



Before and after the passage of Measure C

We tried to deal with the Department. We tried for years. It was apparent that the disciplinary system as it was being managed by the Department had failed and needed to be fixed. Five command officers were so frustrated themselves that they filed lawsuits claiming to have been retaliated against because they didn't bow to the Chief's recommendation to terminate officers, who they felt, after listening to the evidence, did not deserve termination. Officers felt the system was rigged, and these lawsuits only confirmed it. Morale was low and getting lower.

During the last contract negotiations, we attempted to build in safeguards for the captains and above who sat on Boards of Rights, judging our members. We wanted them to be able to render a fair decision based on the evidence, and not the fear of career damage. We tried to get language in the MOU that the Department would not punish captains for their Board of Rights decisions by forbidding negative ratings, comment cards, discipline, promotion denial, transfers, etc., because of their rulings in Boards of Rights. All we got was "no, no, and hell no!"

To get our members deserved raises, we had to bifurcate the discipline issues from the economic issues to settle the 2014 MOU. We were promised by the Chief that the Department would continue bargaining over discipline issues in good faith with a mediator. We spent five months negotiating under mediation. All we got was "no, no, and hell no."

We realized that the only way to stop *any* chief from meddling in the system was to remove their economic power over the Board members. That meant an all-civilian Board. Any chief, in the past, present or future, could not deny promotion or otherwise impact the careers of civilian Board members, hence the greater chance that the Board would look fairly at the evidence, free of concern about their careers.

It was time to go over their heads. In the end, it is the people who run this country. The City Attorney opined that the only way we could get the protections we wanted was to change the Charter. Sounds difficult, if not impossible, but when you are up against "no, no, no," there are no other choices.

Mayor Garcetti had already recognized that there were problems in the disciplinary system, so we began explaining to him and whoever else would listen about the need for change. We recognized that the LAPD Board of Rights system was based on the military model and was the best in the nation if one could stop the cheating, and influencing Board members was cheating. All we wanted was an independent, non-biased look at the evidence and a fair adjudication. The ACLU and the *Los Angeles Times* Editorial Board immediately accused us of only wanting “leniency” and began opposing us. The *Times* Editorial Board opposition was expected, it is usually anti-LAPD, but the ACLU is supposed to be the champion of due process and civilian control of the police. They were, however, unable to overcome their police bias. Nevertheless, we pushed forward. A broad spectrum of understanding and support came from various segments of the community.

We hammered out language and began the long process of getting it on the ballot. No easy feat. In the end, we ended up with a provision that provided an officer with the choice of having the traditional two command officers and a civilian on the Board or having three civilians on the Board. Everything else remained the same. It seemed like the perfect solution. Officers who still had faith in the Department could choose the traditional Board, and those who felt themselves the victims of internal politics could choose the all-civilian panel. This would be accomplished by allowing the City Council to pass an ordinance allowing a three-civilian Board and decide on the qualifications, selection procedures and compensation of the civilian members. Once passed, it could not be changed for two years, and the Department was to file a report as to its effectiveness at the end of that time.

With the active help of Deputy Mayor for Public Safety Jeff Gorell and Mayor Garcetti’s Chief of Staff, Ana Guerrero, the City Council unanimously placed the measure on the ballot. The City Attorney’s Office assisted with simple, clear language that could be understood by the voters. Mayor Garcetti, Councilmembers Herb Wesson, Mitchell Englander and Nury Martinez actively supported the campaign. Police Commissioners Cynthia McClain-Hill and Sandra Figueroa-Villa gave the measure their support. We are grateful for everyone’s willingness to make the discipline process better. We engaged in an aggressive campaign, as the ACLU and anti-police activists waged a campaign of lies and mistruths. In the end, the Charter change was approved by 54.8 percent of the voters.

Unfortunately, the process isn’t over. The next step is for the City Council to pass the ordinance implementing the all-civilian option. The three-civilian option doesn’t start until the effective date of the ordinance. Any Board filed with the Police Commission before that date finishes under the old system. Only new Boards after the effective date of the ordinance will qualify to choose three civilians.

How long before the ordinance is passed? Public meetings will have to be conducted, committees consulted, language written and discussions conducted among the councilmembers. The current estimate is probably around the first of the year. The current pool of civilians was created by the former Police Commission President John Mack around 2005. All previous Board members in the pool were required to re-apply, in addition to applications from new persons who fit the qualifications established by the Commission. Inspector General Andre Birotte (now a federal judge) and Richard Tefank, Executive Director for the Commission, personally vetted

each applicant, and the Commission accepted those who they felt were qualified. We are hopeful that the council sees fit to stick close to the pool requirements that Commissioner Mack and the Board of Police Commissioners established, which have worked so well during the last decade.

Perhaps this could have all been avoided. Verbally, the Chief of Police agreed that Board members should be free of influence (and denied ever influencing them) and should make their decisions based solely on the evidence, but he would not put that or any safeguards in writing. And, as anyone familiar with LAPD knows, if “it ain’t in writing, it didn’t happen.” The “no, no, hell no” response to our sincere efforts to improve the process caused us to explore other ways to achieve our goals.

On a side note, I would like to thank Sergeant **William A. Weber** for his 50 years of service with the Los Angeles Police Department. Sergeant Weber retired on June 6, 2017. I worked with Bill in West L.A. and West Valley Patrol. He was an outstanding sergeant who did his best to take care of the cops. God bless you and enjoy your retirement!

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