



# CITIZEN POLICE COMPLAINT COMMISSION

# 2009 REPORT

333 West Ocean Boulevard, 13<sup>th</sup> Floor  
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# CITY OF LONG BEACH

OFFICE OF THE CITY MANAGER

333 West Ocean Boulevard, 13<sup>th</sup> Floor • Long Beach, CA 90802 • (562) 570-6891 • FAX (562) 570-7613

CITIZEN POLICE COMPLAINT COMMISSION

September 2010

Honorable Mayor and Members of the City Council  
City of Long Beach  
333 West Ocean Boulevard, 14th Floor  
Long Beach, CA 90802

Dear Honorable Mayor and Members of the City Council:

I am pleased to present you with the 2009 Citizen Police Complaint Commission (CPCC) Annual Report. This report contains the final statistics for cases initiated, received, reviewed and investigated by the Commission within the 2009 calendar year.

The CPCC holds a unique role as public servants. The community, government and law enforcement have trusted us to conduct our work in a professional, fair and impartial manner. We have earned our trust through a firm commitment to the public good, the mission of our agency and to strict ethical and professional standards.

Many thanks to the Commission's executive staff and the Commission support staff from the City Clerk's Office for their hard work and commitment. On behalf of the Commission, I would also like to thank Patrick West (City Manager), Suzanne Frick (Assistant City Manager), and Reginald Harrison (Deputy City Manager), for their continued assistance, counsel and encouragement. To my fellow Commissioners, you have my sincere gratitude for making this experience a fulfilling and rewarding one, where I have gained knowledge, friends and the satisfaction of knowing that I have helped my community.

Lastly, to the citizens of Long Beach, I thank you for providing the CPCC the opportunity to uphold its mission of ensuring professional police services in our community. With your continued support, we will carry on our endeavor to make Long Beach a model city in the policing arena.

Sincerely,

A handwritten signature in black ink that reads "Trina Schoonmaker".

Trina Schoonmaker, Chair  
Citizen Police Complaint Commission



# Citizen Police Complaint Commissioners

2009



Robert Hildebrand (District 1)  
Appointed 8/08



Trina Schoonmaker (District 2)  
Vice Chair 7/08-6/09 and Chair 7/09-6/10



Rick McGilton-McGlamery (District 3)  
Appointed 1/08



G. Andrew Jones (District 4)  
Appointed 1/08, extended through 2009



Monica Blumenfield (District 5)  
Appointed 5/08



Lillian Parker (District 6)  
Reappointed 7/06, extended through 11/09



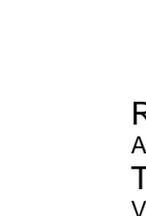
Thary Ung Phung (District 6)  
Appointed 12/09



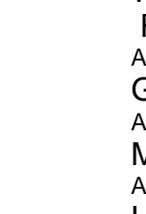
Carolyn Smith Watts (District 7)  
Chair 7/08-6/09



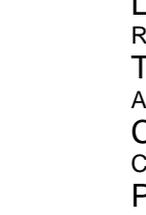
Patrick Thompson (District 8)  
Vice Chair 7/09-6/10



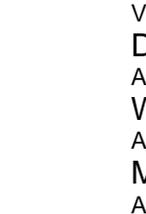
Daniel Cartagena (District 9)  
Appointed 1/08



Wilma Powell (At-Large)  
Appointed 7/08



Marcos Gonzalez (At-Large)  
Appointed 7/08



## Staff

Anitra Dempsey, Executive Director  
Anthony Dannan, Special Investigator  
Kari Faithful, Administrative Support  
Dina Lopez, City Clerk Specialist, Minutes

## Office of the City Manager

Patrick West, City Manager  
Suzanne Frick, Assistant City Manager  
Reginald Harrison, Deputy City Manager





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Honorable Mayor and Members of the City Council  
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Dear Mayor Foster and Members of the City Council:

I am pleased to provide for your review the Citizen Police Complaint Commission's (CPCC) 2009 Annual Report detailing complaints received, investigated and closed during the 2009 calendar year. In 2009, the CPCC continued to focus on customer service outreach, community awareness, complaint oversight, job performance and overall Charter compliance.

Thank you for your continued support of the Citizen Police Complaint Commission. The CPCC Commissioners and staff appreciate the confidence you have shown in the performance of our duties.

