

PUBLIC SAFETY COMMITTEE REPORT relative to modifying the structure and function of the Board of Rights.

Recommendations for Council action, as initiated by Motion (Soto-Martinez – McOsker - Krekorian):

1. REQUEST the City Attorney to prepare and present an Ordinance repealing Division 22, Chapter 11, Article 12 of the Los Angeles Administrative Code, entitled "Alternative Composition of Board of Rights" with said Ordinance to only go into effect upon the voters approving a ballot measure that modifies Section 1070 of the Los Angeles City Charter with said Ordinance to be placed under Council File No. 23-0187-S1.
2. INSTRUCT the Chief Legislative Analyst (CLA), with the assistance of the City Attorney, the City Clerk, the Los Angeles Police Department (LAPD), the Civil and Human Rights and Equity Department (CHRED), and any other Department to report in 30 days on recommendations and implementation plans to modify Section 1070 of the Los Angeles City Charter through various options, subject to their compliance with all applicable labor and employee relations laws and placed under Council File No. 23-0187-S2 with said report(s) to include, but are not limited to:
 - a. Alternative models for the Board of Rights, including a modified composition of civilian and sworn personnel serving on a Board.
 - b. Authorizing the Chief of Police to terminate officers immediately (prior to a Board of Rights or other due process proceeding) in appropriate cases, as to be determined by the severity of the misconduct.
 - c. Incorporating binding arbitration as a component of the discipline process in termination cases, where appropriate.
3. REQUEST the Board of Police Commissioners (Board) to report on ways to expand the pool of qualified candidates for civilian hearing examiners, to be placed under Council File No. 23-0187-S3, with said report to include, but not limited to:
 - a. Adding nominating agencies to include local clergy, civil rights organizations, the Office of the Inspector General.
 - b. Requiring the inclusion of civilians with diverse experiences and perspectives.
 - c. Eliminating the criteria requiring years of experience in mediation, arbitration, or similar work.

- d. Prohibiting individuals who are current or former employees of local law enforcement agencies from serving as civilian hearing examiners.
 - e. Requiring and providing training from community-based experts and independent experts on police discipline and oversight for all panelists on issues the Board routinely considers such as excessive force and domestic violence.
4. REQUEST the Board and the LAPD Office of the Inspector General, with the assistance from the City Attorney and the City Administrative Officer (CAO), to report in 90 days and in one year on the status of the transition to attorney prosecutors in lieu of sworn personnel as advocates to present the City's case for discipline outcomes to date for all cases that have used the City Attorney, with said report to be placed under Council File No. 23-0187-S4.
 5. REQUEST the Office of the Inspector General, with the assistance of the CLA and CHRED, to report in 90 days on additional recommendations for affirmatively furthering Angelenos rights against misconduct by law enforcement, and for increasing accountability when such misconduct occurs with said report(s) to be placed under Council File No. 23-0187-S5.

Fiscal Impact Statement: Neither the CAO nor the CLA has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

On February 27, 2024, your Committee considered a Motion (Soto-Martinez – McOsker – Krekorian) relative to modifying the structure and function of the Board of Rights. According to the Motion, the deaths of multiple Angelenos in the first weeks of 2023 renewed the decades-old demand for accountability from law enforcement in our City. It is imperative that Council swiftly address systemic inequities and remedy any mistakes of the past, especially with regard to police accountability and the disciplinary process.

Charter Section 1070 details the disciplinary process for officers within the LAPD. It prescribes that almost all disciplinary actions taken against members of the police department - including suspension, demotion, and removal - be recommended by the Chief of Police, but ultimately decided by a "Board of Rights." A Board of Rights is a three-member panel that serves as a quasi-judicial body, hearing evidence related to each charge of misconduct, determining guilt, and deciding whether to approve, reduce, or increase the recommended punishment from the Chief of Police.

The Chief of Police may then levy a punishment up to, but not exceeding, the recommendation by the Board. Before 2017, the Charter dictated that the composition of a Board of Rights panel be one civilian and two officers of the rank Captain or above. In May 2017, voters approved Charter Amendment C, which authorized City Council to allow

officers facing disciplinary action to request an all-civilian Board of Rights panel. In 2019, City Council adopted Ordinance No. 186100, effectuating this alternative model for police accountability. One of the primary promises of Charter Amendment C was to increase police accountability. However, after analyzing almost four years of Board of Rights hearings and determinations, it is clear that the opposite is true.

According to the Office of the Inspector General, between June 23, 2019 and December 31, 2021, the Chief of Police recommended 55 officers for removal from the LAPD. Of those 55 officers, 37 chose an all-civilian Board of Rights composition to determine their ultimate punishment. In over two-thirds of those cases, the all-civilian Boards either found the accused officers not guilty, or decided upon a lesser punishment than was recommended by the Chief of Police. Reviewing every Board of Rights hearing that occurred during this period, all-civilian Boards' determinations led to no or lesser punishment in 77 percent of cases. For Board of Rights hearings with traditional compositions, that number was 50 percent. After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the Motion, as amended. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

Public Safety Committee

COUNCILMEMBER	VOTE
RODRIGUEZ:	YES
LEE:	YES
McOSKER:	YES
PARK:	YES
SOTO-MARTINEZ:	YES

ARL
2/27/24

-NOT OFFICIAL UNTIL COUNCIL ACTS-