

J. MICHAEL CAREY  
City Clerk

FRANK T. MARTINEZ  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

CITY OF LOS ANGELES  
CALIFORNIA



JAMES K. HAHN  
MAYOR

Office of the  
CITY CLERK  
Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 978-1043  
General Information - (213) 978-1133  
Fax: (213) 978-1040

HELEN GINSBURG  
Chief, Council and Public Services Division

00-0211-S18

May 1, 2002

City Administrative Officer  
Chief Legislative Analyst  
City Attorney  
Controller, Room 1200  
Accounting Division, F&A  
Disbursement Division  
Police Department  
Police Commission

RE: FUNDING FOR LEGAL SERVICES CONTRACT WITH OUTSIDE COUNSEL FOR THE FEDERAL  
CONSENT DECREE ON POLICE OFFICER CONDUCT AND MANAGEMENT

At the meeting of the Council held April 17, 2002, the following action was  
taken:

Attached report adopted .....	X
Mayor concurred.....	04-26-02
Motion adopted to approve attached report recommendation(s)....	_____
Motion adopted to approve communication recommendation(s).....	_____
Findings adopted.....	_____
Parcel map approved for filing with the County Recorder.....	_____
Bond approved is No. _____ of Contract.....	_____
Agreement mentioned therein is/are No. _____ of contracts....	_____

*J. Michael Carey*

City Clerk

bem

steno\000211.18

PLACE IN FILES  
MAY - 9 2002  
DEPUTY



Mayor's Time Stamp

RECEIVED

'02 APR 19 P4:56

DEPUTY MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
City Clerk's Time Stamp

2002 APR 19 PM 4:56

CITY CLERK

BY \_\_\_\_\_ DEPUTY

**SUBJECT TO MAYOR'S APPROVAL**

COUNCIL FILE NO. 00-0211-S18

COUNCIL DISTRICT NO. \_\_\_\_\_

COUNCIL APPROVAL DATE April 17, 2002

RE: FUNDING FOR LEGAL SERVICES CONTRACT WITH OUTSIDE COUNSEL FOR THE FEDERAL  
CONSENT DECREE ON POLICE OFFICER CONDUCT AND MANAGEMENT

**APR 29 2002**

LAST DAY FOR MAYOR TO ACT \_\_\_\_\_  
(10 Day Charter requirement as per Charter Section 341)

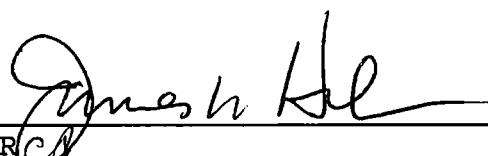
**DO NOT WRITE BELOW THIS LINE - FOR MAYOR OFFICE USE ONLY**

APPROVED

\*DISAPPROVED

\*Transmit objections in writing  
pursuant to Charter Section 341

DATE OF MAYOR APPROVAL OR DISAPPROVAL APR 26 2002

  
MAYOR  
steno\000211\18

RECEIVED  
CITY CLERK'S OFFICE  
2002 APR 26 PM 4:26  
CITY CLERK  
BY \_\_\_\_\_ DEPUTY  
APR 29 2002  
et

**BUDGET AND FINANCE COMMITTEE**

**Report/Communication for Signature**

Council File Number: 06-0211-518

Committee Meeting Date: 4-10

Council Date: 4-17

COMMITTEE MEMBER	YES	NO	ABSENT
Councilmember Nick Pacheco, Chair 4-11	✓		
Councilmember Weiss			✓
Councilmember Hahn	✓		
Councilmember Miscikowski	✓		
Councilmember Garcetti			✓

Remarks Funding for outside council for  
Consent Decree on Police officer conduct,  
etc.

Adrienne Bass, Legislative Assistant ----- Telephone 978-1073

TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

Your                                      BUDGET AND FINANCE                                      Committee

reports as follows:

Public Comments:      Yes      No  
                                   X              

BUDGET AND FINANCE COMMITTEE REPORT relative to funding for legal services contract with outside counsel for the Federal Consent Decree on Police Officer Conduct and Management.

