

INTRADEPARTMENTAL CORRESPONDENCE

May 11, 2021

BPC#21-093

1.0

TO: The Honorable Board of Police Commissioners
FROM: Inspector General, Police Commission
SUBJECT: BOARD OF RIGHTS STATISTICAL OVERVIEW, 2019-2020

RECOMMENDED ACTION

REVIEW and APPROVE the Office of the Inspector General's Board of Rights Statistical Overview, 2019-2020

DISCUSSION

At the request of the Board of Police Commissioners (BOPC), the Office of the Inspector General (OIG) conducted an analysis of the Board of Rights (BOR or Board) process at the Los Angeles Police Department (LAPD or Department). The focus of this review was to provide a statistical overview of the BOR process since the implementation of Los Angeles City Ordinance No. 186100, which codified revisions into the City Administrative Code pursuant to a voter-approved charter amendment and subsequent City Council action. Among other measures, the Ordinance provided sworn officers with the option of selecting a BOR panel composed of three civilian members rather than the traditional panel of two officers and one civilian.

To complete this report, the OIG requested and obtained Department data regarding 47 BOR hearings held between the implementation of the Ordinance by the Department in June 2019 through the end of December 2020. This included 26 Civilian BORs and 21 Traditional BORs. The data analyzed included information about the composition of each Board, the type of hearing, the type and disposition of each allegation addressed, and the penalty (if any) recommended by the Board. The OIG also reviewed historical data going back to 2016 for the purposes of comparison, as well as information on BOR cases that were pending or otherwise not completed. Additionally, as a complement to this report, the OIG anticipates completing a qualitative analysis of the Board of Rights process toward the end of 2021.

I am available to provide any further information the Board may require.



MARK P. SMITH
Inspector General
Police Commission

Attachment

LOS ANGELES POLICE COMMISSION

BOARD OF RIGHTS STATISTICAL OVERVIEW 2019-2020



Conducted by the
OFFICE OF THE INSPECTOR GENERAL

MARK P. SMITH
Inspector General

May 11, 2021

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BOARD OF RIGHTS

STATISTICAL OVERVIEW, 2019-2020

I. INTRODUCTION

At the request of the Board of Police Commissioners (BOPC), the Office of the Inspector General (OIG) conducted an analysis of the Board of Rights (BOR or Board) process at the Los Angeles Police Department (LAPD or Department). The focus of this review was to provide a statistical overview of the BOR process since the implementation of Los Angeles City Ordinance No. 186100, which codified revisions into the City Administrative Code pursuant to a voter-approved charter amendment and subsequent City Council action. Among other measures, the Ordinance provided sworn officers with the option of selecting a BOR panel composed of three civilian members rather than the traditional panel of two officers and one civilian.

To complete this report, the OIG requested and obtained Department data regarding 47 BOR hearings held between the implementation of the Ordinance by the Department in June 2019 through the end of December 2020. This included 26 Civilian BORs and 21 Traditional BORs. The data analyzed included information about the composition of each Board, the type of hearing, the type and disposition of each allegation addressed, and the penalty (if any) recommended by the Board.

For the period reviewed, the OIG found that Traditional panels appeared substantially more likely than Civilian panels – with 57 vs. 27 percent, respectively – to agree with a recommendation by the Chief of Police (Chief or COP) that the subject officer should be removed from employment. Civilian panels, on the other hand, were much more likely to recommend a lesser penalty. This dynamic was also seen for BORs involving recommended penalties other than removal, with Traditional panels (43 percent) more likely than Civilian panels (18 percent) to arrive at the same penalty recommendation as the COP. In contrast, Civilian panels in these BORs were more likely to recommend less discipline or no discipline at all.

The OIG also reviewed historical data going back to 2016 for the purposes of comparison, as well as information on BOR cases that were pending or otherwise not completed. Additionally, as a complement to this report, the OIG anticipates completing a qualitative analysis of the Board of Rights process toward the end of 2021.

II. BACKGROUND

The Board of Rights conducts administrative hearings on police officer disciplinary matters. The BOR process effectively limits the power of the Chief of Police to make unilateral disciplinary decisions while providing non-probationary, sworn officers with due process rights. Cases are heard by a BOR only after the LAPD conducts its own internal investigation and the Chief determines that an officer has committed misconduct warranting disciplinary action. In a BOR hearing, the accused officer, who is permitted to retain outside counsel, appears before a Board of three Hearing Examiners. A Department Advocate is assigned to present the LAPD's case to those examiners. The Board ultimately makes a determination as to whether the accused officer is guilty of each charge referred by the Department and, depending on these findings, may

recommend disciplinary action such as demotion, unpaid suspension, or removal (termination) from employment.

A. Hearing Types

There are two types of hearings conducted under the BOR process: Directed and Opted. In a Directed hearing, the Chief of Police refers the accused officer to the BOR and recommends that the individual be removed (terminated) from employment as a result of the misconduct determined by the Chief to have occurred. The BOR then makes its own independent determination as to whether the accused officer is guilty of each allegation, or count, of misconduct that has been referred by the Chief. If the officer is found guilty of one or more counts, the BOR then recommends disciplinary action, which may match the Chief's recommendation for removal or may amount to a lesser penalty. The COP can then impose the penalty recommended by the Board or choose to impose a reduced one; the COP cannot, however, impose a penalty greater than the one recommended by the BOR. In an Opted hearing, the accused officer has been served by the COP with a demotion or a suspension of up to 22 days, after which the officer exercises the choice to dispute the matter in front of a Board of Rights. As in Directed hearings, the BOR makes a determination as to whether the accused officer is guilty of each count of misconduct and, where appropriate, recommends disciplinary action that may or may not match the discipline previously served on the officer by the COP. Again, the COP can impose the penalty recommended by the Board or a lesser one, but not a greater one.