Many thanks to the Commissioners who demonstrated tireless dedication to our common goal. To the CPCC staff, your commitment and efforts are recognized and appreciated. To the Long Beach Police Department, notably the Internal Affairs Division, thank you for your courtesy, cooperation and assistance.

The CPCC continues to demonstrate the highest standards of personal integrity, commitment, truthfulness and fortitude, inspiring trust from the community and setting examples for other police oversight boards.

I welcome your comments and will be available to answer questions or provide further information as requested.

Sincerely,

Anitra Dempsey  
Executive Director

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# EXECUTIVE SUMMARY

Every person has the right to make a complaint against any employee of the Long Beach Police Department. The complaint can be made to a supervisor, the Watch Commander, Internal Affairs Division or via the Citizen Police Complaint Commission (CPCC). A complaint can be made in person, by telephone, by mail, email or by a person not directly involved in the incident. Complaints can also be made anonymously.

Whether initiated at the CPCC or the Long Beach Police Department, complaints are forwarded to the CPCC after being investigated by the Internal Affairs Division of the Long Beach Police Department.

This report reflects the number and disposition of complaints received and investigated by the CPCC during the 2009 calendar year: a period of development and achievement for the CPCC. This report does not reflect the number of complaints actually received by the Long Beach Police Department during the same reporting period.

## MISSION

The mission of the Citizen Police Complaint Commission is to provide independent, impartial, and objective civilian oversight of the Long Beach Police Department under the authority of Sections 1150-1155 of the City Charter. Special emphasis is placed on those complaints from the public involving allegations of excessive force, false arrest, and racial and/or sexual overtones. Civilian oversight is provided by qualified members of the community who are appointed to the Commission by the Mayor and the City Council. The Commission is a fact-finding body, supported by an administrative and investigative staff that relays the Commission's findings and recommendations to the City Manager who, by Charter, makes the final determination in matters of alleged police misconduct.

The goals of the Commission include, but are not limited to, improving the demeanor of the officers toward the public and maintaining community trust in the local law enforcement agency. The Commission endeavors to accomplish these goals by maintaining an atmosphere of mutual trust and understanding between itself, the community and the Police Department.

## VALUES

Accountability, Integrity, Transparency, Respect for the law and those who serve, Respect for all people.

# FUNCTIONS

The CPCC has three primary functions:

1. Fact-finding and making recommendations relative to reported police misconduct to the City Manager. The Commission is neither an advocate for the complainants nor police officers. The CPCC is empowered to conduct hearings and, through the City Attorney's Office, may subpoena witnesses and records when necessary to facilitate the fact-finding process.
2. Representing the people of Long Beach. Individuals who prefer not to complain directly to the Police Department have the option of filing their complaint with the CPCC, which is a completely civilian organization. However, citizen complaints received directly by the Police Department are copied and sent to the Commission for review. At its discretion, the CPCC may exercise its authority to request further investigation on behalf of the complainant.
3. Oversee the investigation process, which is aimed at capturing all facts. Although CPCC investigators review allegations independent of the Police Department, the Commission or the Executive Director will request further investigation only when the Police Department has not conducted a comprehensive case study or when new information becomes available. The Commission staff accepts the Police Department's investigation as a basis for their independent review and evaluation. As part of this process, additional interviews of witnesses and complainants, as well as site visits, are routinely conducted by Commission staff. Whenever staff discovers new facts or data, the pertinent information is shared with the Police Department.

## CASES

The total number of cases evaluated by the CPCC has been divided into two categories. The first category enumerates those cases investigated by staff and presented to the Commission for their review. The second category consists of those complaints classified by the CPCC and the Long Beach Police Department as No Further Action (NFA) by the CPCC. No Further Action (NFA) cases are forwarded to the CPCC staff for evaluation and concurrence. The criterion for a No Further Action classification is fully defined in the Annual Report.

## COMPLAINTS

During this reporting period, 375 complaints were received by the CPCC and thoroughly reviewed by staff. This represents a 31% increase from 2008, which had 287 complaints. Thirty cases were presented to the Commission during Executive Sessions, where 6.7% (7 of 104) of the allegations reviewed were sustained.

## COMMUNITY OUTREACH

The CPCC staff and Commissioners conduct extensive outreach to educate the community about the mission and functions of the CPCC, assess the needs and concerns of diverse communities, and make services visible and accessible to the public.