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

1. UNENCUMBER \$87,351.06 in the following amounts in Department 12, Fund No. 100, Account Nos. 3040 and 4200 and REVERT to the Reserve Fund:

<u>Year</u>	<u>Amount</u>
Fiscal Year 1998	\$21,843.71
Fiscal Year 1999	66.77
Fiscal Year 2000	65,440.58

2. TRANSFER \$87,351.06 from the Reserve Fund to the Unappropriated Balance and REAPPROPRIATE to Department 12, Fund No. 100, Account No. 3040.
3. APPROPRIATE \$62,648.94 from the Unappropriated Balance line item entitled Outside Counsel to the Office of the City Attorney, Department 12, Fund No. 100, Account No. 3040.
4. AUTHORIZE the Office of the City Attorney to amend Contract No. 101447A with the law firm of Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP to increase the contract amount by \$150,000 to assist in matters related to the Federal Consent Decree on Police Officer Conduct and Management.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer (CAO) nor the Chief Legislative Analyst (CLA) has completed a financial analysis of this report.

Summary:

In a report dated January 24, 2002, the City Attorney states that Patricia L. Glaser and her law firm, Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP., was retained to assist in

matters related to the Federal Consent Decree on Police Officer Conduct and Management. The City Attorney is requesting authority to expend up to an additional \$150,000 on this contract. The decree, entered into on June 15, 2001, settled a lawsuit by the Department of Justice (DOJ) and the City, brought under its "pattern or practice" jurisdiction in regard to constitutional violations by police agencies. At the time of the settlement, Council authorized the expenditure of up to \$150,00 for this case. The monies have been expended and more work is required.

The City Attorney states that \$71,273.61 will be required to pay outstanding invoices and the balance of \$78,726.39 will be expended on future billings. Although Ms. Glaser regularly bills clients at \$475/hour, the contract utilizes a stratified blended rate of \$295/hour for partners and \$225 for associates. These rates would continue under the amended contract. The City Attorney has identified sources for \$87,351 of the total amount, from unencumbered past funds already earmarked for other legal services contracts with this law firm that no longer require funding. The balance will be transferred from the Unappropriated Balance Outside Council Fund.

At its regular meeting on April 10, 2002, the Budget and Finance Committee discussed this matter and concurred in the City Attorney's recommendations. This matter is now being forwarded to Council for consideration.

Respectfully submitted,

BUDGET AND FINANCE COMMITTEE

*Nicholas*  
*Hall*  
*City Manager*

AB  
4-11-2002

*Rept*  
**ADOPTED**

APR 17 2002

**LOS ANGELES CITY COUNCIL**

COUNCIL VOTE

Apr 17, 2002 10:18:31 AM, #2

Items For Which Public Hearings Have Been Held - Items 2-24

Voting on Item(s): 2,4,7-10,12-14,17-19,21-23

Roll Call

BERNSON	Yes
GALANTER	Absent
GARCETTI	Yes
GREUEL	Yes
HAHN	Yes
HOLDEN	Yes
LABONGE	Yes
MISCIKOWSKI	Yes
PACHECO	Yes
PERRY	Yes
REYES	Yes
RIDLEY-THOMAS	Yes
WEISS	Yes
ZINE	Yes
*PADILLA	Yes