B. Recent Changes to the Process

As mentioned above, the focus of the OIG's analysis was the implementation and effect of recent changes to the BOR process. Beginning in 1992, all BORs were heard by a panel of two sworn officers (at the rank of Captain or above) and one civilian.¹ In 2017, however, Los Angeles voters passed Measure C, which amended the City Charter and allowed the City Council to pass an ordinance that provides accused officers with the option to select a panel of three civilians.

Following a series of hearings and reports on the topic, the City Council passed Ordinance No. 186100 on April 30, 2019. The text of the ordinance created the option for all-civilian BOR panels. It also required that the BOPC maintain a pool of competent civilian hearing examiners,² established the process by which members of that pool would be selected to serve on BOR panels, and set forth reporting provisions for the OIG and the Department.

¹ The LAPD first instituted the BOR process in the 1930s, which transferred significant discretion related to disciplinary action for alleged police misconduct from the Chief to the Board. The original iteration of the Board included three Hearing Examiners who were all sworn police officers at the rank of Captain or above. In a municipal election held in June 1992, Los Angeles voters approved Charter Amendment F, which directed the City to implement a series of reforms recommended by the Christopher Commission to increase police accountability in the wake of the Rodney King incident. One of the reforms included modifying BOR hearings to include a civilian in place of one of the three sworn officers.

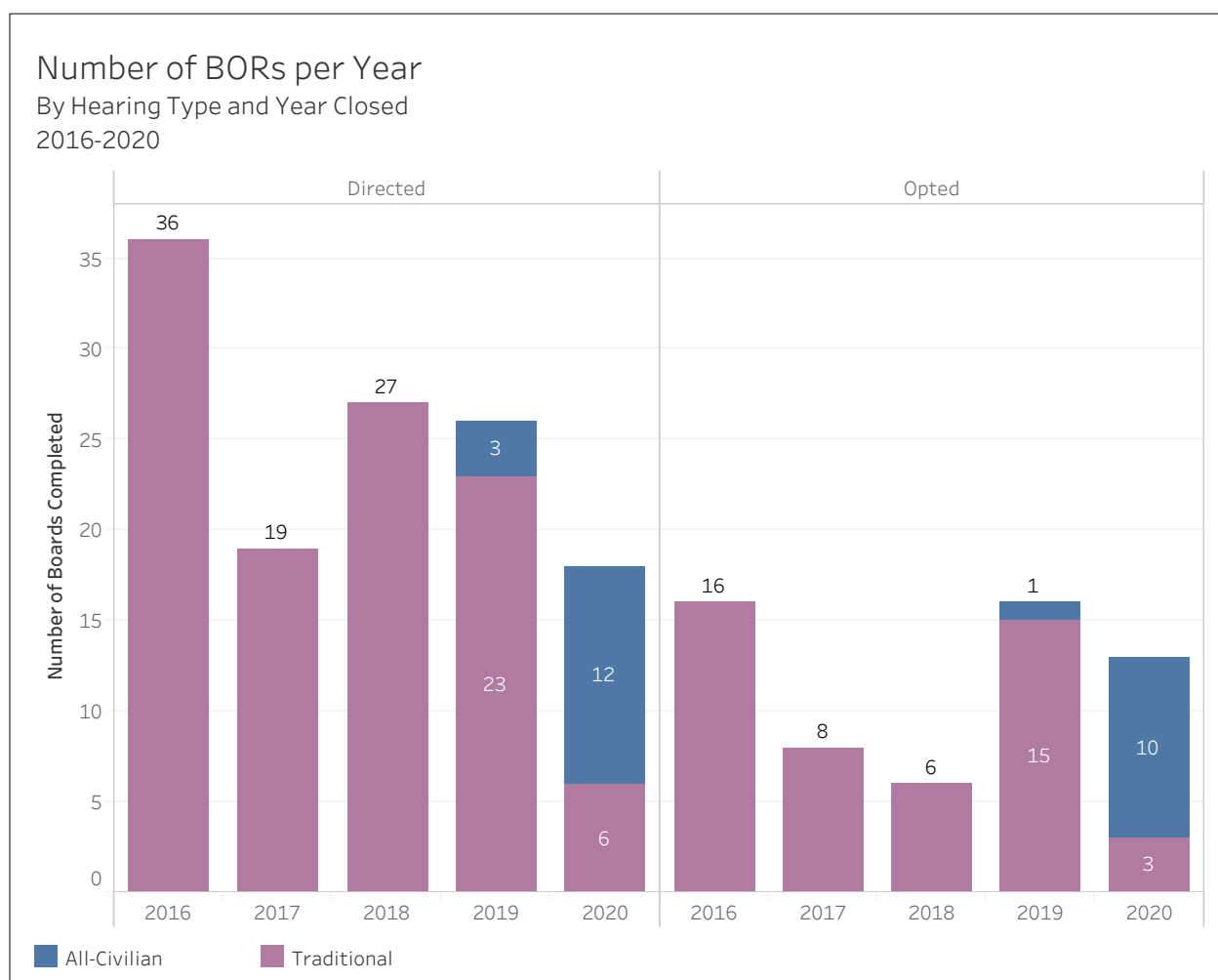
² Pursuant to this process, the Board of Police Commissioners also made revisions to the selection criteria for Civilian Hearing Examiners. Civilian Hearing Examiners previously were required to have 7 years of experience with arbitration, mediation, and administrative hearings. However, that qualification was changed to two years of experience in human resources, personnel relations, labor relations, or other personnel matters.

The Ordinance was approved by the Mayor on May 7, 2019 and became effective on June 23, 2019. Following this date, the Department began to provide accused officers with the option to choose between a “Traditional” BOR or a “Civilian” BOR. The first Civilian BOR began in late October 2019.

III. BOARDS OF RIGHTS OVER TIME

A. Number of BORs Completed by Year and Panel Type

To get a picture of BORs over time, the OIG obtained a list from the Department of all hearings completed during the five-year period between 2016 and 2020.³ The chart below shows the number of BORs completed during each year, including the type of hearing (Directed or Opted) and the type of panel (Traditional or Civilian).