In 2009, the CPCC hosted a community forum entitled *Use of Force: Separating Fact from Fiction*. Following the forum, former CPCC Commissioner and current Administration of Justice professor Grant Boyer wrote an article referencing the CPCC that was published in the Federal Bureau of Investigation (FBI) Law Enforcement Bulletin.

Additionally, CPCC presented information to the Long Beach City College Administration of Justice Department, the City of Inglewood and numerous forums. CPCC was featured on a network news segment in Fresno regarding the implementation of a Police Review Commission.

The CPCC shared resources with several organizations that request information. The CPCC continues to be a reliable community resource.

## CONCLUSION

In 2009, the CPCC saw an increase in the number of complaints filed against Long Beach police personnel. Additionally, CPCC continued to provide strong customer service outreach in support of positive community relations.

## THE CITIZEN POLICE COMPLAINT COMMISSION

On April 10, 1990, the voters of the City of Long Beach approved the creation of the Citizen Police Complaint Commission by adding Sections 1150 – 1155 to the City Charter. This Amendment authorized the Commission to receive and investigate complaints of police misconduct with emphasis on allegations of *Excessive Force, False Arrest, and Racial and/or Sexual Overtones*.

The Commission's primary role is that of fact-finding and making recommendations relative to reported police misconduct to the City Manager. The Commission is neither an advocate for the complainant nor police officer. The Citizen Police Complaint Commission is empowered to conduct hearings and, through the City Attorney's Office, may subpoena witnesses and records when necessary to facilitate the fact-finding process.

The Citizen Police Complaint Commission plays a vital role in representing the people of Long Beach. Individuals who prefer not to complain directly to the Police Department have the option of filing their complaint with the Commission, which is a completely civilian organization. However, citizen complaints received directly by the Police Department are copied and sent to the Commission for review. At its discretion, the Commission may exercise its authority to request further investigation on behalf of the complainant.

The investigative process is aimed at capturing all allegation-related facts. Although Commission investigators review allegations independent of the Police Department, the Commissioners or the Executive Director will request further investigation only when the Police Department has not conducted a comprehensive case study or when new information becomes available.

The Commission staff accepts the Police Department's investigation as a basis for their independent review and evaluation. As part of this process, additional interviews of witnesses and complainants, as well as site visits, are routinely conducted by Commission staff. Whenever staff discovers new facts or data, the pertinent information is shared with the Police Department.

The Citizen Police Complaint Commission serves the community by providing an impartial viewpoint of alleged incidents and applying the "reasonable person's" standard in addressing complaints of police misconduct. The Commission makes findings-of-fact on cases brought before it and submits those findings to the City Manager. Cases heard by the Commission also receive formal review by the Police Chief's senior staff. The Police Chief's disposition of allegations, along with the Commission's findings, are presented to the City Manager for final case determination.

The Commission's findings and recommendations often provide valuable insight into the community's perception of the Police Department. This insight can assist with police personnel training and public relations. It should be noted that the Commission cannot recommend discipline or penalty.

## Investigative Process

Community complaints can be filed directly with the CPCC or with the Internal Affairs Division of the Long Beach Police Department. An average investigation takes between three and six months. Cases that require extensive investigation can take longer to investigate. Cases are forwarded to the CPCC for the final disposition after the Internal Affairs investigation. Therefore, it is common for cases to be initiated in Internal Affairs during one calendar year and received in the CPCC during the following calendar year.

The Commission staff continues to use a database that provides statistics and information used for annual analysis and year-to-year comparisons. The stored data includes Commission findings. The most current five-year period of statistics are reflected in this report.

Although the Commission officially implemented its operational system in 1991, it was not until 1992 that a consistent method of collecting and analyzing data was put into practice. In 1994, the Commission refined its policy and delegated authority to the Executive Director to initially screen new complaints. This need was based on a number of complaints that had no merit. Additionally, complaints deemed to have “judicial review,” such as traffic and parking citations, are not taken unless there are extenuating circumstances. The process expedited the preliminary review process and reduced time spent on frivolous, misleading and/or resolved complaints, which are collectively classified as No Further Action (NFA).



