

CITY OF LONG BEACH
CITIZEN POLICE COMPLAINT
COMMISSION AGENDA

THURSDAY, JANUARY 14, 2016
333 W. OCEAN BOULEVARD
COUNCIL CHAMBER, 6:30 PM

David Clement, Chair
B. Terhune (Terry) Beebe, Vice Chair
Raúl A. Añorve, Commissioner
Josephine Castellanos, Commissioner
Alvaro Castillo, Commissioner
José M. Flores, Commissioner



Crystal Howard-Johnson, Commissioner
Richard Lindemann, Commissioner
Miles Nevin, Commissioner
Jeffrey Price, Commissioner
Suely Saro, Commissioner

Anitra Dempsey, Executive Director

CALL TO ORDER

ROLL CALL

CONSENT CALENDAR

1. 16-001CP Recommendation to receive, file and close the following cases due to lack of evidence and/or witness cooperation or staff recommendation:

<u>CPCC NO.</u>	<u>ALLEGATION(S)</u>
15-017	Unbecoming Conduct/Use of Force
15-018	Failure to Care for Property/Unbecoming Conduct
15-267	General Responsibilities
15-088	Use of Force
15-028	Failure to Take Report
15-271	Unbecoming Conduct
15-185	Unbecoming Conduct
15-189	Improper Detention
15-144	Unbecoming Conduct
15-202	Unbecoming Conduct

Suggested Action: Approve recommendation.

REGULAR AGENDA

2. 16-002CP Recommendation to approve the minutes of the Citizen Police Complaint Commission Special Meeting held Thursday, December 3, 2015, and Regular Meeting held Thursday, December 10, 2015.

Suggested Action: Approve recommendation.

3. 16-003CP Recommendation to declare proposed Amendment to the Citizen Police Complaint Commission By-Laws read the first time and laid over to the next regular meeting of the Citizen Police Complaint Commission for final reading.

Suggested Action: Approve recommendation.

4. 16-004CP Recommendation to declare proposed Amendment to the Citizen Police Complaint Commission Policies and Procedures read the first time and laid over to the next regular meeting of the Citizen Police Complaint Commission for final reading.

Suggested Action: Approve recommendation.

PUBLIC COMMENT

Members of the public have a five-minute time limit to address the Commission on items of interest to the public within the Commission's jurisdiction. Each speaker will be limited to five (5) minutes unless that time is extended by the Chair.

EXECUTIVE DIRECTOR'S REPORT

REMARKS FROM THE CHAIR AND COMMISSIONERS

RECESS TO CLOSED SESSION

Recess to Closed Session in the Council Lounge, pursuant to Section 54957 of the California Government Code, for the purpose of consideration of personnel discipline matters.

RECONVENE FROM CLOSED SESSION

PUBLIC COMMENT

Opportunity is given to those members of the public who have not addressed the Commission on non-agenda items. Each speaker is limited to five (5) minutes unless extended by the Chair.

5. 16-005CP Recommendation to receive Commission's vote and refer findings to the City Manager.

Suggested Action: Approve recommendation.

ADJOURNMENT

I, Carolyn Hill, City Clerk Specialist, certify that the agenda was posted not less than 72 hours prior to the meeting. Carolyn Hill Date: 1/7/16

ch

If oral language interpretation for non-English speaking persons is desired or if a special accommodation is desired pursuant to the Americans with Disabilities Act, please make your request by phone to the Office of the City Clerk at (562) 570-6101, 72 business hours prior to the Charter Commission meeting.

Kung nais ang interpretasyon ng sinasalitang wika para sa mga taong hindi nagsasalita ng Ingles o kung nais ang isang natatanging tulong ayon sa Americans with Disabilities Act, mangyaring isagawa ang iyong hiling sa pamamagitan ng telepono sa Opisina ng Clerk ng Lungsod sa (562) 570-6101, 72 oras ng negosyo bago ang pagpupulong ng Charter Commission.

Si desea interpretación oral en otro idioma para personas que no hablan inglés o si desea una adaptación especial en conformidad con la Ley de Estadounidenses con Discapacidades, haga su solicitud por teléfono a la Oficina de la Secretaría Municipal al (562) 570-6101, 72 horas hábiles antes de la reunión de la comisión de estatutos.