While the first Civilian BORs were held in late 2019, the majority of them took place in 2020; they made up the majority of all hearings from that year. It should be noted that, due to delays in

³ Based on the date of the COP’s final decision regarding discipline, as represented on Form 1.73, “Decision of the Board of Rights and Execution of the Order.”

scheduling the hearings, not all BORs held in 2020 were eligible for Civilian panels. In total, of the BORs closed in 2020, about two-thirds – 22 of 31 – were heard by Civilian panels.

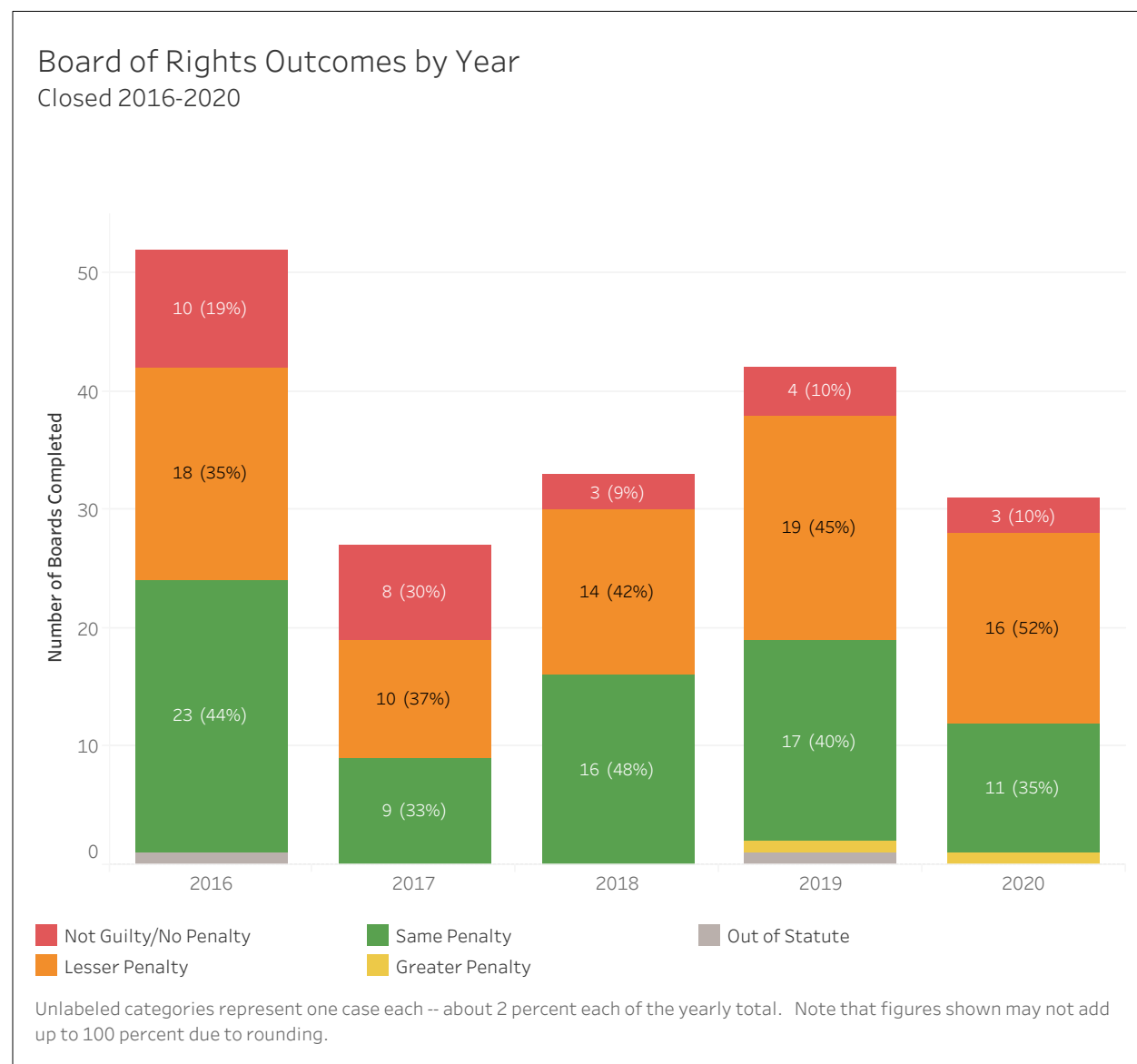
The chart also shows fluctuations in the overall number of BORs per year. Most noticeably, the number of Directed BORs fell significantly in 2020, which was the likely the result of a number of hearings being postponed due to the COVID-19 pandemic. With respect to Opted BORs, the OIG notes that there was a notable jump in the overall number of such hearings in 2019 and 2020, with six completed in 2018, 16 completed in 2019, and 13 completed in 2020.

B. BOR Outcomes Completed by Year

The OIG also looked at BOR outcomes – specifically, the extent to which a panel’s findings and/or disciplinary recommendation differed from the initial findings and recommendation by the COP – by year completed.

To accomplish this, the OIG categorized each outcome of a BOR into one of the following:

- Not Guilty/No Penalty: The panel found the accused officer Not Guilty on all counts referred to it, resulting in no disciplinary penalty.
- Lesser Penalty: The panel made a penalty recommendation that was less than that originally recommended by the COP. In some of these cases, the panel also found the officer Not Guilty on some of the counts that were referred to it.
- Same Penalty: The panel made a penalty recommendation that was the same as that of the COP. In some of these cases, the panel also found the officer Not Guilty on some of the counts that were referred to it.
- Greater Penalty: The panel made a penalty recommendation that was greater than that of the COP. This category includes one Opted Board in 2019 that was combined with a Directed Board for the same officer, resulting in a recommendation for the officer’s removal.
- Out of Statute: The panel determined that the decision to impose discipline did not fall within the statutory period set by California State law.



