

1 Los Angeles Police Department, Los Angeles Police Department Manual, City Charter
2 (including Section 1070), Defendant's Board of Rights Manual, and common law rules to
3 insure fair administrative hearings.

4 9. At all times mentioned herein, the Charter of the City of Los Angeles vested the
5 Board of Rights the authority and responsibility of conducting evidentiary hearings on
6 disciplinary charges filed against public safety officers for the Los Angeles Police Department
7 and to render findings and decisions on said charges with a recommended penalty to the
8 Defendant Chief of Police. Pursuant to policy, rules, and/or practice governing the Board of
9 Rights hearings, such hearings are presided by two (2) Police Department command staff
10 Hearing Officers (i.e. Police Captains) in addition to a civilian Hearing Officer.

11 10. At all time mentioned herein, Article 9.1 et seq. of the applicable Memoranda of
12 Understanding (M.O.U.) between the League and the City provided for administrative hearings
13 before a Hearing Officer respecting disputes and certain disciplinary appeals.

14 11. At all times mentioned herein, the Board of Rights Manual and Article 9.1 et
15 seq. of the Memoranda of Understanding set forth procedures governing the preparation and
16 conduct of appeal hearings which, as a matter of law, should be augmented with common law
17 rules necessary to promote fair hearings and effective judicial review.

18 12. At all times mentioned herein, fundamental fairness of legally required
19 administrative hearings also require that certain administrative discovery and related
20 investigative materials and/or other information which might aid in the employees' defense be
21 afforded in order to promote fair hearings and for effective judicial review of any final
22 administrative decisions rendered.

23 13. Commencing in or about 2009 and to continuing to date, the Defendants and
24 their agents and employees have approved, administered, perpetrated and engaged in a
25 systematic pattern of implementing practices so as to deny the League's represented employees
26 their constitutional, statutory, municipal and/or administratively mandated rights to a full, fair
27 and meaningful administrative hearing, including the right to administrative discovery and
28 production of related non-confidential investigative materials and/or other information that

1 might aid in the employees' defense, by engaging in unlawful and/or improper conduct so as to
2 deprive, intimidate, interfere, discourage, vex, hinder, restrain, harass, annoy and/or retaliate
3 against the employees represented by the League and/or their defense representatives for
4 exercising their lawful rights in securing fair and meaningful administrative hearings.

5 14. Unless and until enjoined by this Court, Defendants, and each of them, will
6 continue in the future to approve, administer, perpetrate and otherwise engage in a pattern and
7 practice of denying the League represented members their constitutional, statutory, municipal
8 and/or administratively mandated rights to full, fair and meaningful administrative hearings,
9 and Defendants will continue to abuse or manipulate their administration of the administrative
10 procedural rights otherwise due Plaintiff's represented employees who appeal disciplinary
11 charges or penalties.

12 15. On or about the following dates, Plaintiff's represented employees were
13 subjected to unlawful and /or improper conduct by Defendants which denied, interfered, or
14 abridged the rights of Plaintiff's represented employees (represented by defense representatives)
15 to relevant administrative discovery which is subject to reoccurrence as to other employees
16 represented by Plaintiff unless and until injunctive relief is issued : (a) In or about June 2010
17 during the Board of Rights case on Police Officer ██████████ respecting alleged
18 misconduct in a Officer Involved Shooting, Defendants denied Officer ██████████ a completed
19 Force Investigation Division report, and refused to continue the hearing until the completion of
20 the report; (b) In or about September 2010 in preparation for his administrative appeal of
21 discipline, Police Officer ██████████ was denied by Defendants the chronological
22 record of the Internal Affairs investigation containing relevant information on the Defendant's
23 investigation leading to punitive action against Officer ██████████; (c) In or about May 2011, in
24 preparation for his M.O.U. administrative hearing arising from a pursuit/officer involved
25 shooting, Officer ██████████ was denied by Defendants a Force Investigation Division
26 report of a prior incident involving alleged similar facts on which the Police Chief sought to
27 justify punitive action in the appealed case; (d) In or about the period of February-April 2011,
28 in preparation for a M.O.U. administrative hearing for Police Officer ██████████, the

1 Defendants denied information of Daily Reports, Watch Commander logs relevant to the
2 defense of Officer [REDACTED] who was accused of jogging on duty; and (e) In or about March
3 2011, in preparation for his MOU administrative appeal hearing, Police Officer [REDACTED]
4 was denied by Defendants the reports of undercover witnesses who investigated the alleged
5 misconduct of Officer [REDACTED].

6 16. At all times mentioned herein, the Defendants during administrative appeals of
7 Plaintiff's represented employees under Article 9.1 et seq. of the M.O.U. and
8 downgrade/deselection appeals, have been denied pre-hearing discovery under Article 9.5 of
9 any materials which the Defendants contend were not used to substantiate the decision,
10 irrespective of the relevance of such materials or the exculpatory nature of such materials, and
11 notwithstanding the necessity for production of such documents pursuant to common law and
12 due process principles. Such a practice by Defendants improperly restricting pre-hearing
13 discovery to Plaintiff's represented employees will continue unless and until injunctive relief is
14 issued in this case.

