

I N D E XCity Council - February 26, 1973SPECIAL MEETING

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MINUTES OF A SPECIAL MEETING
OF THE TORRANCE CITY COUNCIL1. CALL TO ORDER:

The Torrance City Council convened in a Special Meeting on Monday, February 26, 1973, at 7:05 P.M. in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Present: Councilmen Armstrong, Brewster, Sciarrotta, Surber, Uerkwitz, Wilson, and Mayor Miller. Absent: None.

Also present: City Manager Ferraro, City Attorney Remelmeyer, Police Chief Nash, and City Clerk Coil.

3. PURPOSE OF MEETING:

Hearing regarding APPEAL OF DISCHARGE of Police Officers George Kudokas, Edward G. Finn, and James J. Lorentz.

Mayor Miller announced that this is the time, date and place previously set by the City Council to hear the subject Appeal -- the Mayor then reviewed the background history in this matter, and established the ground rules to be employed at this hearing -- i.e. 30 minutes will be allotted to Attorneys Royal Sorenson, representing the City, and Laurie Belger, representing Messrs. Kudokas, Finn and Lorentz, for their arguments, followed by a 15-minute time period for each to reply. Concurrence with this procedure was indicated by the attorneys.

The transcripts and material furnished the Council in this matter were itemized by Mayor Miller, it being noted that the transcript of the polygraph experts had been received on this date, and that Councilman Brewster had not had opportunity to read same. Discussion was then directed to the fact that Civil Service Commission action deleted the polygraph experts testimony in arriving at their decision -- the attorneys expressed no objections to the hearing proceeding under these conditions, and it was so ordered.

Prior to presentation of the arguments, there was discussion pertaining to certain information desired by Councilman Surber such as police dispatch cards, the crime report, etc.; the fact that any introduction of new evidence would necessitate return to the Civil Service Commission -- also noted by Mr. Belger was the 3-2 vote by the Civil Service Commission in the hearing before a 5-man board instead of the usual complement of 7 commissioners; the 5 signatures on the Commission's Findings and Conclusions merely confirm the majority vote, and does not reflect the specific voting action, per information made available to him. Commissioner Limon was present, and regretfully acknowledged his conversation with Mr. Belger, on a confidential lawyer-to-lawyer basis, conveying the 3-2 vote information.

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It was pointed out by Attorney Sorenson that the official record before this Council is signed by five Civil Service Commissioners, the five having adopted the Findings and Conclusions as the official action of the Commission, whatever earlier discussions or determinations might have been.

Discussion continued regarding possible additional evidence and information, along with the recommendation of Mr. Belger that there be another hearing before a 7-man Civil Service Commission. The Council was polled re: return of this matter to the Civil Service Commission, with the following resultant vote:

AYES: COUNCILMEN: Surber. (If it be a full body).
 NOES: COUNCILMEN: Armstrong, Brewster, Sciarrotta, Uerkwitz,
 Wilson, and Mayor Miller.

Mayor Miller directed that the hearing proceed as planned, and invited Mr. Belger's arguments at this time.

Mr. Belger's presentation followed and encompassed pertinent points re: testimony of record, a recapitulation of the events on this particular date, polygraph expertise, conflicting facts of testimony, the unblemished 5-year records of his clients and the careers that are at stake, etc. Reinstatement of Officers Kudokas, Finn, and Lorentz was urged by Mr. Belger.

Arguments by Mr. Sorenson were made at this time, with particular note of the considerable administrative procedures which took place prior to the action now before the Council, including extensive hearings before the Civil Service Commission; the good records of the officers stress the significance this consideration; the inevitable loss of confidence in these officers; the conflicting explanations, etc. It was the plea of Mr. Sorenson that the decision of all the people involved in this matter not be lightly overturned.

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Prior to entertaining the Rebuttals, Mayor Miller ordered a 10-minute recess, the hour being 8:50 P.M.

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On resumption of the meeting at 9:00 P.M., Attorney Belger's rebuttal referred to inconsistencies in the Hurley/Hertica testimony; the absence of any "off-limit" rule in the Police Department; past experiences with reinstated Police personnel in the City (Hamilton/Cook, 1964); and reiterated that the evidence presented does not support the charge that the officers lied, and the acknowledged drinking is insufficient to terminate these heretofore exemplary careers.