As shown above, BOR outcomes have fluctuated over the past five years, with the clearest pattern arising between 2018 and 2020. The OIG found that the proportion of BORs resulting in either a Not Guilty finding or a Lesser Penalty outcome increased somewhat between 2018 and 2020 (driven primarily by changes in the Lesser Penalty category), while the proportion of BORs resulting in either the Same or a Greater Penalty decreased over this period. Specifically, Not Guilty or Lesser Penalty outcomes accounted for 52 percent of BOR cases in 2018 as opposed to 61 percent in 2020. Conversely, the Same and Greater Penalty categories accounted for 48 percent of BOR outcomes in 2018 as compared to 39 percent in 2020. Proportions did differ a bit more in 2016 and 2017, most notably in 2017, when there was a higher proportion of Not Guilty findings and a lower proportion of Lesser Penalty or Same Penalty outcomes. The OIG noted that 2017 also had an unusually low number of BORs overall when compared with other years.

C. Outcomes by Hearing Type

The chart below breaks BOR outcomes down further by hearing type. As shown, a lower proportion of Directed BORs that closed in 2020 resulted in the Same Penalty – in this case, removal from employment – than in 2018 and 2019. This proportion did not differ substantially from analogous BORs closed in 2016 and 2017, however. None of the 2020 Directed cases resulted in a Not Guilty finding, which continued a downward trend from approximately a quarter of such cases in 2016-2017 and an average of 4 percent of such cases in 2018-2019.

With respect to Opted BORs, the OIG's year-to-year comparison found consistently high levels of cases resulting in a Lesser Penalty – ranging from 63 to 69 percent – prior to 2020. This proportion dropped to 38 percent in 2020. In contrast, the proportion of BORs resulting in a Not Guilty finding fluctuated significantly over the five-year period. The OIG also found that 2020 had the highest proportion of cases – 39 percent – where the BOR recommendation was for the Same Penalty or a Greater Penalty as compared to that of the COP. Prior to 2020, this proportion ranged from 0 to 25 percent.

Board of Rights Outcomes by Hearing Type and Year
Closed 2016-2020

Type	Board Outcome	2016		2017		2018		2019		2020		Grand Total	
		# of Cases	%	# of Cases	%	# of Cases	%	# of Cases	%	# of Cases	%	# of Cases	%
Directed	Not Guilty/No Penalty	9	25%	5	26%	1	4%	2	8%			17	13%
	Lesser Penalty	7	19%	5	26%	10	37%	9	35%	11	61%	42	33%
	Same Penalty	19	53%	9	47%	16	59%	15	58%	7	39%	66	52%
	Out of Statute	1	3%									1	1%
	Total	36	100%	19	100%	27	100%	26	100%	18	100%	126	100%
Opted	Not Guilty/No Penalty	1	6%	3	38%	2	33%	2	13%	3	23%	11	19%
	Lesser Penalty	11	69%	5	63%	4	67%	10	63%	5	38%	35	59%
	Same Penalty	4	25%					2	13%	4	31%	10	17%
	Greater Penalty							1	6%	1	8%	2	3%
	Out of Statute							1	6%			1	2%
Total		16	100%	8	100%	6	100%	16	100%	13	100%	59	100%
Grand Total		52	100%	27	100%	33	100%	42	100%	31	100%	185	100%

Figures shown may not add up to 100 percent due to rounding.

The next chart compares BOR outcomes based on whether the hearing took place before or after Ordinance No. 186100 became effective in June 2019, and it includes both Traditional and Civilian panels.⁴ As shown, the proportion of Directed Boards resulting in the Same Penalty – removal – was somewhat reduced for cases heard after the ordinance became effective, and Boards resulting in either a Lesser Penalty or a Not Guilty finding were somewhat increased. The OIG also noted that panels in Directed Boards were comparatively more likely to

⁴ Includes all BOR hearings where the BOR's finding was finalized by the COP from 2016 through 2020. Note that only 27 of the 43 BOR hearings that took place following the effective date of Ordinance No. 186100 (June 23, 2019) were actually eligible to empanel a Civilian Board. In the remaining 16 cases, the complaint that initiated the BOR hearing had been filed with the BOPC prior to the ordinance's effective date; those 16 cases, therefore, had Traditional panels.

recommend a Lesser Penalty over a Not Guilty finding after the ordinance went into effect. For Opted BORs, on the other hand, panels completed post-ordinance were comparatively more likely to recommend the Same or Greater Penalty over a Lesser Penalty or a Not Guilty finding.

Board of Rights Outcomes by Time Period

Hearings Held Before and After Ordinance Became Effective

Closed between 2016 and 2020

Type	Board Outcome	Pre-Ordinance		Post-Ordinance		Grand Total	
		# of Cases	%	# of Cases	%	# of Cases	%
Directed	Not Guilty/No Penalty	15	15%	2	7%	17	13%
	Lesser Penalty	27	28%	15	52%	42	33%
	Same Penalty	54	56%	12	41%	66	52%
	Out of Statute	1	1%			1	1%
	Total	97	100%	29	100%	126	100%
Opted	Not Guilty/No Penalty	8	20%	3	17%	11	19%
	Lesser Penalty	26	63%	9	50%	35	59%
	Same Penalty	5	12%	5	28%	10	17%
	Greater Penalty	1	2%	1	6%	2	3%
	Out of Statute	1	2%			1	2%
	Total	41	100%	18	100%	59	100%
Grand Total		138	100%	47	100%	185	100%

Figures shown may not add up to 100 percent due to rounding.