បើមានការចង់បានឲ្យមានការបកប្រែភាសាជ្វាល់មាត់ឲ្យអ្នកមិនចេះនិយាយអង់គ្លេស ឬបើមានការចង់បានឲ្យមានដំណោះស្រាយពិសេសដោយយោងតាមមាត្រាច្បាប់ស្តីពី ជនពិការអាមេរិកាំង សូមមេត្តាធ្វើសំណើអ្នកតាមទូរស័ព្ទដោយហៅទៅការិយាល័យសៀន ក្រុងតាមរយៈលេខ (562) 570-6101 (72 ម៉ោងធ្វើការមុននឹងចាប់ផ្តើមបើកកិច្ចប្រជុំ គណកម្មការធម្មនុញ្ញ)។

If written language translation of the Commission agenda and minutes for non-English speaking persons is desired, please make your request by phone to the Office of the City Clerk at (562) 570-6101, 72 business hours prior to the Commission meeting.

Kung nais ang pagsasalin ng nakasulat na wika ng agenda ng Komisyon at ang minutes para sa mga taong hindi nagsasalita ng Ingles, mangyaring isagawa ang iyong hiling sa pamamagitan ng telepono sa Opisina ng Clerk ng Lungsod sa (562) 570-6101, 72 oras ng negosyo bago ang pagpupulong ng Commission.

Si desea obtener la traducción escrita en otro idioma de la agenda y actas de la comisión para personas que no hablan inglés, haga su solicitud por teléfono a la Oficina de la Secretaría Municipal al (562) 570-6101, 72 horas hábiles antes de la reunión de la

បើមានការចង់បានឲ្យមានការបកប្រែឯកសារស្តីពីរបៀបវារៈ និងកំណត់យុត្តុធម៌
អ្នកដែលមិនចេះនិយាយអង់គ្លេស សូមមេត្តាធ្វើសំណើអ្នកតាមទូរស័ព្ទដោយហៅ
ការិយាល័យសៀវភៅក្រុងតាមរយៈលេខ (562) 570-6101 (72 ម៉ោងធ្វើការមុននឹង
ចាប់ផ្តើមបើកកិច្ចប្រជុំគណៈកម្មការធម្មនុញ្ញ)។

**CITY OF LONG BEACH
CITIZEN POLICE COMPLAINT
COMMISSION MINUTES**

**THURSDAY, DECEMBER 3, 2015
EMERGENCY COMMUNICATIONS AND
OPERATIONS CENTER
2990 REDONDO AVENUE, 6:30 PM**

David Clement, Chair
B. Terhune (Terry) Beebe, Vice Chair
Raúl A. Añorve, Commissioner
Josephine Castellanos, Commissioner
Alvaro Castillo, Commissioner
José M. Flores, Commissioner



Crystal Howard-Johnson, Commissioner
Richard Lindemann, Commissioner
Miles Nevin, Commissioner
Jeffrey Price, Commissioner
Suely Saro, Commissioner

Anitra Dempsey, Executive Director

FINISHED AGENDA & DRAFT MINUTES

SPECIAL MEETING

CALL TO ORDER (6:32 PM)

At 6:32 PM, Chair Clement called the meeting to order.

ROLL CALL (6:33 PM)

Commissioners Raúl Añorve, Josephine Castellanos, Alvaro Castillo, José M.

Present: Flores, Crystal Howard-Johnson, Jeff Price, Suely Saro and David Clement

Commissioners Richard Lindemann, Miles Nevin and Beekman "Terry" Beebe

Absent:

Also present: Anitra Dempsey, Executive Director, Citizen Police Complaint Commission; Celenia Perez, Special Investigator; Natasha Myers, Special Investigator; Robert Luna, Chief of Police; Commander Richard Conant, Long Beach Police Department; Carolyn Hill, City Clerk Specialist.

Chair Clement provided opening remarks.

