

LOS ANGELES POLICE COMMISSION

BOARD OF
POLICE COMMISSIONERS

ANDREA SHERIDAN ORDIN
PRESIDENT

JOHN W. MACK
VICE PRESIDENT

RAFAEL BERNARDINO, JR.
RICHARD DROOYAN
ROBERT M. SALTZMAN

MARIA SILVA
COMMISSION EXECUTIVE ASSISTANT I



ERIC GARCETTI
MAYOR

RICHARD M. TEFANK
EXECUTIVE DIRECTOR

ALEXANDER A. BUSTAMANTE
INSPECTOR GENERAL

EXECUTIVE OFFICE
POLICE ADMINISTRATION BUILDING
100 WEST FIRST STREET, SUITE 134
LOS ANGELES, CA 90012-4112

(213) 236-1400 PHONE
(213) 236-1410 FAX
(213) 236-1440 TDD

July 23, 2013

BPC #13-0250

The Honorable City Council
City of Los Angeles
c/o City Clerk's Office

Dear Honorable Members:

RE: REQUEST FOR PAYMENT FOR REWARD – CITY COUNCIL FILE NO. 09-0010-S42

At the regular meeting of the Board of Police Commissioners held Tuesday, July 23, 2013, the Board APPROVED the Department's report relative to the above matter.

This matter is being forwarded to you for approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS

A handwritten signature in cursive script that reads "Maria Silva".

MARIA SILVA
Commission Executive Assistant

Attachment

c: Chief of Police
ASB

INTRADEPARTMENTAL CORRESPONDENCE

JUL 12 2013

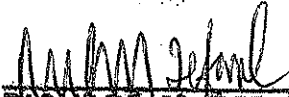
POLICE COMMISSION

July 19, 2013
1.1

REVIEWED

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police


RICHARD M. TEFANK
EXECUTIVE DIRECTOR

7/12/13
DATE

SUBJECT: REQUEST FOR PAYMENT FOR REWARD- CITY COUNCIL FILE NO. 09-0010-S42

RECOMMENDED ACTIONS:

- 1. That the Board APPROVE and TRANSMIT to City Council the recommendation that a previously approved reward offer, City Council File No. 09-0010-S42, be paid to a witness for providing invaluable information to the location of a murder suspect.

DISCUSSION:

On October 1, 2008, at 1543 hours, Noe Gonzalez was working as a security guard for a marijuana dispensary when three suspects with handguns forced their way in and attempted to rob the business. Gonzalez thwarted the suspects' plans. He was ultimately shot to death by the suspects who then they fled in a getaway car with a fourth suspect. Although two of the suspects were apprehended within minutes of the murder, two others managed to escape.

The first two suspects were charged in Case No. BA347305 and a short time later, investigators identified the two outstanding suspects and warrants were issued. On July 8, 2009, the Los Angeles City Council voted to reward those whose assistance led to the arrest and conviction of the outstanding suspects. On July 27, 2009, a witness went to Wilshire Area's Homicide Section and provided investigators with the location of one of the outstanding murder suspects, David Gardiner. Investigators responded to the location, found Gardiner and took him into custody. Gardiner pled guilty to the charge of murder in the first degree and was sentenced 45 years to life in prison. Without the assistance of this witness, David Gardiner would still be at large and a danger to the public safety. Therefore, the funds should be paid to the witness.

If you have any questions, please contact Detective John Shafia, West Bureau Homicide, at 213 382-9482

Respectfully,



CHARLIE BECK
Chief of Police

BOARD OF
POLICE COMMISSIONERS

Approved *July 23, 2013*
Secretary *Maria Silva*

CITY OF LOS ANGELES
APPLICATION FOR SPECIAL REWARD PAYMENT

DISTRIBUTION

ORIG -- LAPD
DUPE -- City Clerk
DUPE -- Claimant

Neither the filing nor submitting of information, nor the receipt or consideration thereof by the City, shall establish legal claim to, or right of recovery of, any reward offered. The provision of payment shall be governed by Chapter 12, Division 19 of the Los Angeles Administrative Code.

1.	PRINT NAME OF APPLICANT: Last, <u>Anonymous</u> First, <u>Claimant-A</u> Middle	
2.	ADDRESS: (Street) (City) (State - Zip) <u>Daytime Phone & Contact Person</u> <u>213 382-9482, John Shafia Serial No. 23584</u>	
3.	TODAY'S DATE: <u>April 30, 2013</u>	4. OCCUPATION: <u>Anonymous</u>
5.	DRIVER'S LICENSE # or CALIF ID #: <u>Confidential</u>	6. SOCIAL SECURITY #: (For payment purposes)

DESCRIPTION OF CIRCUMSTANCES: (Fill in or mark ALL that apply)

NOTE: The applicant is responsible for providing ALL of the following required information. A claim that does not provide the following required information may be disapproved for insufficient information.