IV. COMPARISON OF CIVILIAN AND TRADITIONAL BOARDS

A. BOR Selections by Panel Type

To get a sense of how many officers facing discipline were selecting Civilian BORs over Traditional BORs, the OIG looked at all BORs for which a selection between the two types of panels was eligible to be made, from the effective date of the Ordinance through the end of 2020.^{5,6} This included 68 instances where the COP directed officers to a BOR, and an additional 52 instances where officers opted to go to a BOR after they were served with discipline by the COP. Out of these 120 cases, the chart below shows that officers selected Civilian BORs 82 percent of the time. This rate was roughly the same for both Directed and Opted BORs, in which Civilian panels were chosen about 81 and 83 percent of the time, respectively.⁷

⁵ The Ordinance states that it “shall not apply to any complaint that has been filed by the Chief of Police with the Board of Police Commissioners prior to the effective date [of] this section.” As such, the OIG considers a complaint “eligible” for a Civilian Board if it was filed with the BOPC after June 23, 2019.

⁶ In addition to the BOR cases discussed here, five more cases were eligible for a selection of the type of panel to be utilized during this period of time; no selection was actually made in those cases, however, either because the BOR did not occur or because the selection was still pending.

⁷ According to Department records, there were 23 cases for which the BOR was selected but not completed. This includes 10 cases where the officer resigned or retired prior to the BOR being held, 5 cases that resulted in a

Board Selection by Status

Eligible BORs Initiated Through 2020

BOR Type	BOR Status	All-Civilian		Traditional		Grand Total	
		# Eligible Cases	% Eligible Cases	# Eligible Cases	% Eligible Cases	# Eligible Cases	% Eligible Cases
Directed	Not Completed	12	80%	3	20%	15	100%
	Pending	28	88%	4	13%	32	100%
	Consolidated	1	50%	1	50%	2	100%
	Complete	15	79%	4	21%	19	100%
	Total	56	82%	12	18%	68	100%
Opted	Not Completed	6	75%	2	25%	8	100%
	Pending	25	81%	6	19%	31	100%
	Consolidated	1	100%			1	100%
	Complete	11	92%	1	8%	12	100%
	Total	43	83%	9	17%	52	100%
Grand Total		99	83%	21	18%	120	100%

Includes all cases filed with the BOPC between June 23, 2019 and December 31, 2020. Cases listed as "Consolidated" were combined with another disciplinary case involving the same officer. Note that figures shown may not add up to the corresponding totals due to rounding.

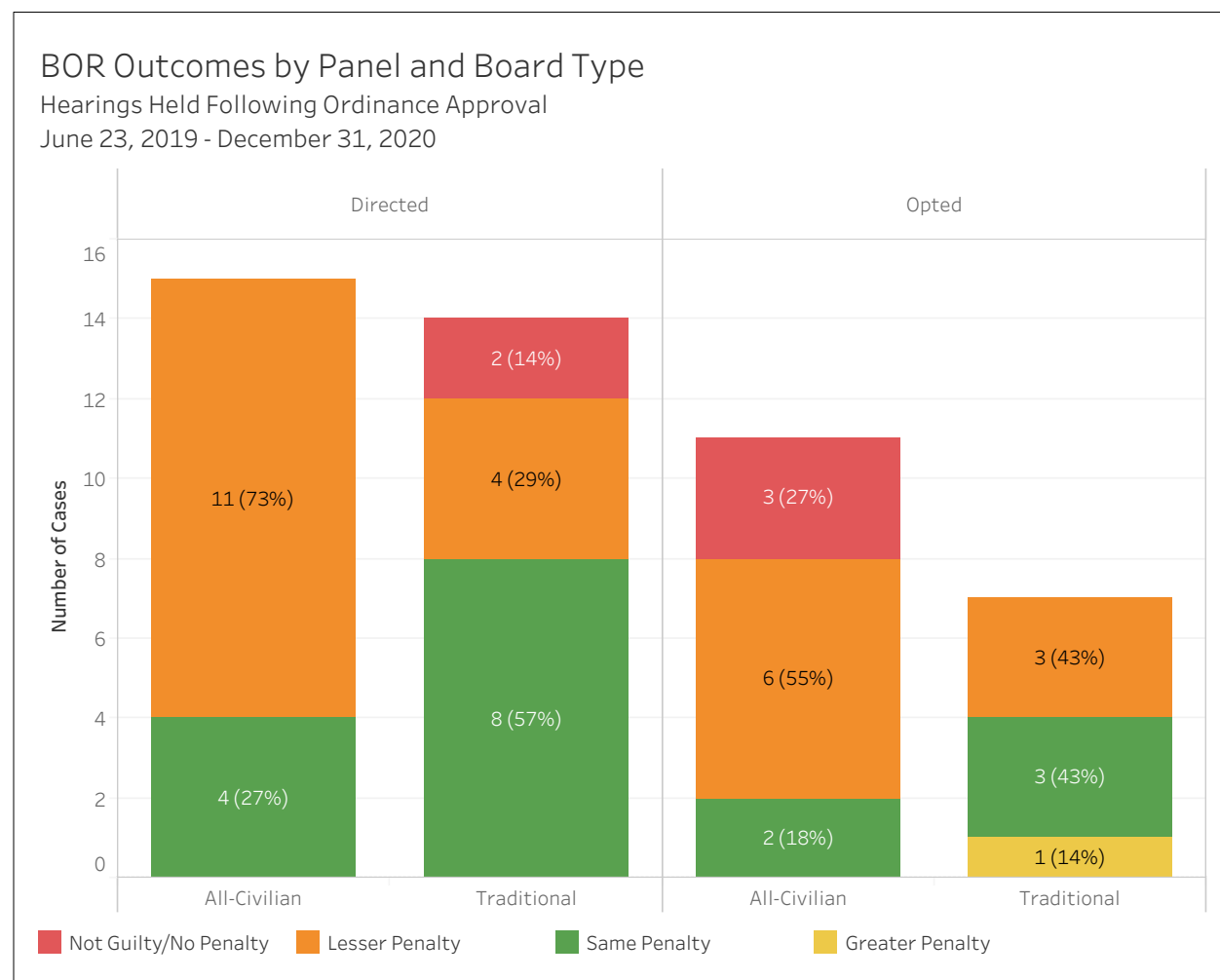
B. Outcomes by BOR Panel and Hearing Type

The OIG also compared BOR outcomes for the 47 hearings held following implementation of the Ordinance, separating those conducted by Civilian panels and those with Traditional panels. (For the purpose of comparison, this group includes 16 cases that were not eligible for a Civilian BOR but were held during this time period. In these cases, the complaint was filed with the BOPC prior to the effective date of the Ordinance.)

