

**LOS ANGELES POLICE COMMISSION**  
**BOARD OF RIGHTS REFORMS**  
**REPORT ON MOVING CLAUSE 4,**  
**COUNCIL FILE NO. 23-0187-S5**

**2024**



Conducted by the  
**OFFICE OF THE INSPECTOR GENERAL**

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**LOS ANGELES POLICE COMMISSION**

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## **I. BACKGROUND**

On March 20, 2024, the Los Angeles City Council approved a motion, including Council File No. 23-0187-S5, which aims to improve the overall disciplinary process for the Los Angeles Police Department (LAPD or Department) and encompasses various reforms to the Board of Rights system.

Moving Clause 4 of the City Council motion attempts to address additional reforms connected to the process of transitioning from Department Advocates to more experienced City Attorneys presenting cases to hearing examiners in Board of Rights proceedings.

Clause 4 specifically requests the Board of Police Commissioners, the Office of the Inspector General (OIG), and the CAO, “[T]o 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.”

## **II. UPDATE ON DEPUTY CITY ATTORNEY IMPLEMENTATION PROCESS**

After Ballot Measure C<sup>1</sup> was passed and implemented by the voters in 2017, the OIG published a qualitative review into the Board of Rights process.<sup>2</sup>

As stated in the OIG’s 2022 report on this topic:

The Department should consider engaging attorneys to represent its position in BOR proceedings, either on a regular or an ad hoc basis. Having licensed attorneys act on the Department’s behalf should help even out the imbalances currently seen in some proceedings when attorneys representing that accused officer argue a case against non-lawyer Department Advocates. Deputy City Attorneys, qualified private counsel, or a combination of both are all viable potential considerations for such representation. Attorney representation of the Department at BORs could potentially take many different forms. As one example, and in recognition of the specialized knowledge and considerable experience of Department Advocates – which should not be overlooked – attorneys representing the Department could work collaboratively with the advocates on all BOR cases in a way that blends the attorneys’ litigation skills with the advocates’ knowledge of LAPD policies, practices, and training, as well as the Internal Affairs process, the Department’s discipline matrix, relevant historical precedents analogous to the case at hand, etc.

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<sup>1</sup> Ballot Measure C changed the composition of hearing examiners from two sworn LAPD Command staff officers and one civilian member to accused officers having the option of selecting an all-civilian panel to serve as members of their Board. There was also an effort to change the selection criteria for hearing examiners to expand the pool of candidates and make it more diverse.

<sup>2</sup> Board of Rights Review, November 22, 2022.  
[https://www.oig.lacity.org/files/ugd/b2dd23\\_049193eba5a7432ab7f4966a84cbbf44.pdf](https://www.oig.lacity.org/files/ugd/b2dd23_049193eba5a7432ab7f4966a84cbbf44.pdf)

In the past year, considerable efforts have been made to start utilizing employees of the City Attorney’s Office in Board of Rights proceedings. The City provided funding and position authorities in its 2023-24 Adopted Budget for City Attorney’s Office personnel to represent the Department alongside sworn Department advocates to further implement the OIG’s recommendation. Doing so has been thought to be an equalizer in terms of Department Advocates being previously outmatched by professional attorneys’ skills and experience in delivering punitive results, such as disciplinary penalties up to and including termination, to sworn police officers.

As of May 15, 2024, there are five Deputy City Attorneys (DCAs) currently assigned to the Department’s Advocate Section. They have been assigned a total of 36 pending Board of Rights cases.

Since the inception of the program where DCAs have been involved in the Board of Rights process (approximately February 13, 2024), these attorneys have been participating to varying degrees. The DCAs have participated as “Second Chair” in four cases where Department Advocates have continued to take the lead on presentation of the Department’s cases, consistent with past practice. However, the attorneys have also handled five cases as “First Chair,” meaning the DCAs were the primary party to present the Department’s case to the Board, up to the completion of the hearing phase. One of these cases is still awaiting its respective penalty hearing after guilty findings were established.

The attorneys handled three other additional cases as First Chair, but those additional cases settled short of a hearing. It is generally believed by the City Attorney’s Office that the accused parties in each case ended up settling due to the thorough case preparation demonstrated by the DCAs (in one particular instance, the accused expressly acknowledged this as the reason for eventually settling).

Out of the five cases that the attorneys completed as First Chair, four cases resulted in successful advocacy, as far as articulating the Department’s position, obtaining “guilty” decisions, and expected or better-than-expected penalty findings. One case resulted in a “not guilty” decision, which was unexpected. However, in three other cases that were primarily handled by LAPD advocates, Deputy City Attorney advocates meaningfully assisted by fashioning, preparing, and guiding the Department advocates, which resulted in terminations as far as the final penalty imposed. The City Attorney’s Office pointed to the DCAs’ assistance as the critical difference maker in those cases.

Finally, the DCA advocates continue, daily, to provide regular assistance to LAPD advocates as needed, specific to case preparation, legal research, training, and other functions relating to development of the Department’s case at Boards.

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### **III. RECOMMENDATION**

As far as any potential changes that may enhance the process of utilizing professional attorneys with significant experience to present Boards of Rights cases, no representative of either the Police Commission or the OIG has attended the above-referenced proceedings or reviewed the respective transcripts. Combined with the fact that the DCAs have handled only a small number of cases as of May 15, 2024, neither the OIG nor the Commission is currently well-positioned to make specific recommendations.

Nevertheless, it is advised that the DCA advocates continue to collaborate with the Department advocates to further refine the productive work currently being done. Efforts should focus on fully transitioning the function of presenting Department cases as First Chair to the DCA advocates.

Further to the City Council motion, should the Police Commission direct OIG to produce an additional status report regarding this transition, it could be presented in approximately March 2025. The OIG anticipates having a more robust understanding of any issues that may need to be addressed relating to the transition after a number of additional cases have been handled by the DCAs; and thus, their involvement in the process can be subsequently evaluated more thoroughly at that time.