

MOTION

PUBLIC SAFETY

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 the City Council swiftly address systemic inequities and remedy any mistakes of the past, especially with regard to police accountability and the disciplinary process.

Section 1070 of the Los Angeles City Charter details the disciplinary process for officers within the Los Angeles Police Department. 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 of 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. Chief of Police Michel Moore wrote the following in a correspondence to the Board of Police Commissioners (CF #22-1590) last year:

“The Department has observed that all-civilian Boards are resulting in an increased frequency in which sworn employees who have committed serious misconduct are not being removed from their positions. Similarly, all-civilian Boards are proving substantially more lenient[,] reducing every recommended penalty in each Board completed this year.”

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% of cases. For Board of Rights hearings with traditional compositions, that number was 50%.



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Given the clear leniency with which these all-civilian Boards act, more officers are opting to select this alternate composition. In the cases where officers were facing removal from the police department, 91% opted for an all-civilian Board in 2021, growing from 88% in 2020, and 62% in 2019.

The demands for increased police accountability are widespread and growing. Mayor Karen Bass issued a letter to the Board of Police Commissioners on January 30, 2023 which called for the Chief of Police to work with the City Council “to reform or remove” the all-civilian option for Board of Rights composition, and President William Briggs of the Board of Police Commissioners called for the repeal of Ordinance No. 186100 in the Commission’s February 7, 2023 meeting.

There are several options available to both the City Council and the voters in order to better meet the goal of improving the discipline systems to hold officers accountable, while also protecting due process rights. It’s time the City of Los Angeles meet the demands of the moment and continue to pursue meaningful change in our police disciplinary systems.

I THEREFORE MOVE that the City Council request that the City Attorney prepare and present a draft ordinance, repealing Division 22, Chapter 11, Article 12 of the Los Angeles Administrative Code, entitled “ALTERNATIVE COMPOSITION OF BOARD OF RIGHTS.”

I FURTHER MOVE that the City Council request that the Chief Legislative Analyst, City Attorney, the City Clerk, the Los Angeles Police Department, and the Civil and Human Rights and Equity Department report back in 90 days on recommendations and implementation plans to modify Section 1070 of the Los Angeles City Charter through various options, which should include, but are not limited to:

- Alternative models for the Board of Rights, including a modified composition of civilian and sworn personnel serving on a Board;
- Incorporating binding arbitration as a component of the discipline process, where appropriate; and
- 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.

I FURTHER MOVE that the City Council request that the City Attorney to prepare and present a draft ordinance to improve the pool of qualified candidates for civilian hearing examiners, which should include, but is not limited to:

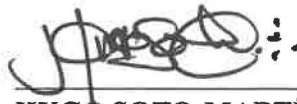
- Adding nominating agencies to include local clergy, civil rights organizations, the Office of the Inspector General, City Council Offices, and the Mayor;
- Requiring the inclusion of civilians with diverse experiences and perspectives;
- Eliminating the criteria requiring years of experience in mediation, arbitration, or similar work;

- Prohibiting individuals who are current or former employees of local law enforcement agencies from serving as civilian hearing examiners; and
- 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.

I FURTHER MOVE that the City Council request that the Board of Police Commissioners and the Office of the Inspector General, with the assistance from the City Attorney and the City Administrative Officer, to report back in 90 days on the status of the transition to attorney prosecutors in lieu of sworn personnel as advocates to present the City's case for discipline.

I FURTHER MOVE that the City Council instruct the Civil and Human Rights and Equity Department to report back in 90 days, with assistance from the Office of the Inspector General and the Chief Legislative Analyst, on additional recommendations for affirmatively furthering Angelenos rights against misconduct by law enforcement, and for increasing accountability when such misconduct occurs.

PRESENTED BY:



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Councilmember, 13th District



TIM McOSKER
Councilmember, 15th District

SECONDED BY:



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