Present: 14, Yes: 14 No: 0

BUDGET AND FINANCE COMMITTEE  
SUGGESTED NOTIFICATION OF COUNCIL ACTION  
Council File No. \_\_\_\_\_

<input checked="" type="checkbox"/>	Petitioner/Communicant	<u>Mayor (per file)</u>	
<input type="checkbox"/>	Councilperson(s)	_____	
<input checked="" type="checkbox"/>	City Administrative Officer		(Mail Stop 130)
<input checked="" type="checkbox"/>	Chief Legislative Analyst		(Mail Stop 136)
<input checked="" type="checkbox"/>	City Attorney		(Mail Stop 140)
<input checked="" type="checkbox"/>	Controller		(Mail Stop 183)
<input type="checkbox"/>	Treasurer		(Mail Stop 750)
<input type="checkbox"/>	Information Technology Agency		(Mail Stop 232)
<input type="checkbox"/>	Building and Safety		(Mail Stop 115)
<input type="checkbox"/>	Office of Finance-Tax and Permit - Attn: EVA		(Mail Stop 170)
<input type="checkbox"/>	Fire Commission / Department		(Mail Stop 250)
<input type="checkbox"/>	General Services Department		(Mail Stop 508)
<input type="checkbox"/>	Personnel Department		(Mail Stop 391)
<input type="checkbox"/>	Planning		(Mail Stop 395)
<input checked="" type="checkbox"/>	Police Commission / Department		(Mail Stop 400)
<input type="checkbox"/>	Public Works (Board)		(Mail Stop 455)
<input type="checkbox"/>	Public Works - Bureau of Engineering		(Mail Stop 490)
<input type="checkbox"/>	Transportation		(Mail Stop 725)
<input type="checkbox"/>	Water and Power		(Mail Stop 600)
<input type="checkbox"/>	Office of Finance		(Mail Stop _____)

**J. MICHAEL CAREY**  
City Clerk

**FRANK T. MARTINEZ**  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

**CITY OF LOS ANGELES**  
CALIFORNIA



**JAMES K. HAHN**  
MAYOR

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**HELEN GINSBURG**  
Chief, Council and Public Services Division

00-0211-S18

January 25, 2002

**BUDGET & FINANCE COMMITTEE**

In accordance with Council Rules, communication from the City Attorney relative to additional funding of the legal services contract with outside counsel concerning the Federal Consent Decree on police officer conduct and management, was referred on January 25, 2002, to the BUDGET & FINANCE COMMITTEE.

*J. Michael Carey*  
City Clerk  
amm





**OFFICE OF THE CITY ATTORNEY**  
ROCKARD J. DELGADILLO  
CITY ATTORNEY

REPORT NO. R02-0027  
JAN 24 2002

**REPORT RE:**

**REQUEST FOR ADDITIONAL FUNDING OF THE LEGAL SERVICES CONTRACT  
WITH OUTSIDE COUNSEL CONCERNING THE FEDERAL CONSENT DECREE ON  
POLICE OFFICER CONDUCT AND MANAGEMENT**

The Honorable City Council  
City of Los Angeles  
Room 395, City Hall  
200 N. Spring Street  
Los Angeles, CA 90012

RECEIVED  
CITY CLERK'S OFFICE  
2002 JAN 24 PM 2:41  
CITY CLERK  
BY \_\_\_\_\_ DEPUTY

**Honorable Members:**

After obtaining the City Council's approval, this office retained attorney Patricia L. Glaser and her law firm, Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP, to assist the office in matters related to what was then a proposed consent decree concerning police officer conduct and management between the United States Department of Justice ("DOJ") and the City. The decree, entered June 15, 2001, settled a lawsuit by the DOJ brought under its "pattern or practice" jurisdiction in regard to constitutional violations by police agencies. *United States of America v. City of Los Angeles, etc., et al.*, U.S.D.C. C.D. Cal. No. CV 00-11769-GAF (RCx). The case is assigned to U.S. District Judge Gary A. Feess.

At that time the Council authorized the expenditure of up to \$150,000 for this purpose. These monies have been expended, and more work is required.

We are requesting the authority to expend up to an additional \$150,000 on this contract. Of this amount, \$71,273.61 represents the amount required to pay outstanding invoices (through December 26, 2001). The balance, \$78,726.39, would be expended on future billings. Although Ms. Glaser regularly bills clients at \$475 per hour, the contract utilizes a stratified blended rate of \$295 per hour for partners (Ms. Glaser included) and \$225 for associates. These rates would continue under the amended contract. As for sources for the funds requested, you will note below that we are seeking

**BUDGET AND FINANCE**

JAN 25 2002



to unencumber more than \$87,000 in monies already earmarked for other legal services contracts with this law firm that no longer require this funding.