Classifications for NFA complaints are as follows:

- The accused is not an employee of the Long Beach Police Department
- The allegation was either disproved by independent witnesses or physical evidence
- The complaint was of police service, which is not a violation of Police Department policy
- The complaint was deemed to have “judicial review,” such as a disputed parking citation
- The facts and information are insufficient to permit resolution or warrant further investigation
- The Complainant desired to retract the allegation(s)
- The actions of the Officer regarding the allegations were legal, necessary and proper under the circumstance
- CPCC staff concurs with LBPD’s recommendation of “service”

## 2009 ALLEGATIONS AND FINDINGS

Under the authority of Sections 1150-1155 of the City Charter, special emphasis is placed on those complaints from the public involving allegations of **excessive force, false arrest, and racial and/or sexual overtones.**

The Commission has no control over the number of complaints it receives during a reporting period. Since complaints can be received by phone, mail, in-person visits, via the city's web site or submitted by Internal Affairs, the Commission staff acts on the complaints as they are received. A number of factors contribute to the increase/decrease in the number of citizen complaints, including public awareness of the Commission and its function, perception of police conduct toward the public, media focus and current community issues. The intent of this report is not to make hypothetical conclusions, but to present the statistics as they are compiled and supported by available facts. Therefore, the fluctuation for year-to-year actual total caseload is a result of many factors, none of which are supported by information calculated and tracked by the Commission.

The following represents the Commission's findings in **2009**, during which time **1117 allegations** were reviewed:

<u>Finding</u>	<u>Total</u>	<u>% of Total</u>
Exonerated	34	3.0
No Further Action	914	81.8
Not Sustained	57	5.1
Other/Training	79	7.1
Sustained	16	1.4
Unfounded	17	1.5

## COMPLAINT TRENDS

The following represents a five-year complaint trend.

<u>Reporting Year</u>	<u>Number of Completed Investigations</u>	<u>+/- to Prior Year</u>
2005	365	+35.60%
2006	341	-06.57%
2007	285	-16.42%
2008	287	+00.70%
2009	375	+30.67%

A statistical review of the complaints filed by race\* in 2009 is listed below. The percentage shown reflects the proportion of the total complaints for the listed year.

<b>Race</b>	<b>2009</b>	
Asians	14	(3.95%)
Black	162	(45.76%)
Hispanic	86	(24.29%)
Mideasterner	2	(0.56%)
Other (non Asian)	3	(0.85%)
Unknown	9	(2.54%)
White	78	(22.03%)

The Commissioners have noted that a disproportionate number of complaints were from African-Americans. While African-Americans represent only 13.2% of the Long Beach population, the total percentage of complaints by this group amounts to 45.76% percent of all the complaints received. There were no unusual situations or incidents to explain why there is a trend with regard to there being more complaints by African-Americans.

\*In some cases, there are more than one complainant.

### **Observations and Recommendations**

The major objective for the future continues to be to establish, preserve and encourage an atmosphere of positive police community relations that will strive for fair treatment in all aspects of law enforcement within Long Beach. Maintaining this standard will provide the ideal environment for improved quality of life and increased tourism.

During this reporting period, the Commission observed that the number of complaints increased compared to the previous year. The impact of perceived police misconduct on the complainants and the overall community remains an area of concern. The Commission has considered ways of strengthening the complaint process to meet the public's expectation while maintaining adherence to the laws that protect police officers.

## STATISTICAL COMPARISONS

<b>COMPLAINTS FILED 2005-2009</b>				
<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
365	341	285	287	375

<b>COMPLAINT SOURCES 2005-2009</b>				
<b>2005 CPCC</b>	<b>2006 CPCC</b>	<b>2007 CPCC</b>	<b>2008 CPCC</b>	<b>2009 CPCC</b>
48	36	41	71	52
<b>LBPB</b>	<b>LBPB</b>	<b>LBPB</b>	<b>LBPB</b>	<b>LBPB</b>
317	305	244	216	323