7.	DATE OF INCIDENT: <u>October 1, 2009</u>	8. TIME OF INCIDENT: 1543 hours <u> </u> AM <u> </u> PM <u> </u> NOON <u> </u> MIDNIGHT
	LOCATION OF INCIDENT: <u>812 S La Brea Boulevard</u>	
	TYPE OF CRIME / INVESTIGATION: <u>Murder</u>	
9.	DESCRIPTION OF INCIDENT: <u>Four suspects attempted to rob a marijuana dispensary, the on-duty security guard thwarted the robbery and was shot to death during the crime. The suspect's fled two were captured minutes later and two others escaped.</u>	
12.	<input checked="" type="checkbox"/> <u>[Signature]</u> APPLICANT SIGNATURE	<input checked="" type="checkbox"/> <u>[Signature]</u> PARENT OR GUARDIAN SIGNATURE (under 18 years)

DO NOT WRITE BELOW THIS LINE -- FOR OFFICIAL USE ONLY

INVESTIGATING OFFICER: John Shafia Serial No. 23584 Agency: LAPD Phone: 213 382-9482

NAME OF VICTIM OR CASE:
Noe Gonzalez

RECOMMENDATION: APPROVAL DISAPPROVAL INVESTIGATION CHECKLIST ATTACHED: Yes No
 INSUFFICIENT INVOLVEMENT
 INSUFFICIENT INFORMATION

BRIEF EXPLANATION OR COMMENTS: On July 9, 2009, City Council approved a reward for the capture and conviction of David Gardiner. On July 27, 2009, the witness gave the investigator the information that lead to the capture of Gardiner and on April 15, 2013, Gardiner participated in a plea agreement and pled guilty to murder in the first degree. On April 30, 2013, Gardiner was sentenced to 45 years to life in prison.

REVIEWED AND APPROVED BY:
LT. JOHN RASTKE #26759 [Signature]

**CITY OF LOS ANGELES
REWARD CLAIM CHECKLIST**

**This form must be submitted with the Department's recommendation concerning payment of the reward.
One checklist must be submitted for each claimant.**

COUNCIL FILE NUMBER: 09-0010-S42

DR/AGENCY FILE NUMBER: 080727410

TYPE OF CRIME/INVESTIGATION: Murder

REWARD AMOUNT: \$ 50,000.00

REWARD EFFECTIVE DATE: 7/8/09

REWARD EXPIRATION DATE: 1/8/2010

INFO. REC'D WHILE REWARD IN EFFECT: YES NO
(circle one)

DATE REC'D: 7/27/09

CLAIMANT: Anonymous

CLAIMANT'S OCCUPATION: Anonymous

(Name or "Anonymous." If multiple anonymous claimants, indicate as "Claimant A, Claimant B," etc.).

CASE INVEST. BY: LAPD Wilshire Homicide
(Div/Section)

OTHER CITY DEPARTMENT: _____

Investigator(s) Assigned: Shafia, John Serial No. 23584

Telephone: (213) 382-9482

Telephone: ()

The above claimant is XX ELIGIBLE NOT ELIGIBLE to receive payment of a reward pursuant to the Los Angeles Administrative code Division 19, Chapter 12, Sections 19.120 through 19.129.4.

Reason(s) for claimant being NOT ELIGIBLE to receive payment

Claimant is a City officer, employee, or public officer or employee whose employment includes duties of law enforcement.

Claimant obtained information for a relative who is a City Officer, employee, or public officer or employee, and that person obtained the information in the course of his/her employment.

Claimant is a dependent of a City Officer, employee, or public officer or employee whose duties include law enforcement

Claimant has not provided continued cooperation within the criminal justice system relative to the case for which the offer of reward is made.

Claimant has already been compensated by his/her employer or in some other manner for the actions which are the bases for

Claimant is co-suspect in the crime for which the reward is offered.

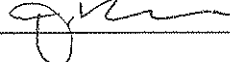
The suspect would benefit from payment of the reward to the claimant.

Other: _____

The claimant is acting as an agent for the suspect.

Explanation: _____

(If additional space is needed, use back of form.)