CONSENT CALENDAR (6:34 PM)

Passed the Consent Calendar

A motion was made by Commissioner Castillo, seconded by Commissioner Price, to approve Consent Calendar. The motion carried by the following vote:

Yes: 7 - Josephine Castellanos, Alvaro Castillo, José M. Flores, Crystal Howard-Johnson, Jeff Price, Suely Saro and David Clement

Abstain: 1 - Raúl Añorve

Absent: 3 - Richard Lindemann, Miles Nevin and Beekman "Terry" Beebe

1. 15-046CP Recommendation to receive, file and close the following cases due to lack of evidence and/or witness cooperation or staff recommendation:

<u>CPCC NO.</u>	<u>ALLEGATION(S)</u>
15-247	Unbecoming Conduct
14-026	Unbecoming Conduct
15-180	Unbecoming Conduct
15-128	Unbecoming Conduct
15-129	Unbecoming Conduct
15-099	Racial Bias

A motion was made to approve recommendation on the Consent Calendar.

REGULAR AGENDA (6:35 PM)

2. 15-047CP Recommendation to approve the minutes of the Citizen Police Complaint Commission Regular Meeting held Thursday, November 12, 2015.

A motion was made by Commissioner Añorve, seconded by Commissioner Price, to approve recommendation. The motion carried by the following vote:

Yes: 7 - Raúl Añorve, Josephine Castellanos, Alvaro Castillo, José M. Flores, Crystal Howard-Johnson, Jeff Price and Suely Saro

Abstain: 1 - David Clement

Absent: 3 - Richard Lindemann, Miles Nevin and Beekman "Terry" Beebe

EXECUTIVE DIRECTOR'S REPORT (6:36 PM)

Anitra Dempsey, Executive Director, introduced Chief of Police Robert Luna, who thanked the Commissioners for their service; provided an update on the recent event in San Bernardino; provided background of the Police Department's policies and procedures and distributed information; and provided an overview on body worn cameras.

Commissioner Saro spoke.

Robert Luna, Chief of Police, spoke.

Commissioner Flores spoke.

Robert Luna, Chief of Police, spoke.

Commissioner Castillo spoke.

Robert Luna, Chief of Police, spoke.

Commissioner Howard-Johnson spoke.

Commissioner Saro spoke.

Robert Luna, Chief of Police, spoke.

Commissioner Howard-Johnson spoke.

Robert Luna, Chief of Police, spoke.

Chair Clement spoke.

Robert Luna, Chief of Police, spoke.

Richard Conant, Commander, Long Beach Police Department, spoke.

Robert Luna, Chief of Police, spoke.

Commissioner Castillo spoke.

Robert Luna, Chief of Police, spoke.

Anitra Dempsey, Executive Director, spoke.

Robert Luna, Chief of Police, spoke.

Anitra Dempsey, Executive Director, welcomed and introduced Wally Hebeish, Commander, Long Beach Police Department.

RECESS TO TOUR AND CLOSED SESSION (7:32 PM)

At 7:31 PM, there being no objection, Chair Clement recessed the meeting to the Tour and Closed Session.

RECONVENE FROM CLOSED SESSION (10:37 PM)

At 10:37 PM, Chair Clement reconvened the meeting.

3. 15-048CP Recommendation to receive Commission's vote and refer findings to the City Manager.

Chair Clement spoke; and reported out from Closed Session the following actions taken: [1] Case No. 15-170 Commissioners voted 4-3 on Allegation Nos. 1 and 2; [2] Case No. 15-010 Commissioners voted 8-0 on Allegation Nos. 1 - 3; [3] Case No. 15-025 Commissioners voted 8-0 on Allegation Nos. 1 - 5; [4] Case No. 15-179 Commissioners voted 8-0 on Allegation Nos. 1- 4; and [5] Case No. 15-050 Commissioners voted 8-0 on Allegation Nos. 1 - 2.

A motion was made by Commissioner Price, seconded by Commissioner Castillo, to approve recommendation. The motion carried by the following vote:

Yes: 8 - Raúl Añorve, Josephine Castellanos, Alvaro Castillo, José M. Flores, Crystal Howard-Johnson, Jeff Price, Suely Saro and David Clement

Absent: 3 - Richard Lindemann, Miles Nevin and Beekman "Terry" Beebe

REMARKS FROM THE CHAIR AND COMMISSIONERS (10:40 PM)

Commissioner Castellanos spoke.