Rebuttal by Mr. Sorenson followed, with review of testimony establishing the knowledge of the homosexual aspect of the area by the officers; the extensive administrative investigation prior to the discharge, an action supported by the Civil Service Commission; and it was Mr. Sorenson's request that these findings be supported by the Council.

Council discussion and questions followed regarding various areas of concern and needed information -- established ground rules were reviewed, with City Attorney Remelmeyer confirming that the Code reference to a 4/5ths vote would be 6 votes of a 7-man Council in matters of appeal.

Councilman Surber requested that the following information be furnished the Council:

"1. Copy of crime report re: alleged crimes against Dr. Richard Sullivant -- taken by Redondo Beach Police Department on 10/25 or 10/26/72.

2. Transcript of statements given Officer Davidson, Redondo Police Department, by Officers Hertica and Herley of Torrance Police Department on 10/26/72.

3. Transcript of interviews by Lieutenant Foster and Sergeant Erbetta, Torrance Police Department, and Officer Davidson, Redondo Beach Police Department, with Officers Hertica and Herley, Torrance Police Department, on 10/26/72 and any other dates re: the Sullivant incident and/or the three discharged officers in relation to said incident or their being at the beach on 10/26/72.

4. Officers Hertica and Herley's police log for their tour of duty of 10/25 - 10/26/72.

5. All police communication dispatch cards for 10/25 and 10/26/72, including the "Code 7" and "coffee stop" cards.

6. Complete report of each and every interview with the three discharged officers by anyone that has not already been made available to this Council -- I/V of 10/26/72, 1/6/73 and any others. (The only one I have is their interview with Captain Robert Hammond and Sergeant Eugene Erbetta, Torrance Police Department.)

7. Report showing date, time, place and by whom each of the three discharged officers were advised of their constitutional rights -- if ever -- and, if not, a report explaining why they were never given their rights re: the charges presented them as the reasons for their being discharged, and some upon which the Civil Service Commission upheld the decision of the Chief of Police and City Manager.

8. Report stating on what dates and occasion (hearing, lineup, etc.) they were allowed -- or denied -- the right to have their attorney present on 10/26/72 or on any date thereafter."

Councilman Surber thereupon MOVED that the above information be obtained and studied prior to the undertaking of deliberations by the Council. The motion was seconded by Councilman Brewster, and carried, with roll call vote as follows:

AYES: COUNCILMEN: Armstrong, Brewster, Surber, Uerkwitz,
and Wilson.

NOES: COUNCILMEN: Sciarrotta; Mayor Miller.

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Mayor Miller and Councilman Sciarrotta indicated their no votes were for the reason that sufficient evidence has been presented, in their opinion. Councilman Wilson indicated that his intent would be to merely review the documentation, with no thought of reopening the case. Councilman Surber reiterated his concerns regarding the importance of this decision and the need for all available facts.

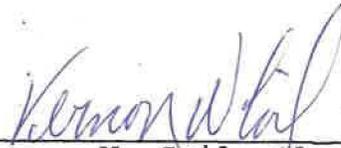
It was the recommendation of City Attorney Remelmeyer that the Council not undertake its deliberations until the above requested information is at hand -- further, that such information be furnished the attorneys in this matter in order that they may provide necessary proof or explanation.

Mayor Miller then requested that the subject hearing be continued to Friday, March 2, 1973, at 5:00 P.M. Councilman Uerkwitz so MOVED; his motion was seconded by Councilman Surber, and approval was unanimous.

4. ADJOURNMENT:

At 10:20 P.M. Councilman Sciarrotta moved to adjourn to Tuesday, February 27, 1973, at 7:00 P.M. His motion, seconded by Councilman Brewster, was unanimously approved by roll call vote.

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 Vernon W. Coil, Clerk of the
 City of Torrance, California

APPROVED:



 Mayor of the City of Torrance

Ava Cripe
 Minute Secretary

4.

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