15 17. On or about the following dates, Plaintiff's represented employees were
16 subjected to unlawful and /or improper conduct by Defendants which denied, interfered, or
17 abridged the rights of employees represented by the League as the result of Defendants failing
18 to timely provide discovery to the accused Officer: In or about in May 2009 Lt. [REDACTED],
19 supervisor of the Advocates Section, directed the denial of discovery in the Board of Rights
20 case of Detective [REDACTED]. Such conduct by Defendants will reoccur to other Plaintiff
21 represented employees unless and until injunctive relief is issued in this case.

22 18. On or about the following dates, Defense Representatives representing
23 Plaintiff's members have been subjected by Defendants to intimidation, retaliation and/or
24 reprisal for the exercise of their representational rights and obligations, which will reoccur to
25 other Defense Representatives unless injunctive relief is issued:

26 a.) In or about September 2010, Defendants served defense representative [REDACTED] a
27 negative Comment Card in response to his attempt to obtain discovery,
28 (i.e. chronological log or record of a personal complaint investigation) in preparation for

1 his representation of Police Officer [REDACTED] M.O.U. administrative appeal;
2 b.) In or about June 2012, Defendants served Defense Representative (also referred to
3 as Administrative Appeal Representative) Police Officer [REDACTED] a negative
4 Comment Card, Notice to Correct, removal from rotating standby for off-hours
5 representation, and involuntary transfer from the Officer Representation Unit where he
6 had been assigned for 13 years to Harbor Area desk duty. Such punitive action by
7 Defendants interferes and impairs Officer [REDACTED] ability to effectively represent
8 Plaintiff's represented employees and was in retaliation for Defense Representative
9 [REDACTED] challenge of Defendant's Police Department management's change of rules
10 governing the operation of the Officer Representation Unit and was based on pretextual
11 grounds;

12 c.) In or about July 2012, Defendants removed Defense Representative Police Sergeant
13 [REDACTED] from the Officer Representation Unit where she had been assigned
14 for four (4) years, and reassigned her to the Southeast Area Auto unit. Such punitive
15 action by Defendants imposed against Sgt [REDACTED] was in retaliation for her vigorous
16 representation of Officers and impairs her ability to effectively represent Plaintiff's
17 represented members.

18 19. On or about the following dates, Plaintiff's represented employees (represented
19 by defense representatives) were subjected to interference by Defendants of the right to issuance
20 of witness administrative subpoenas and/or otherwise right to call witnesses, which will reoccur
21 as to other Plaintiff represented employees if not prevented by injunctive relief: (a) In or about
22 November 2010, during the MOU administrative appeal case of Detective [REDACTED], the
23 Defendant's advocate initially refused to issue witness subpoena requested of the Officer's
24 defense representative in the absence of an offer of proof by the defense; (b) In or about the
25 period of February -April 2011, at the M.O.U. administrative hearing for Police Officer [REDACTED]
26 [REDACTED], the Defendants denied the Officer the opportunity to call several witnesses to
27 establish past Police Department practice relevant to the alleged misconduct of jogging on duty.

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1 20. In or about November 2010, during the M.O.U. administrative appeal of
2 Detective ██████████, the Defendants' Advocate threatened and/or intimidated a female
3 defense witness appearing at the hearing who was on Bonding Leave of the forfeiture of the
4 remainder of her Bonding Leave if she testified. Unless and until injunctive relief issues to
5 prevent such improper conduct in the future, Plaintiff's represented employees will continue to
6 be exposed to similar reoccurrence.

7 21. In or about March 2011, in preparation for the M.O.U. administrative appeal
8 hearing for Police Officer ██████████, Defendants interfered with the opportunity by the
9 defense to interview Police Department witnesses who investigated the alleged misconduct of
10 Officer ██████████. Unless and until injunctive relief issues to prevent such improper conduct in the
11 future, Plaintiff's represented employees will continue to be exposed to similar reoccurrence.

12 22. On or about the following dates, in cases involving Plaintiff's represented
13 employees, Defendants exerted pressure, influence and/or reprisal on Los Angeles Police
14 Department command staff presiding as hearing officers in administrative cases which is
15 subject to reoccurrence to other employees represented by Plaintiff unless and until injunctive
16 relief is issued : (a) In or about May 2009, Lt. ██████████, supervisor of the Advocates Section,
17 Internal Affairs Group of the Los Angeles Police Department, made a special appearance at the
18 Board of Rights hearing on Officer ██████████ in which he sought to exerted pressure and
19 influence, on behalf of high command staff, so as to discourage the Board from recusing a
20 Police Captain a Hearing Officer; (b) Following the conclusion of several Board of Rights
21 hearings, Defendants counseled or implementing other forms of reprisal on certain Police
22 Captains who had presided at Board of Rights as a consequence of their rulings/decisions as
23 Board Hearing Officers.

24 23. Defendants, and each of them, persist in engaging in the aforesaid unlawful
25 and/or improper actions which continue to deprive, interfere, discourage, vex, hinder, restrain,
26 harass, annoy and/or retaliate against League's members in exercise of their rights and
27 privileges to full, fair, impartial and meaningful administrative hearings in violation of their
28 constitutional, statutory, municipal and/or administratively mandated rights.