

AD HOC COMMITTEE ON POLICE REFORM REPORT and ORDINANCE FIRST CONSIDERATION relative to implementing Charter Amendment C by providing an accused officer the option of having a Board of Rights composed of three civilian members.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE dated March 28, 2019 to add Article 12 to Chapter 11 of Division 22 of the Los Angeles Administrative Code to implement Los Angeles City Charter Amendment C by providing an accused officer the option of having a Board of Rights composed of three civilian members.
2. APPROVE and CONCUR with the December 11, 2018 action of the Los Angeles Police Commission and further REQUEST the Board to CONCUR with the following amendments to the December 11, 2018 Los Angeles Police Commission report, attached to the Council file:
 - a. Clarify that Recommendation No. 2(a) in regard to qualifications of applicants further states that an applicant shall not have any sustained allegation of misconduct related to the applicant's employment or profession that would impact his or her ability to be impartial.
 - b. Amend Recommendation No. 2(d) in regard to the separation period for retired peace officers to a length of five years, and prohibit selecting for a panel retired peace officers as a civilian panel member for a period of two years after the effective date of the Ordinance.
 - c. Amend Recommendation No. 2(e) in regard to qualifying experience for applicants to a length of two years.
 - d. Require the Los Angeles Police Commission to:
 - I. Expand and maintain up-to-date training programs for civilian panel members and provide all training materials on the Commission's website.
 - II. Conduct outreach throughout the City of Los Angeles prior to opening any application window for a civilian panel member.
 - III. Have qualified civilian members from all areas of the City and that the Los Angeles Police Commission shall endeavor to include a minimum of one civilian panel member per Council District as new members are selected and approved.
3. INSTRUCT the City Administrative Officer (CAO) and the Chief Legislative Analyst (CLA) to provide for funding and a transition plan to transition the role of the Department Advocate from the Los Angeles Police Department to the City Attorney as detailed in the March 14, 2019 City Attorney report, attached to the Council file, and in Exhibit H of the upcoming Fiscal year 2019-20 Budget.

Fiscal Impact Statement: None submitted by the City Attorney nor the Los Angeles Police Commission. Neither the CAO nor the CLA has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

On April 15, 2019, your Committee considered March 14, 2019, March 29, 2019 City Attorney, and December 11, 2018 Los Angeles Police Commission reports, and Ordinance dated March 28, 2019 relative to implementing Charter Amendment C by providing an accused officer the option of having a Board of Rights composed of three civilian members. According the City Attorney, in January 2017, the City Council approved the placement of Charter Amendment Measure C on the May 2017 City ballot. Charter Amendment Measure C was designed to provide police officers accused of misconduct the option of choosing between a Board of Rights panel composed of two police officers with a rank of Captain or higher and one civilian, or a panel of three civilians. Measure C was approved by the voters on May 16, 2017 and with that approval, Council is now authorized to adopt a new ordinance that would provide for the qualifications, selection process, and compensation for civilian board members. Council created an Ad Hoc Committee on Police Reform, which was tasked with finding ways to increase transparency, fairness and accountability in police disciplinary matters.

Subsequently, on November 14, 2018, Council moved to take the following actions:

1. Request the City Attorney to prepare and present a draft Ordinance implementing the provisions of Charter Amendment C, regarding civilian membership on Board of Rights panels.
2. Request the Board of Police Commissioners, with the assistance of the City Attorney, to make changes to the qualifications for civilian hearing examiners, including enhancing diversity, increasing the number of City residents, and allowing for the inclusion of retired command staff police officers which would require a minimum one-year cooling off period for retired LAPD command staff.
3. Request the City Attorney, with the assistance of the CAO and Los Angeles Police Department (LAPD), to report with recommendations, budget needs, and an implementation plan to have the City Attorney's office act as the LAPD's Advocate for all Board of Rights hearings.
4. Instruct the LAPD, with the assistance of the City Attorney, to report on options to make comprehensive, anonymized reports on police disciplinary matters available to the public on a regular basis.

The above reports submitted by the Board of Police Commissioners and City Attorney are in response to the above instructions.

During the meeting, representatives from the City Attorney and Board of Police Commissioners answered questions from the Committee members. Also, the Committee Chair submitted a

series of recommendations which have been attached to the Council file. After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the recommendations as detailed above. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

AD HOC COMMITTEE ON POLICE REFORM

<u>MEMBER</u>	<u>VOTE</u>
WESSON:	YES
KORETZ:	YES
SMITH:	YES
CEDILLO:	ABSENT
HARRIS-DAWSON:	YES

ARL
4/15/19

-NOT OFFICIAL UNTIL COUNCIL ACTS-