For these reasons this office requests that the Council:

1. UNENCUMBER the following amounts in Department 12, Fund 100, Account 3040, and REVERT to the Reserve Fund:  
+ 4200  
fiscal year 1998 \$21,843.71  
fiscal year 1999 66.77  
fiscal year 2000 65,440.58  
\$ 87,351.06
2. TRANSFER the above amounts from the Reserve Fund to the Unappropriated Balance and Reappropriate to Department 12, Fund 100, Account 3040.
3. APPROPRIATE \$62,648.94 from the Unappropriated Balance line item entitled Outside Counsel to City Attorney, Department 12, Fund 100, Account 3040.
4. AUTHORIZE the City Attorney's Office to amend contract no. 101447A to increase the contract amount by \$150,000.

Very truly yours,

ROCKARD J. DELGADILLO,  
City Attorney



by

FREDERICK N. MERKIN  
Senior Counsel

FNM:mo

cc: Chi-Mei Chang  
City Administrative Office

Lynne Ozawa  
Chief Legislative Analyst's Office

J. MICHAEL CAREY  
City Clerk

FRANK T. MARTINEZ  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

00-0211-S18

CITY OF LOS ANGELES  
CALIFORNIA



RICHARD J. RIORDAN  
MAYOR

Office of the  
CITY CLERK  
Council and Public Services  
Room 615, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 485-5703  
General Information - (213) 485-5705  
Fax: (213) 847-0636  
Fax: (213) 485-8944

HELEN GINSBURG  
Chief, Council and Public Services Division

PLACE IN FILES

DEC 06 2000

DEPUTY *un*

November 30, 2000

Honorable Richard Riordan, Mayor  
Council Member Miscikowski  
Council Member Galanter  
City Attorney  
Office of Administrative and  
Research Services

Chief Legislative Analyst  
Controller, Room 1200  
Accounting Division, F & A  
Disbursement Division

RE: RETAINING OUTSIDE COUNSEL TO ASSIST THE CITY ATTORNEY'S OFFICE IN  
IMPLEMENTING THE RECENT CONSENT DECREE WITH THE UNITED STATES  
DEPARTMENT OF JUSTICE

At the meeting of the Council held November 22, 2000, the following  
action was taken:

Attached report adopted .....	_____
Attached motion (Miscikowski - Galanter) adopted.....	_____ X _____
Attached resolution adopted ().....	_____
Mayor concurred.....	_____ 11-28-00 _____
FORTHWITH.....	_____
Ordinance adopted.....	_____
Ordinance number.....	_____
Effective date.....	_____
Publication date.....	_____
Mayor vetoed.....	_____
Mayor approved.....	_____
Mayor failed to act - deemed approved.....	_____
Motion adopted to approve attached report.....	_____
Motion adopted to approve communication.....	_____
Agreement mentioned therein is/are No. ____ of contracts.....	_____

*J. Michael Carey*

City Clerk  
bs

steno\000211.18



Mayor's Time Stamp

RECEIVED

'00 NOV 22 P3:26

DEPUTY MAYOR

City Clerk's Time Stamp

BY \_\_\_\_\_  
CITY CLERK  
DEPUTY

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CITY CLERK'S OFFICE

NOV 22 PM 3:21

**FORTHWITH**

**SUBJECT TO MAYOR'S APPROVAL**

COUNCIL FILE NO. 00-0211-S18

COUNCIL DISTRICT NO. \_\_\_\_\_

COUNCIL APPROVAL DATE November 22, 2000

RE: RETAINING OUTSIDE COUNSEL TO ASSIST THE CITY ATTORNEY'S OFFICE IN  
IMPLEMENTING THE RECENT CONSENT DECREE WITH THE UNITED STATES DEPARTMENT  
OF JUSTICE

DEC 04 2000

LAST DAY FOR MAYOR TO ACT \_\_\_\_\_  
(10 Day Charter requirement as per Charter Section 341)