APPROVED BY  26759

RANK/TITLE LT. JOHN RASTKE
OIC, West Bureau Homicide

OPERATIONS COMMITTEE

OPERATIONAL ORDER NO. 6

August 23, 2002

SUBJECT: REWARD PROCEDURE - REVISED

PURPOSE: This Order amends the procedure for rewards offered by the City of Los Angeles relating to police investigations and for submitting Department recommendations concerning payment of rewards to claimants. This Order supersedes Office of Operations Order No. 17, dated October 12, 1993.

PROCEDURE:

I. REWARDS OFFERED BY THE CITY OF LOS ANGELES.

- A. Initiation of Reward Request.** A request for a reward offer may be initiated by any member of the City Council or by a letter from the involved Area commanding officer or specialized detective division commanding officer to the City Councilmember representing the district where the crime occurred.
- B. Duration of Reward.** A reward offer by the City of Los Angeles must be approved by the City Council and be published by the City Clerk's Office. A reward offer is valid for 60 calendar days from the date the offer is published in a Los Angeles newspaper. Under certain circumstances, the City Councilmember representing the district where the crime occurred may request the City Council republish the reward offer, extending the time period an additional 60 calendar days. If no claim is submitted during the 60 calendar days and the reward offer is not extended, the reward offer will expire.
- C. Eligibility Requirements for Reward.** Prior to a claimant receiving payment, the City Council requires verification from the Department that the claimant is eligible to receive payment pursuant to the Los Angeles Administrative Code (LAAC).

Section 19.127 of the LAAC lists the following persons as ineligible to claim a reward:

- * Any person who is a City officer, employee, or dependent of such officer or employee;

- * Any public officer or employee whose employment includes duties of law enforcement;
- * Any person or persons who have already been compensated by their employer or in some other manner for the actions which are the basis for claiming the reward, (e.g., members of the news media);
- * Anyone involved in misconduct which prompted the reward offer; and,
- * Anyone acting as an agent for a suspect or if a suspect will benefit from payment of the reward.

Note: To ensure a claimant meets the eligibility requirements, the claimant's identity must be revealed to the investigating officer during the investigation. However, the claimant may choose to retain their confidentiality as "Anonymous" during the reward payment claim process.

The claimant(s) must provide continued cooperation within the criminal justice system relative to the case for which the reward offer is made.

Note: A conviction is required as a condition of payment for cases involving the identification and arrest of a person who killed, assaulted with a deadly weapon or inflicted serious bodily harm upon a Los Angeles Police Officer.

II. INVESTIGATING OFFICER'S RESPONSIBILITY. An investigating officer who receives information that may lead to a reward claim shall:

- * Document the date the information is received and the name and address of the potential claimant on a Chronological Record, Form 3.11.6, Detective's Case Progress Log, Form 1.44 or Follow-Up Investigation, Form 3.14;

Note: This information is needed to establish a record that the information was received during the 60 calendar days and the reward offer was still valid.

- * Inform the claimant(s) that claims will be processed when the case is adjudicated or otherwise concluded; and,

- * Notify Investigative Analysis Section (IAS), Operations-Headquarters Bureau, that a potential claim for a reward offer may exist.

Note: Claimants requesting information concerning payment of the reward shall be referred to the involved investigating officer. Claimants shall not be referred to the City Clerk's Office or IAS. Investigating officers with questions on reward procedures should contact IAS for advice.

When a case involving a reward offer has been adjudicated or otherwise concluded and a claim for the reward has been made, the assigned investigating officer shall:

- * Provide the claimant(s) with the City Clerk's Form, Application for Special Reward Payment (Attachment 1);
- * Complete a City Clerk's Form, Reward Claim Checklist (Attachment 2), for each claimant;
- * Submit the Application for Special Reward Payment and Reward Claim Checklist to the involved Area or specialized detective division commanding officer;
- * If a claimant chooses to retain their confidentiality, enter "Anonymous" on the checklist. If there are multiple claimants who choose to remain anonymous, identify those claimants as "Claimant A, Claimant B," etc; and,
- * Notify IAS that the Application for Special Reward Payment and Reward Claim Checklist were submitted to the involved Area or specialized detective division commanding officer.

