

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

REGULAR MEETING – TUESDAY, JANUARY 6, 2004

The Board of Police Commissioners of the City of Los Angeles convened in regular session Tuesday, January 6, 2004, at 9:52 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. 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
Bernadette Balajadia, Hearing Reporter
Officer Deborah Nichols, Sergeant-at-Arms
Officer Jose Ceja, Sergeant-at-Arms
Officer Ernesto Vicencio, Sergeant-at-Arms

1. APPROVAL OF MINUTES FOR:

None.

2. REPORT OF CHIEF OF POLICE

Chief Bratton gave the Department's "weekly crimes year to date" statistical report for the period ending January 3, 2004.

Chief Bratton stated that because of the "hard freeze" throughout the City, he is unsure of what the recruitment situation will look like. Chief Bratton stated that he is hoping to at least maintain the current sworn level at 9300 police officers.

President Cunningham asked Chief Bratton what impact Level Orange has had on the Department and the City.

Chief Bratton reported that the City is still on Level Orange, primarily in and around the Los Angeles Airport (LAX). The Department went into tactical alert because of the New Year's Day Rose Bowl events. Approximately 150 officers went on tactical alert in case there was a problem in the City of Pasadena. Chief Bratton stated that the Department will stay on heightened alert until they receive other notice from Homeland Security.

Commissioner Caruso commended the FBI, LAPD, and LA County Sheriffs', specifically Police Administrator Miller and his group, and Mr. Ron Iden, FBI and his group, for all their hard work and for keeping the community safe.

3. COMMISSION BUSINESS

Commissioner Ochi reported that she had attended a meeting of the Discipline Review Task Force.

Commissioner Ochi also stated that the recommendation from the Hate Crime Task Force for placement of the Hate Crime Unit within the Department would be coming back to the Commission to be placed on the agenda.

4. INFORMATION – FILED ITEMS

Information items on file, submitted for the period ending January 2, 2004.

RECEIVED and FILED.

5. CONSENT AGENDA ITEMS

COMMISSION RECOMMENDS FOR BOARD REVIEW/ACTION

5-A. DISCUSSED

Department PRESENTATION and Board DISCUSSION regarding the Department's current process for handling variance permit requests.

The above matter was DISCUSSED with Lieutenant Taylor and Officer Stark, Special Operations Support Division.

The Board DIRECTED Commission staff to report back with recommendations to approve revisions to the Department's current process for handling variance permit requests.

CHIEF OF POLICE RECOMMENDS FOR BOARD ACTION

Commissioner Caruso moved, seconded by Commissioner Skobin, to APPROVE Item Nos. 5-B and 5-C. Which motion was adopted by the following vote: Ayes, Cunningham, Skobin, Caruso, Saucedo, and Ochi (5); Noes, None (0). Note: Commissioner Ochi abstained from this vote.

5-B. VARIANCE – RETROACTIVELY APPROVED

Retroactively APPROVE a request for variance to Los Angeles Municipal Code Section 41.40 from Rheeline, Inc. to permit nighttime construction from 7:00 p.m. to 4:00 a.m., Tuesday through Friday, which began on November 18, 2003 and was completed on December 19, 2003 for work located at the intersection of East Olympic Boulevard and Lorena Street down to Emery Street, as set forth.

[BPC #03-0571]

EXECUTIVE DIRECTOR RECOMMENDS FOR BOARD ACTION

5-C. FIREARMS/AMMUNITION SALES APPLICATION - APPROVED

APPROVE an application for a Firearms/Ammunition Sales Police Permit from Mr. Atsushi Miyaji, as set forth. [BPC #03-0565]

6. REGULAR AGENDA ITEMS

COMMISSION SUBMITS FOR BOARD INFORMATION/ACTION

6-A. NOT DISCUSSED – CONTINUED TO JANUARY 13, 2004

CONTINUED FROM 12/16/03

SEMI-ANNUAL REVIEW of the Police Commission's Vision Statement and Goals, as set forth.

CHIEF OF POLICE SUBMITS FOR BOARD INFORMATION/ACTION

6-B. DISCUSSED - APPROVED

DISCUSS and APPROVE the Department's report relative to removing the out-of-county travel restriction for emergency response vehicles and to allocate sufficient emergency response vehicles to supply each homicide detective with a vehicle assigned to that detective position, as set forth. [BPC #03-0563]

The above matter was DISCUSSED with Captain Merritt, Planning and Research Division and Deputy Chief McMurray, Detective Bureau.