Commissioner Flores spoke.

ADJOURNMENT (10:43 PM)

At 10:43 PM, there being no objection, Chair Clement declared the meeting adjourned.

ch

NOTE:

If written language translation of the Commission agenda and minutes for non-English speaking persons is desired, please make your request by phone to the Office of the City Clerk at (562) 570-6101, 72 business hours prior to the Commission meeting.

Kung nais ang pagsasalin ng nakasulat na wika ng agenda ng Komisyon at ang minutes para sa mga taong hindi nagsasalita ng Ingles, mangyaring isagawa ang iyong hiling sa pamamagitan ng telepono sa Opisina ng Clerk ng Lungsod sa (562) 570-6101, 72 oras ng negosyo bago ang pagpupulong ng Commission.

Si desea obtener la traducción escrita en otro idioma de la agenda y actas de la comisión para personas que no hablan inglés, haga su solicitud por teléfono a la Oficina de la Secretaría Municipal al (562) 570-6101, 72 horas hábiles antes de la reunión de la comisión.

បើមានការចង់បានឲ្យមានការបកប្រែឯកសារសិទ្ធិបៀវារៈ និងកំណត់ហេតុឲ្យអ្នកដែលមិនចេះនិយាយអង់គ្លេស សូមមេត្តាធ្វើសំណើអ្នកតាមទូរស័ព្ទដោយហៅការិយាល័យស្មើនក្រុងតាមរយៈលេខ (562) 570-6101 (72 ម៉ោងធ្វើការមុននឹងចាប់ផ្តើមបើកកិច្ចប្រជុំគណកម្មការធម្មនុញ្ញ)។

**CITY OF LONG BEACH
CITIZEN POLICE COMPLAINT
COMMISSION MINUTES**

**THURSDAY, DECEMBER 10, 2015
333 W. OCEAN BOULEVARD
COUNCIL CHAMBER, 6:30 PM**

David Clement, Chair
B. Terhune (Terry) Beebe, Vice Chair
Raúl A. Añorve, Commissioner
Josephine Castellanos, Commissioner
Alvaro Castillo, Commissioner
José M. Flores, Commissioner



Crystal Howard-Johnson, Commissioner
Richard Lindemann, Commissioner
Miles Nevin, Commissioner
Jeffrey Price, Commissioner
Suely Saro, Commissioner

Anitra Dempsey, Executive Director

FINISHED AGENDA & DRAFT MINUTES

CALL TO ORDER (6:32 PM)

At 6:32 PM, Vice Chair Beebe called the meeting to order.

ROLL CALL (6:33 PM)

Commissioners Raúl Añorve, Josephine Castellanos, Crystal Howard-Johnson,
Present: Miles Nevin, Jeff Price, Suely Saro and Beekman "Terry" Beebe

Commissioners Alvaro Castillo, José M. Flores, Richard Lindemann and David
Absent: Clement

Also present: Anitra Dempsey, Executive Director, Citizen Police Complaint Commission;
Celenia Perez, Special Investigator; Natasha Myers, Special Investigator; Monica Kilaita,
Deputy City Attorney; Commander Richard Conant, Long Beach Police Department; Wally
Hebeish, Commander; Paul LeBaron, Commander; Carolyn Hill, City Clerk Specialist.

CONSENT CALENDAR (6:33 PM)

Passed the Consent Calendar

**A motion was made by Commissioner Price, seconded by
Commissioner Castellanos, to approve Consent Calendar Item.
The motion carried by the following vote:**

Yes: 6 - Josephine Castellanos, Crystal Howard-Johnson, Miles Nevin, Jeff Price, Suely Saro and Beekman "Terry" Beebe

Abstain: 1 - Raúl Añorve

Absent: 4 - Alvaro Castillo, José M. Flores, Richard Lindemann and David Clement

1. 15-050CP Recommendation to receive, file and close the following cases due to lack of evidence and/or witness cooperation or staff recommendation:

