduct, the disciplinary process and accountability at all levels for the conduct and performance of sworn members of the Police Department. The Independent Commission also recommended increased civilian oversight by means of a civilian member of a Board of Rights and more extensive involvement of the Police Commission in oversight in the disciplinary process.

It is the policy of the City of Los Angeles, in keeping with the spirit of the recommendations of the Independent Commission, to preserve the pertinent provisions of Charter Section 202.

Accountability of the Chief of Police

Support legislation which preserves the ability to hold the Chief of Police accountable for the conduct of sworn employees of the Police Department.

Conduct of Peace Officers

Support legislation that preserves the ability of the Chief of Police to hold peace officers to higher standard of conduct based on the powers vested in them, the need for the public's trust in the Police Department, and the limitation of City liability based on the conduct of sworn employees.

Preservation of Peace Officers Rights

Support legislation which preserves the rights of peace officers while balancing those rights against the need for a well-disciplined, professional police force in whom the public can place its trust.

Preservation of City Charter and Home Rule

Oppose any legislation that would be inconsistent with Council adopted policies, unduly burden the Police Department, or supersede local charters, ordinances and rules, and in particular. □

CHIEF PARKS APPOINTS COMMANDER MORAN AS GOVERNMENTAL LIAISON OFFICER

Chief of Police Bernard C. Parks has announced the appointment of Commander John E. Moran as the Los Angeles Police Department's Governmental Liaison Officer. In this capacity, Commander Moran will respond to inquiries from state and federal legislators, providing assistance to them or their representatives in legislative matters of significance to law enforcement and the Department.

Commander Moran is available at his direct telephone number, (213) 485-4376, or through his staff at (213) 485-3252, and by mail at Parker Center, 150 North Los Angeles Street, Room 611, Los Angeles, CA 90012. □

LOS ANGELES POLICE PIPE BAND 'UNANIMOUSLY PROCLAIMED'

Former Chief Ed Davis is well known and highly regarded in law enforcement for initiating such programs as the Basic Car and the Management Principles of the Los Angeles Police Department.

What most people don't know, however, is that Chief Davis was also instrumental in the formation of the Los Angeles Police Pipe Band, now celebrating its 20th anniversary.

Since its inception in 1979, the Band has represented the Los Angeles Police Department locally, nationally and internationally. On May 24, 1996, the City Council unanimously proclaimed it "The Official Pipe Band of the City of Los Angeles" pursuant to a motion by Council Member Laura Chick.

The Band performs for civic and law enforcement functions in the Los Angeles area, including Law Enforcement Memorial Day ceremonies for the LAPD, the Los Angeles Sheriff's Department and the California Highway Patrol. The Band has provided contingents for such functions as the inauguration of Mayor Richard Riordan, Special Olympics,

New Directions, Cops for Tots, San Fernando Mission Bicentennial, the Fight for Life, the 1984 Olympics and ceremonies honoring members of the British Royal family. The Band has provided music for motion pictures and appeared on television. Band pipers are regularly requested for the funerals of Southern California law enforcement personnel killed in the line of duty. During an active spring and summer competition season, the Band performs at four major California Highland games: Costa Mesa, San Diego, Monterey, and Pleasanton.

The Band is supported entirely by private donations, and all of its members are civilian volunteers. The current Pipe Major is Scott Ruscoe. Regular practices are held every Tuesday evening at the Los Angeles Police Academy. Any qualified piper or highland drummer in Southern California, 18 years or older, is encouraged to apply. Also, The Band is in the early stages of planning a piping and drumming teaching program for students, ages 10 to 16.

For information contact Sergeant Bruce Bogstad, Pipe Band Manger, at (213) 485-2902. □