These outcomes are shown in the chart on the next page. In Directed BORs, Traditional panels during this period appeared substantially more likely than Civilian panels – with 57 vs. 27 percent, respectively – to agree with the COP's recommendation that the subject officer be removed from employment. Civilian panels, on the other hand, were much more likely to recommend a lesser penalty. This dynamic was also seen for Opted BORs, with Traditional panels (43 percent) more likely than Civilian panels (18 percent) to arrive at the same penalty recommendation as the COP.⁸ In contrast, Civilian panels in Opted BORs were more likely to recommend less discipline or no discipline at all based on a Not Guilty finding.

settlement, 7 cases that were cancelled, and 1 case that resulted in the officer being removed without a BOR. For a full breakdown of all cases by year-end status, see the Appendix.

⁸ As previously noted, in one Traditional Opted Board (representing 14 percent of that category), the panel recommended a greater penalty as a result of combining it with a Directed Board for the same officer, resulting in a recommendation for the officer's removal.



In presenting this data, the OIG notes that the overall number of BORs in each category – as well as the difference in outcomes – is fairly small due to the relatively short window of time being examined. This is particularly true for the Opted Board category, which included a total of 18 cases. As such, percentages may change significantly with a difference of only a few cases. This data also does not capture other factors that might be helpful in analyzing the results, such as the relative strength of the cases being presented to each BOR based on the available evidence and the types of allegations that must be proved in each case. As such, it may be too early to draw strong conclusions about whether these numbers represent meaningful differences between the two types of panels.

The chart on the next page provides a combined comparison of outcomes by panel type, which shows similar results as those for each type of hearing.

Comparison of BOR Outcomes by Panel Type

Hearings Held Following Ordinance Approval

Board Outcome	All-Civilian		Traditional		Grand Total	
	# of Cases	Percent of Cases	# of Cases	Percent of Cases	# of Cases	Percent of Cases
Not Guilty/No Penalty	3	12%	2	10%	5	11%
Lesser Penalty	17	65%	7	33%	24	51%
Same Penalty	6	23%	11	52%	17	36%
Greater Penalty			1	5%	1	2%
Grand Total	26	100%	21	100%	47	100%

C. Penalty Recommendations

The OIG also analyzed the extent to which penalties recommended by the COP were reduced by a BOR.⁹ For Directed BORs, in which the COP has recommended that the subject officer be removed, Civilian panels arrived at a reduced penalty about 73 percent of the time. Instead of removal, these BORs recommended unpaid suspensions for the subject officers ranging from one day to 65 days (65 is the maximum number of suspension days allowable for officers, per the City Charter). In contrast, Traditional panels made fewer penalty reductions (in about 43 percent of cases) when presented with a recommendation for removal by the COP. These reduced recommendations ranged from two to 65 suspension days. Additionally, subject officers were found to be Not Guilty by two Traditional panels, resulting in no discipline at all. The OIG found that in all but two cases in which the penalty recommended by the COP was reduced, whether by a Civilian Board or a Traditional Board, the Board panel also found the subject officer Not Guilty of at least some of the counts of misconduct that were presented.

Board Recommendations by Panel Type

Directed Boards, Hearings Held Post-Ordinance

Board Recommendations	All-Civilian		Traditional		Grand Total	
	# of Cases	% Cases	# of Cases	% Cases	# of Cases	% Cases
Removal	4	27%	8	57%	12	41%
65 Days	1	7%	2	14%	3	10%
55 Days	1	7%			1	3%
41-50 Days	2	13%			2	7%
21-30 Days	1	7%			1	3%
11-20 Days	2	13%			2	7%
1-10 Days	4	27%	2	14%	6	21%
Not Guilty			2	14%	2	7%
Grand Total	15	100%	14	100%	29	100%

Figures shown may not add up to 100 percent due to rounding.

⁹ Of these, one penalty recommendation was subsequently further reduced by the COP. In that instance, the final penalty was reduced from a 65-day suspension to a 22-day suspension.

The chart below shows the type of penalty changes made in Opted Boards by panel type. The largest category was a reduction in the number of suspension days for the subject officer, with two cases being reduced to an Official Reprimand.¹⁰ Another large category identified in this data included cases where the accused officer was found Not Guilty.

Penalty Changes by Panel Type						
Opted Boards, Hearings Held Post-Ordinance						
Penalty Change	All-Civilian		Traditional		Grand Total	
	# of Cases	% Cases	# of Cases	% Cases	# of Cases	% Cases
Fewer Suspension Days	5	45%	1	14%	6	33%
Suspension to Not Guilty	3	27%			3	17%
Suspension to Official Reprimand			2	29%	2	11%
Removed Demotion/Added Suspension Days*	1	9%			1	6%
Combined with Other Case			1	14%	1	6%
No Change	2	18%	3	43%	5	28%
Grand Total	11	100%	7	100%	18	100%

* The BOR removed a recommended demotion in rank but added more suspension days.
Figures shown may not add up to 100 percent due to rounding.