Handwritten: [Signature]

Handwritten: 2 ITEMS

III. COMMANDING OFFICER'S RESPONSIBILITY. When a case involving a reward offer has been adjudicated or otherwise concluded, the involved commanding officer shall:

- * Ensure that both a Reward Claim Checklist and an Application for Special Reward Payment are completed for each person submitting a claim;
- * Review the completed Reward Claim Checklist(s) and evaluate the contribution of each claimant to the investigation;
- * Submit an Intradepartmental Correspondence, Form 15.2, (Attachment 3) through the chain of command from the Chief of Police to the Board of Police Commissioners, containing a recommendation regarding payment, with a completed Reward Claim Checklist(s) and Application(s)

Handwritten: STEP-1
15.2

for Special Reward Payment attached. The recommendation supporting or opposing payment of the claim(s) shall include:

- * The name of the claimant (or Anonymous, Claimant A, Claimant B, etc.);
- * Whether the claimant is eligible or ineligible to receive payment. If the claimant is ineligible to claim a reward, provide a brief explanation; and,
- * A brief explanation as to the value of the claimant's contribution to the investigation (e.g., claimant's contribution was vital; helpful but not essential; of no value).

In cases involving multiple claimants, include a statement as to which claimants should receive a part of the reward, briefly explain the assistance provided by each claimant and indicate the recommended percentage of the reward each claimant should receive.

- * Notify IAS that a claim was made on the reward offer.

Confirmation of Approval of Payment on Reward Claims.

When payment for a reward offer has been approved by the City Council, IAS will notify the involved investigating officer. The Area or specialized detective division commanding officer shall submit a request for payment of a reward offer on a Form 15.2 to the Commanding Officer, Fiscal Operations Division (Attachment 4). The request for payment of a reward offer shall contain the following information:

- * The date the reward offer was approved by the City Council;
- * The reward offer's City Council File number;
- * A brief synopsis of the case disposition, including the Court Case number;
- * The date the City Council approved the reward payment and the amount of the reward; and,

Note: The above information can be obtained from IAS.

- * To whom the check should be made payable. If the claimant wishes to remain anonymous, Fiscal Operations Division will write a check to the Bureau Secret Service Fund account of the involved Area/division.

STEP-2
15.2

The Bureau will forward the funds to the involved Area/division. The Area/division will then write a check to the claimant or arrange to pay the claimant in cash.

IV. ROBBERY-HOMICIDE DIVISION RESPONSIBILITY. When a reward is offered by the City for a crime investigated by an outside agency (e.g., Fire Department Arson Unit or City employee victimized outside the City), the eligibility of claimants shall be verified by Robbery-Homicide Division. Robbery-Homicide Division shall be responsible for:

- * Providing claimants with an Application for Special Reward Payment;
- * Accepting the completed Application for Special Reward Payment from claimant(s);
- * Contacting the outside agency handling the investigation to determine the extent of the claimant's contribution to the investigation;
- * Evaluating the claimant's contribution to the success of the investigation;
- * Submitting a Form 15.2 through the chain of command from the Chief of Police to the Board of Police Commissioners, containing a recommendation concerning payment, with a completed Reward Claim Checklist(s) and Application(s) for Special Reward Payment attached; and,
- * Notifying IAS that a claim was made on the reward offer.

V. INVESTIGATIVE ANALYSIS SECTION RESPONSIBILITY. When a reward offer is nearing the end of the valid 60-day period, IAS will contact the involved investigating officer to determine if the Department has received any potential reward claims. If a potential claim exists, the reward will remain available for payment until the case is adjudicated or otherwise concluded. If no claims have been made, the reward may be cancelled and unavailable for payment. Investigative Analysis Section shall be responsible for:

- * Confirming the status of reward offers by contacting the involved Area detectives or specialized detective division to determine if reward claims have been made and/or submitted;
- * Maintaining the Department's Reward Offer Master Log;

August 23, 2002

- * Preparing periodic reports on reward information from the Chief of Police to the Board of Police Commissioners;
- * Facilitating the presentation of reward posters on "Cityview" Channel 35, the City's cable channel; and,
- * At the request of the involved Area or specialized detective division, prepare and publish "Reward" posters for entities that do not have the capacity to do so within their entity.

Questions concerning this Order may be directed to IAS. Master copies of the Reward Claim Checklist and Application for Special Reward Payment forms are attached to this Order for duplication. Additional copies may be obtained from IAS, Parker Center, Room 810.

AUDIT RESPONSIBILITY: The Commanding Officer, Operations-Headquarters Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

**J.I. DAVIS, Assistant Chief
Chair, Operations Committee**

Attachments

DISTRIBUTION "D"

**CITY OF LOS ANGELES
APPLICATION FOR SPECIAL REWARD PAYMENT**