BY \_\_\_\_\_  
CITY CLERK  
DEPUTY

NOV 29 AM 9:32

RECEIVED  
CITY CLERK'S OFFICE

**DO NOT WRITE BELOW THIS LINE - FOR MAYOR OFFICE USE ONLY**

APPROVED

✓

CD 1146

Att'y  
OAKS

CL-A

Thompson

Corte

\*DISAPPROVED

\*Transmit objections in writing  
pursuant to Charter Section 341

NOV 28 2000

NOV 29 2000

DATE OF MAYOR APPROVAL OR DISAPPROVAL \_\_\_\_\_

ACTING

MAYOR

John F. Zimaro

VERBAL MOTION

I HEREBY MOVE that Council ADOPT the recommendation of the City Attorney on today's Council agenda (Item No. 28; CF 00-0211-S18) relative to retaining outside counsel to assist the City Attorney's Office in implementing the recent Consent Decree with the United States Department of Justice, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the City Attorney to enter into a legal services contract with Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP to assist the City Attorney's office in this matter.
2. TRANSFER \$150,000 from the Unappropriated Balance to the General Fund and TRANSFER the same amount to the City Attorney, Fund 100, Department 12, Account 3040, Contractual Services.

MOTION  
ADOPTED

NOV 22 2000

LOS ANGELES CITY COUNCIL  
TO THE MAYOR FORTHWITH

PRESENTED BY

CINDY MISCIKOWSKI  
Councilmember, 11th District

SECONDED BY

RUTH GALANTER  
Councilmember, 6th District

November 22, 2000  
CF 00-0211-S18  
00021118.mot

COUNCIL VOTE

22-Nov-00 11:06:28 AM, #7

ITEM NO. (28)

Voting on Item(s): 28

Roll Call

BERNSON	Absent
CHICK	Yes
FEUER	Absent
GALANTER	Yes
GOLDBERG	Yes
HERNANDEZ	Yes
HOLDEN	Absent
MISCIKOWSKI	Yes
PACHECO	Yes
PADILLA	Yes
RIDLEY-THOMAS	Yes
SVORINICH	Absent
WACHS	No
WALTERS	Absent
*FERRARO	Yes

Present: 10, Yes: 9 No: 1

28  
PLEASE SCHEDULE FOR COUNCIL : WEDNESDAY, NOVEMBER 22, 2000, PER CITY ATTORNEY REQUEST:

thanks, himiko

00-0211-      Communication from the City Attorney relative to retaining outside counsel to  
S18            assist the City Attorney's Office in implementing the recent Consent Decree with  
                 the United States Department of Justice.

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

1.      AUTHORIZE the City Attorney to enter into a legal services contract with Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP to assist the City Attorney's office in this matter.
2.      TRANSFER \$150,000 from the Unappropriated Balance to the General Fund and TRANSFER the same amount to the City Attorney, Fund 100, Department 12, Account 3040, Contractual Services.

Fiscal Impact Statement: None submitted by the City Attorney.

(Budget and Finance Committee waived consideration of the above matter)

#000211.18

**J. MICHAEL CAREY**  
City Clerk

**FRANK T. MARTINEZ**  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

**CITY OF LOS ANGELES**  
CALIFORNIA



**RICHARD J. RIORDAN**  
MAYOR

Office of the  
**CITY CLERK**  
Council and Public Services  
Room 615, City Hall  
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Council File Information - (213) 485-5703  
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Fax: (213) 847-0636  
Fax: (213) 485-8944

**HELEN GINSBURG**  
Chief, Council and Public Services Division

00-0211-S18

November 13, 2000

**BUDGET & FINANCE COMMITTEE**

In accordance with Council Rules, communication from the City Attorney relative to retaining outside counsel to assist the City Attorney's Office in implementing the recent Consent Decree with the United States Department of Justice, was referred on November 13, 2000, to the BUDGET & FINANCE COMMITTEE.