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

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

APPROVE and TRANSMIT to the Mayor and City Council, the acceptance of a grant in the amount of \$100,000.00, which has been awarded to the Department from the State of California for the creation of a new program called the Specialized Domestic Abuse Response Team (SDART) and AUTHORIZE the Chief of Police to negotiate, execute, and submit the necessary documents relative to this grant award, as set forth. [BPC #03-0567]

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

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

APPROVE and TRANSMIT to the Mayor and City Council, the acceptance of a grant in the amount of \$45,000.00, which has been awarded to the Department's Scientific Investigation Division from the State of California, Office of Emergency Services for the Coverdell Forensic Science Improvement Act-Training Program Grant and AUTHORIZE the Chief of Police to negotiate, execute, and submit the necessary documents relative to this grant award, as set forth.

[BPC #03-0570]

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

6-E. RECEIVED AND FILED

RECEIVE AND FILE the Chief's Activity report for the month of October 2003, as set forth.

[BPC #03-0564]

6-F. DISCUSSED – CONTINUED TO JANUARY 13, 2004

REVIEW and APPROVE the Department's report of Criminal Cases Submitted to Prosecutors for Review, Second Quarter 2003, as set forth. (Also Calendared as Item No. 8-B in Closed Session)

[BPC #03-0410]

The above matter was DISCUSSED with Commander Lillo, Internal Affairs Group and Inspector General André Birotte.

6-G. DISCUSSED (SEE DETAILED MINUTES BELOW)

CONTINUED FROM 12/16/03

DISCUSS and DIRECT the Department regarding public assemblages including seeking a draft ordinance to prohibit the carrying and/or possession of certain items and other related matters.

The above matter was DISCUSSED with Deputy Chief Hillman, Special Operations Bureau.

The Board DIRECTED the Department to move forward with a request for City Council to draft an ordinance pertaining to public assemblages and prohibiting the carrying and/or possession of certain items and other related matters.

6-H. CONTINUED TO JANUARY 13, 2004

CONTINUED FROM 12/16/03

DISCUSS and TRANSMIT a request for approval to the Mayor and City Council, of a legislative proposal to be included in the City's 2004-2005 Legislative Program regarding an amendment to the vehicle registration procedures to mirror that of New York's, which requires a new owner to appear at the DMV within two business days of purchasing the vehicle, complete the paperwork, and receive the license plates. [BPC #03-0542]

INSPECTOR GENERAL SUBMITS FOR BOARD INFORMATION/ACTION

6-I. REVIEWED - APPROVED

REVIEW and APPROVE the Inspector General's report regarding Complaint Form 1.28 Investigations Audit, in compliance with Paragraph 136 of the Consent Decree, as set forth. [BPC #03-0566]

The above matter was DISCUSSED with Commander Lillo, Internal Affairs Group and Inspector General Birotte.

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

7. PUBLIC COMMENT PERIOD

None. The public hearing was closed.

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. OIS #003-03 One Police Officer II

Commissioner Saucedo moved, seconded by Commissioner Caruso, to ADOPT the above matter. Which motion was adopted by the following vote: Ayes, Caruso, Saucedo and Cunningham (3); Noes, Ochi and Skobin (2).

8A-2. DISCUSSED - ADOPTED

2. OIS #004-03 Two Police Officers III
Two Police Officers II

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

8A-3. ADOPTED

3. OIS #005-03 Eight Detectives II

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

8A-4. ADOPTED

4. LERI-HS #A003-03 One Sergeant I
One Police

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

8A-5. ADOPTED

5. LERI-HS #A003-03 One Sergeant I
One Police Officer III
Six Police Officers II

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

8A-6. ADOPTED – (SEE DETAILED MINUTES FOLLOWING)

6. OIS #008-03 ~~Two Police Officers II~~
***One Police Officer III**
***One Police Officer II**

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

Commissioner Ochi moved, seconded by Commissioner Skobin, to AMEND Item No. 8A-6 with a technical correction to the agenda as specified above in bold. Unanimously APPROVED, AS AMENDED.

8-B. CONTINUED TO JANUARY 13, 2004

PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Discussion regarding the Commission's assessment of the appropriateness of the Chief of Police's actions on the Department's report of Criminal Cases Submitted to Prosecutors for Review, Second Quarter 2003, and the Inspector General's analysis of this report. Government Code Section 54957. (Also Calendared as Item No. 6-F in Open Session) [BPC #03-0410 and 03-0410A]

8-C. DISCUSSED

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE – PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Review of personnel complaint investigations and other personnel matters. Government Code Section 54957.

1. CF #02-2150 (CONTINUED FROM 10/14/02)
One Captain III
One Lieutenant II
2. CF #01-5638
One Sergeant I
Two Police Officers III
Four Police Officers II
One Unknown
3. CF #02-0155
One Lieutenant I
4. CF #02-3480
Two Police Officers II
5. CF #02-4326
One Unknown
6. CF #02-4551
One Police Officer II
7. CF #02-4287
Two Police Officers II

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 11:40 a.m. was made by Commissioner Ochi, 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.