There were nine Opted Boards in which an officer was found to be Guilty of some misconduct but still had their penalty recommendation reduced. Of these, three BORs found the officer Not Guilty of at least one count levied against them. The remaining six BORs found the subject officers Guilty of all the counts facing them but still reduced the level of penalty that had been determined by the COP. For more detail about each case, including the difference between the COP's recommendation and that of the BOR, the type of allegations for which the subject officer was found to be Guilty, and the number of total counts resulting in a finding of Guilty, please see the Appendix.

¹⁰ An Official Reprimand is a disciplinary penalty that consists of a written reprimand being placed in the officer's personnel file.

V. APPENDIX**A. Type and Status of Eligible Boards of Rights Initiated in 2019-2020**

Year-End Status of Eligible BORs Initiated 2019-2020				
Complaints Filed with BOPC 06/23/19 - 12/31/2020				
BOR Status	Status Reason	Directed	Opted	Grand Total
Complete	Finalized 2020	19	12	31
	Total	19	12	31
Consolidated	Consolidated	2	1	3
	Total	2	1	3
Not Completed	Cancelled	1	6	7
	Removed - Other	1		1
	Resigned/Retired	9	1	10
	Settled	4	1	5
	Total	15	8	23
Pending	Pending	32	31	63
	Total	32	31	63
Grand Total		68	52	120

B. Directed Board of Rights Outcomes – Detail

Directed Board of Rights Outcomes - Detail							
Hearings Held Post-Ordinance							
Case #	Panel Type	COP Rec	BOR Rec	Guilty Counts	Allegation Category	Allegation Finding	# of Counts
Case 1	Traditional	BOR	65 Days	2 of 5	Discourtesy	Not Guilty	1
					Neglect of Duty	Guilty	1
					Unbecoming Conduct	Guilty	1
						Not Guilty	2
Case 2	Traditional	BOR	65 Days	1 of 1	Unbecoming Conduct	Guilty	1
Case 3	Traditional	BOR	Removal	5 of 5	Driving While Impaired	Guilty	1
					False or Misleading Statements	Guilty	1
					Unauthorized Force	Guilty	1
					Unbecoming Conduct	Guilty	2
					Unbecoming Conduct	Not Guilty	4
Case 4	Traditional	BOR	Not Guilty	0 of 4	Unbecoming Conduct	Guilty	4
Case 5	Traditional	BOR	Removal	5 of 6	Sexual Misconduct	Not Guilty	4
						Guilty	1
					Unbecoming Conduct	Not Guilty	1
					Insubordination	Guilty	2
Case 6	Traditional	BOR	Removal	2 of 5	Insubordination	Guilty	3
Case 7	Traditional	BOR	Not Guilty	0 of 2	Domestic Altercation	Not Guilty	1
					Sexual Misconduct	Not Guilty	1
					Domestic Altercation	Guilty	1
					Domestic Incident	Not Guilty	1
Case 8	All-Civilian	BOR	20 Days	4 of 6	Improper Remark	Guilty	1
					Neglect of Duty	Guilty	1
					Unbecoming Conduct	Guilty	1
						Not Guilty	1
					Domestic Altercation	Guilty	2
Case 9	Traditional	BOR	Removal	10 of 10	Insubordination	Guilty	1
					Neglect of Duty	Guilty	2
					Unbecoming Conduct	Guilty	5

Directed Board of Rights Outcomes - Detail (Page 2)

Hearings Held Post-Ordinance

Case #	Panel Type	COP Rec	BOR Rec	Guilty Counts	Allegation Category	Allegation Finding	# of Counts
Case 10	All-Civilian	BOR	Removal	3 of 3	False or Misleading Statements	Guilty	1
					Financial Dishonesty	Guilty	1
					Neglect of Duty	Guilty	1
Case 11	All-Civilian	BOR	45 Days	1 of 1	Narcotics/Drugs	Guilty	1
Case 12	Traditional	BOR	Removal	6 of 8	Unbecoming Conduct	Guilty	6
						Not Guilty	2
Case 13	Traditional	BOR	2 Days	1 of 2	Neglect of Duty	Guilty	1
					Sexual Misconduct	Not Guilty	1
Case 14	All-Civilian	BOR	Removal	2 of 3	Domestic Altercation	Not Guilty	1
					Domestic Incident	Guilty	2
Case 15	Traditional	BOR	10 Days	1 of 2	Unauthorized Force	Not Guilty	1
					Unauthorized Tactics	Guilty	1
Case 16	Traditional	BOR	Removal	2 of 2	Insubordination	Guilty	1
					Neglect of Duty	Guilty	1
Case 17	All-Civilian	BOR	Removal	5 of 5	Alcohol Related (Other than DUI)	Guilty	1
					Driving While Impaired	Guilty	2
					Unbecoming Conduct	Guilty	2
Case 18	All-Civilian	BOR	44 Days	1 of 2	False or Misleading Statements	Not Guilty	1
					Unbecoming Conduct	Guilty	1
Case 19	All-Civilian	BOR	22 Days	3 of 4	Domestic Altercation	Not Guilty	1
					Domestic Incident	Guilty	3
Case 20	All-Civilian	BOR	20 Days	3 of 6	Domestic Altercation	Guilty	1
					Domestic Incident	Not Guilty	1
					False or Misleading Statements	Not Guilty	1
					Neglect of Duty	Guilty	1
					Unbecoming Conduct	Guilty	1
						Not Guilty	1

Directed Board of Rights Outcomes - Detail (Page 3)