*J. Michael Carey*

City Clerk  
amm







JAMES K. HAHN  
CITY ATTORNEY

Office of the City Attorney  
Los Angeles, California

WRITER'S DIRECT DIAL: (213) 485-5403

FAX: (213) 485-6236  
TTY: (213) 485-1607

REPORT NO. **R00-0560**  
**NOV 08 2000**

REPORT RE:

**REQUEST BY THE CITY ATTORNEY'S OFFICE TO RETAIN OUTSIDE  
COUNSEL TO ASSIST THE OFFICE IN IMPLEMENTATION OF THE  
RECENT CONSENT DECREE WITH THE UNITED STATES  
DEPARTMENT OF JUSTICE**

The Honorable City Council  
City of Los Angeles  
Room 615, City Hall  
Los Angeles, CA 90012

Honorable Members:

This office requests authority to retain attorney Patricia L. Glaser and her law firm, Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP, to assist the office in matters related to the recently approved consent decree involving the United States Department of Justice ("DOJ"). We request that the Council authorize the expenditure of up to \$150,000 for this purpose.

On May 8, 2000 the United States Department of Justice ("DOJ") advised City officials that as a result of its four-year investigation of the Police Department, the DOJ had determined that the Police Department was "engaging in a pattern or practice of excessive force, false arrests, and unreasonable searches and seizures...." and that the DOJ had authorized the filing of a civil suit to eliminate the "pattern or practice."<sup>1</sup> The DOJ offered to defer a filing "if City officials are interested in negotiating a voluntary settlement in the form of a consent decree to be filed with our civil complaint." Subsequently, the DOJ and the City negotiated a consent decree, which was approved by the City Council on November 2, 2000 and by the Mayor shortly thereafter. On November 3, 2000 the proposed decree was lodged with the federal district court along with a complaint filed by the DOJ. *United States of America v. City of Los Angeles, etc., et al.*, U.S.D.C. C.D. Cal. No. CV 00-11769-GAF (RCx). The case is assigned to U.S. District Judge Gary A. Feess.

<sup>1</sup> 42 U.S.C. § 14141(a) forbids governmental authorities and their agents from engaging in a "pattern or practice of conduct" that "deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States." 42 U.S.C. § 14141(b) authorizes the Attorney General to file a civil action seeking "appropriate equitable and declaratory relief to eliminate the pattern or practice." These provisions were included in the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 2071 (1994).

**BUDGET AND FINANCE**

**AN EQUAL EMPLOYMENT OPPORTUNITY — AFFIRMATIVE ACTION EMPLOYER**

This office anticipates that a number of matters may arise in federal district court in connection with the court's consideration of the proposed decree and its implementation upon its adoption by the court. Ms. Glaser and her firm would assist this office with these and related matters. At this point, there is no way to estimate the extent of the assistance that will be required. Most notably, in one area in which assistance will be desired -- attempts by third parties to become parties to the litigation -- the level of activity will be substantially driven by those third parties. Presently, we do know that the Los Angeles Police Protective League has filed an application with the court preparatory to filing a motion to intervene in the litigation (*i.e.*, to become a party). Whether others will bring similar motions remains to be seen.

We request funding of up to \$150,000. Ms. Glaser, who regularly bills clients at \$475 per hour, has offered to undertake this assignment for a blended rate of \$250 per hour (*i.e.*, all attorneys would bill at that rate) or a stratified blended rate of \$295 per hour for partners and \$225 for associates. Because we cannot now accurately estimate the amount of work that will be required, the \$150,000 funding sought should be regarded as essentially a nominal sum. As for a source for these funds, please note that funding for outside counsel to assist this office has been earmarked in the City's adopted budget for fiscal year 2000-01.

For these reasons the Office requests that the Council:

1. Authorize the City Attorney's Office to enter into a legal services contract with Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP to assist the office in this matter.
2. Transfer \$150,000 from the Unappropriated Balance to the General Fund, and transfer the same amount to the City Attorney, Fund 100, Department 12, Account 3040, Contractual Services.

Very truly yours,

JAMES K. HAHN, City Attorney

by 

FREDERICK N. MERKIN  
Senior Counsel

FNM:mo

cc: Katrina Unzicker  
Office of Administrative and Research Services

Lynne Ozawa  
Chief Legislative Analyst's Office