## STATISTICAL INFORMATION FOR 2009 ONLY

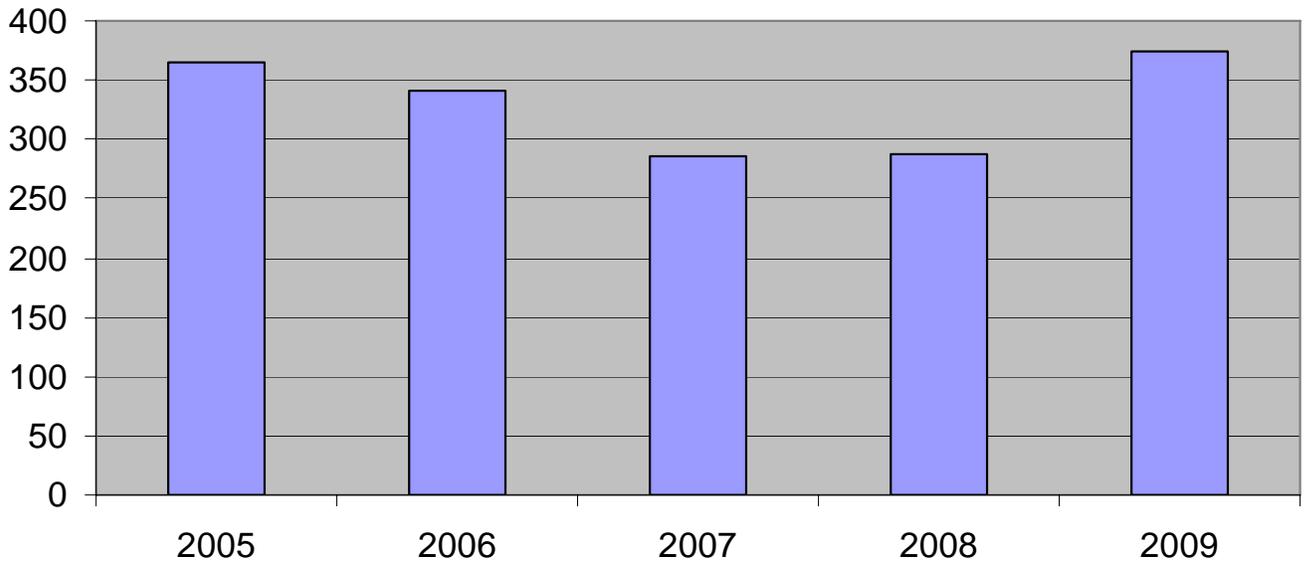
### ARREST / INJURED REPORT

<b>Arrested and Injured</b>	25.32%
<b>Arrested but NOT Injured</b>	12.40%
<b>NOT Arrested but Injured</b>	12.93%
<b>NOT Arrested and NOT Injured</b>	49.35%
<b>TOTAL</b>	<b>100.00%</b>

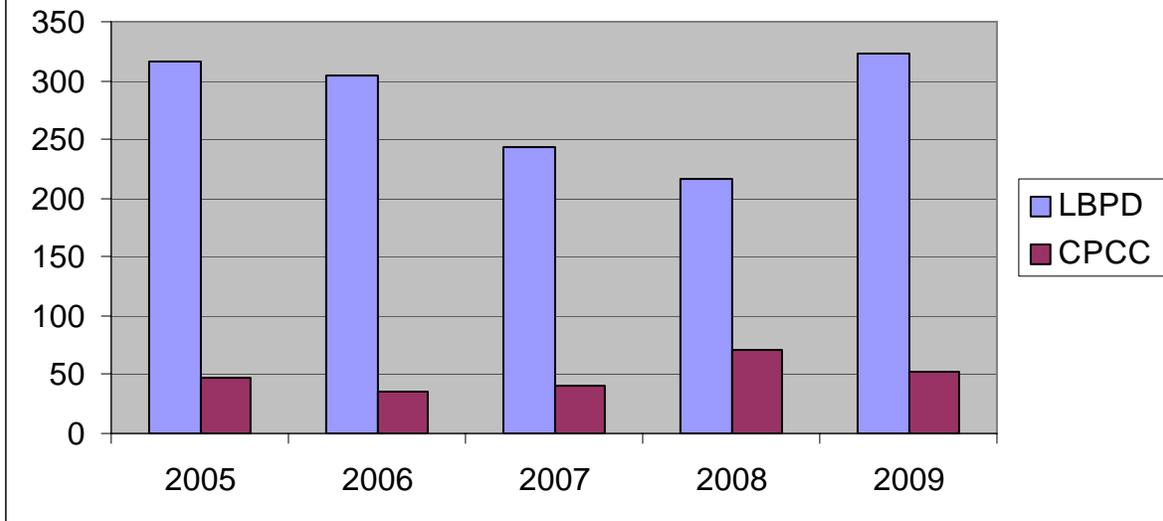
## TOTAL ALLEGATIONS INVESTIGATED IN 2009 – 1117