Hearings Held Post-Ordinance

Case #	Panel Type	COP Rec	BOR Rec	Guilty Counts	Allegation Category	Allegation Finding	# of Counts
Case 21	Traditional	BOR	Removal	3 of 3	Alcohol Related (Other than DUI)	Guilty	1
					Domestic Altercation	Guilty	1
					Unbecoming Conduct	Guilty	1
Case 22	All-Civilian	BOR	65 Days	1 of 2	False or Misleading Statements	Guilty	1
					Narcotics/Drugs	Not Guilty	1
					False or Misleading Statements	Not Guilty	2
Case 23	Traditional	BOR	Removal	2 of 5	Financial Dishonesty	Guilty	1
					Unbecoming Conduct	Not Guilty	1
					Unbecoming Conduct	Guilty	1
Case 24	All-Civilian	BOR	Removal	1 of 1	Driving While Impaired	Guilty	1
Case 25	All-Civilian	BOR	1 Day	2 of 6	Domestic Altercation	Not Guilty	2
					Domestic Incident	Guilty	1
					Unbecoming Conduct	Not Guilty	1
Case 26	All-Civilian	BOR	3 Days	2 of 5	Unbecoming Conduct	Guilty	1
					Camera Violation	Not Guilty	2
					False or Misleading Statements	Not Guilty	3
Case 27	All-Civilian	BOR	3 Days	2 of 4	Camera Violation	Guilty	2
Case 28	All-Civilian	BOR	2 Days	2 of 2	False or Misleading Statements	Not Guilty	2
					Unbecoming Conduct	Guilty	2
					Shooting Violation	Not Guilty	1
Case 29	All-Civilian	BOR	55 Days	1 of 3	Unauthorized Tactics	Guilty	1
					Unauthorized Tactics	Not Guilty	1

C. Opted Board of Rights Outcomes – Detail

Opted Board of Rights Outcomes - Detail							
Hearings Held Post-Ordinance							
Case #	Panel Type	COP Rec	BOR Rec	Guilty Counts	Allegation Category	Allegation Finding	# of Counts
Case 30	Traditional	5 Days	5 Days	2 of 2	Discourtesy	Guilty	1
					Neglect of Duty	Guilty	1
Case 31	Traditional	10 Days	5 Days	4 of 5	Discourtesy	Not Guilty	1
					Neglect of Duty	Guilty	4
Case 32	Traditional	3 Days	OR	2 of 2	Camera Violation	Guilty	1
					Neglect of Duty	Guilty	1
Case 33	Traditional	10 Days	OR	2 of 3	Unbecoming Conduct	Guilty	2
						Not Guilty	1
Case 34	All-Civilian	3 Days	1 Day	1 of 1	Neglect of Duty	Guilty	1
Case 35	Traditional	15 Days + Demo	15 Days + Demo..	1 of 1	Discourtesy	Guilty	1
Case 36	All-Civilian	5 Days	Not Guilty	0 of 1	Discourtesy	Not Guilty	1
Case 37	Traditional	5 Days	5 Days	2 of 2	Neglect of Duty	Guilty	2
Case 38	All-Civilian	2 Days	Not Guilty	0 of 2	Neglect of Duty	Not Guilty	2
Case 39	Traditional	10 Days	Removal	7 of 7	Camera Violation	Guilty	2
					Neglect of Duty	Guilty	1
					Other Policy/Rule	Guilty	1
					Unauthorized Force	Guilty	1
					Unauthorized Tactics	Guilty	2
Case 40	All-Civilian	22 Days	Not Guilty	0 of 1	Neglect of Duty	Not Guilty	1
Case 41	All-Civilian	10 Days	5 Days	2 of 2	Neglect of Duty	Guilty	2
Case 42	All-Civilian	5 Days	5 Days	2 of 2	Neglect of Duty	Guilty	2
Case 43	All-Civilian	10 Days	6 Days	2 of 2	Detrimental Workplace Behavior	Guilty	1
					Improper Remark	Guilty	1
Case 44	All-Civilian	1 Day	1 Day	1 of 1	Unbecoming Conduct	Guilty	1
Case 45	All-Civilian	22 Days + Demo	26 Days	2 of 3	Discourtesy	Guilty	1
					Unauthorized Force	Not Guilty	1
Case 46	All-Civilian	5 Days	1 Day	1 of 1	Unauthorized Tactics	Guilty	1
					Discourtesy	Guilty	1
Case 47	All-Civilian	5 Days	1 Day	1 of 1	Neglect of Duty	Guilty	1

D. Text of Los Angeles Administrative Code, Article 12, Section 22.290

ARTICLE 12

ALTERNATIVE COMPOSITION OF BOARD OF RIGHTS

Section

22.290 Board of Rights Optional Composition.

Sec. 22.290. Board of Rights Optional Composition.

(a) **Composition.** Pursuant to Charter Section 1070(h), the accused shall have the option of having the complaint heard and decided by a Board of Rights composed of three individuals who are not members of the Department (three civilian members) instead of a Board composed of two officers and one civilian.

(b) **Qualifications and Compensation of the Civilian Members.** The Board of Police Commissioners shall maintain a panel of competent adult civilians to serve as members of Boards of Rights and to be compensated at a per diem rate established for City hearing examiners.

(c) **Selection Procedures for Civilian Members to Board of Rights.** Upon the filing of the request for a hearing before a Board of Rights, the Police Commission staff shall randomly draw nine names from the approved panel of individuals who are qualified to be civilian members of the Board of Rights. The Department representative and the employee shall each strike three of the nine names selected. The Department representative shall strike the first name and the employee shall strike the second name in alternating fashion until there are three remaining names. Those three remaining names shall serve as members of the Board of Rights. The Board of Police Commissioners shall establish any additional procedures necessary to effectuate the selection process above.

(d) **No Retroactive Application.** This section shall not apply to any complaint that has been filed by the Chief of Police with the Board of Police Commissioners prior to the effective date this section.

(e) **Annual Audit by Inspector General.** The Inspector General of the Police Commission shall conduct an annual audit on the Board of Rights proceedings.

(f) **Release of Board of Rights Decisions.** The Board of Rights decisions shall be released to the public as permissible under law.

(g) **Repeal Period and Evaluation.** This section shall not be repealed for at least two years after its adoption. At the end of the two-year period, the Department shall submit a report to the City Council evaluating the effectiveness of the ordinance.

SECTION HISTORY

Added by Ord. No. 186,100, Eff. 6-13-19.