<u>Categories</u>	<u>*NOA</u>	<u>Percentage of Total</u>
Discourteous	90	8.1%
Discourteous Remark	1	0.1%
Dishonest	19	1.7%
Fail to Book Evidence	1	0.1%
Fail to Care for Property	50	4.5%
Fail to Investigate	27	2.4%
Fail to Take Action	28	2.5%
Fail to Take Report	25	2.2%
Gender Bias	2	0.2%
Harassment	27	2.4%
Harassment / Sexual	1	0.1%
Harrassment/Verbal	2	0.2%
Improper Arrest	35	3.1%
Improper Detention	56	5.0%
Improper Entry	10	0.9%
Improper Remark	27	2.4%
Intimidation	25	2.2%
Misappropriation of Property	28	2.5%
Misuse of Authority	18	1.6%
Pending	2	0.2%
Personal Search	19	1.7%
Profanity	90	8.1%
Racial Bias	8	0.7%
Racial Profiling	24	2.1%
Racial Remark	18	1.6%
Residence Search	14	1.3%
Sexual Misconduct	2	0.2%
Unauthorized Tactics	3	0.3%
Unbecoming Conduct	105	9.4%
Use of Force	350	31.3%
Vehicle Search	10	0.9%
<b>*NOA = Number of Allegations Filed</b>	<b>TOTALS</b>	<b>1117</b>
		<b>100.0%</b>

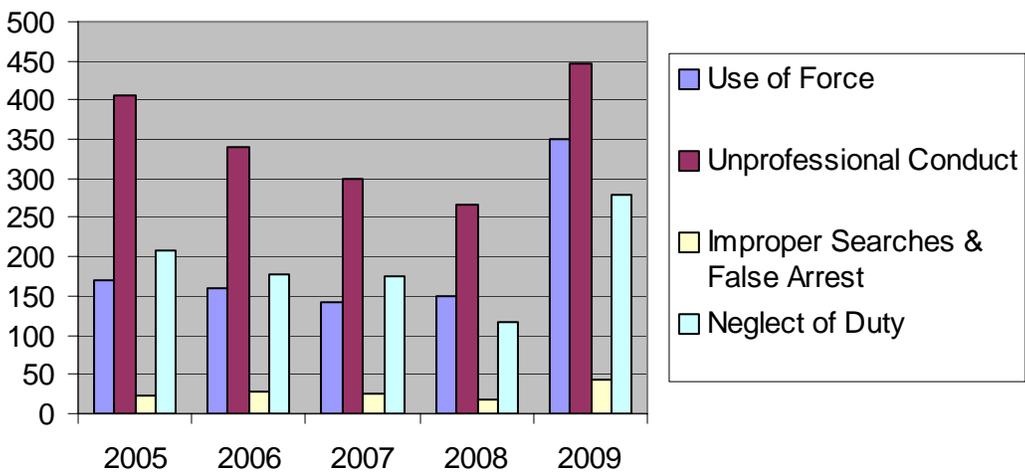
### Number of Complaints Filed 2005-2009



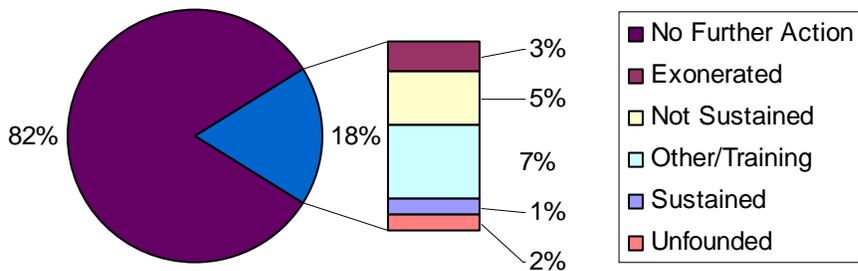
### Complaint Sources 2005-2009



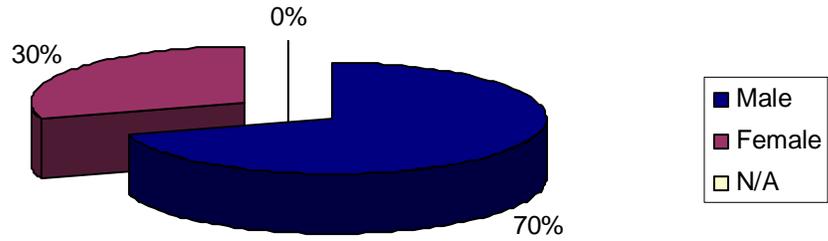
### Allegations of Misconduct



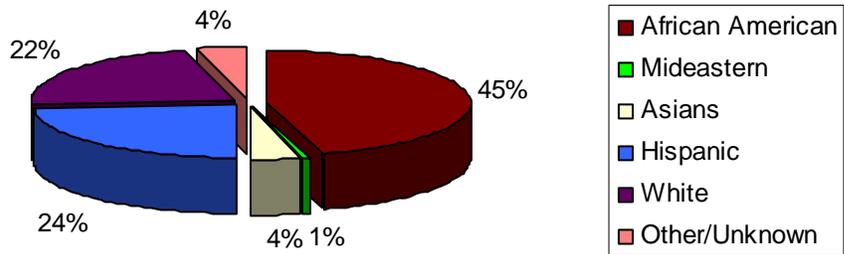
### Findings for Allegations 2009



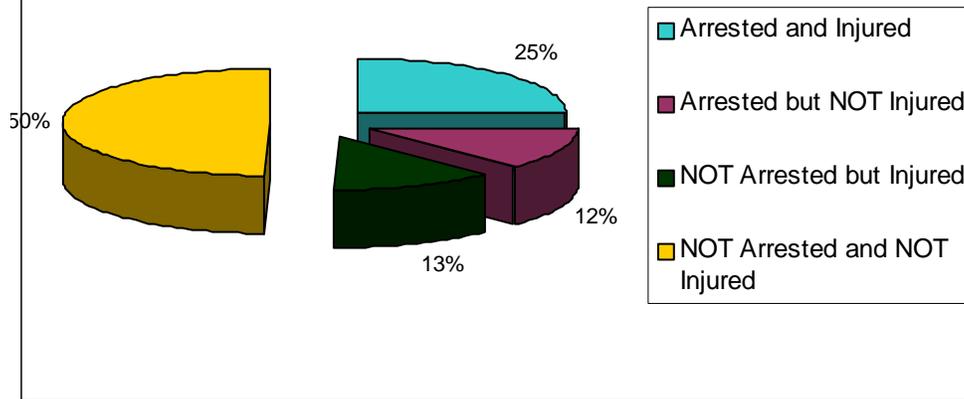
**Complainants by Gender 2009**



**Complaints by Ethnicity 2009**



Arrested/Injured Report 2009



**Citizen Police Complaint Commission**

**ATTENDANCE RECORD**

2009

<b>Commissioner (District)</b>	<b><i>Jan</i></b>	<b><i>Feb</i></b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>
Hildebrand, Robert (1)	Dark	P	EX	P	EX	EX	P	P	P	Dark	P	EX
Schoonmaker, Trina (2)	Dark	P	P	P	P	P	P	P	P	Dark	P	P
McGilton-McGlamery, Rick (3)	Dark	EX	P	P	EX	P	P	P	P	Dark	EX	P
Jones, G. Andrew (4) +	Dark	P	P	P	EX	P	EX	P	EX	Dark	P	EX
Blumenfield, Monica (5)	Dark	P	P	EX	P	P	EX	P	P	Dark	P	P
Parker, Lillian (6) +	Dark	P	EX	P	P	EX	P	EX	P	Dark	P	P
Smith Watts, Carolyn (7)	Dark	EX	P	EX	P	P	P	P	P	Dark	P	P
Thompson, Patrick (8)	Dark	P	P	P	P	P	EX	P	P	Dark	P	P
Cartagena, Daniel (9)	Dark	P	P	EX	P	P	P	P	EX	Dark	P	P
Wilma Powell (At Large)	Dark	P	P	P	EX	P	P	EX	P	Dark	EX	P
Gonzalez, Marcos (At- Large)	Dark	P	P	P	P	EX	P	P	P	Dark	P	P

CHAIR: Carolyn Smith Watts (Term: 07/08-06/09)  
 VICE CHAIR: Trina Schoonmaker (Term: 07/08-06/09)

CHAIR: Trina Schoonmaker (Term: 07/09-06/10)  
 VICE CHAIR: Patrick Thompson (Term: 07/09-06/10)

KEY: P = Present      A = Absent      Ex = Excused Absence      DARK = No Meeting      R = Resigned      \*\* = Early Departure  
 DARK NQ = No Meeting/No Quorum      + = Term Extended