<u>CPC NO.</u>	<u>ALLEGATION(S)</u>
15-037	Failure to Take Action
15-085	Failure to Investigate
14-160	Use of Force
14-161	Unbecoming Conduct/Use of Force
14-166	Use of Force/Unbecoming Conduct/Bias Based Policing
15-040	Use of Force/Unbecoming Conduct
14-172	Unbecoming Conduct
15-038	Failure to Take Report
15-136	Unbecoming Conduct
15-182	Failure to Investigate
15-059	Use of Force
14-071	Unbecoming Conduct
14-090	Unbecoming Conduct
15-264	Unbecoming Conduct
15-130	Use of Force/Unbecoming Conduct
14-110	Unbecoming Conduct

A motion was made to approve recommendation on the Consent Calendar.

REGULAR AGENDA (6:35 PM)

2. 15-054CP Recommendation to adopt the proposed Citizen Police Complaint Commission Meeting Schedule for 2016.

A motion was made by Commissioner Nevin, seconded by Commissioner Añorve, to approve recommendation. The motion carried by the following vote:

Yes: 7 - Raúl Añorve, Josephine Castellanos, Crystal Howard-Johnson, Miles Nevin, Jeff Price, Suely Saro and Beekman "Terry" Beebe

Absent: 4 - Alvaro Castillo, José M. Flores, Richard Lindemann and David Clement

PUBLIC COMMENT (6:36 PM)

Sylvia Faye Christian spoke regarding her case.

Chair Clement joined the meeting.

Patrick Crosby spoke regarding his case.

Chair Clement spoke.

SECOND ROLL CALL (6:42 PM)

Commissioners Raúl Añorve, Josephine Castellanos, Crystal Howard-Johnson,
Present: Miles Nevin, Jeff Price, Suely Saro, Beekman "Terry" Beebe and David Clement

Commissioners Alvaro Castillo, José M. Flores and Richard Lindemann
Absent:

EXECUTIVE DIRECTOR'S REPORT (6:51 PM)

Anitra Dempsey, Executive Director, thanked the speakers; introduced Monica Kilaita, Deputy City Attorney.

Monica Kilaita, Deputy City Attorney, spoke.

Anitra Dempsey, Executive Director, introduced Wally Hebeish, Commander, Long Beach Police Department.

Wally Hebeish, Commander, Long Beach Police Department, spoke.

Anitra Dempsey, Executive Director, introduced Paul LeBaron, Commander, Long Beach Police Department, who spoke regarding body cameras.

Commissioner Castellanos spoke.

Chair Clement spoke.

Commissioner Añorve spoke.

REMARKS FROM THE CHAIR AND COMMISSIONERS (7:11 PM)

Chair Clement spoke.

Commissioner Añorve spoke.

Chair Clement spoke.

RECESS TO CLOSED SESSION (7:13 PM)

At 7:13 PM, there being no objection, Chair Clement recessed the meeting to Closed Session.

RECONVENE FROM CLOSED SESSION (8:53 PM)

At 8:53 PM, Chair Clement reconvened the meeting.

3. 15-052CP Recommendation to receive Commission's vote and refer findings to the City Manager.

Chair Clement spoke; and reported out from Closed Session the following actions taken: [1] Case No. 15-076 Commissioners voted 7-1 on Allegation No. 1; [2] Case No. 15-024 Commissioners voted 8-0 on Allegation Nos. 1 - 3; [3] Case No. 14-146 Commissioners voted 8-0 on Allegation Nos. 1 - 7; [4] Case No. 15-134 Commissioners voted 8-0 on Allegation Nos. 1 and 2; [5] Case No. 15-133 Commissioners voted 8-0 on Allegation No. 1; [6] Case No. 15-023 Commissioners voted 6-1-1 on Allegation No. 1; and 7-1 on Allegation No. 2; [7] Case No. 15-135 Commissioners voted 8-0 on Allegation No. 1; and [8] Case No. 14-032 Commissioners voted 8-0 on Allegation No. 1.

A motion was made by Commissioner Price, seconded by Commissioner Saro, to approve recommendation. The motion carried by the following vote:

Yes: 8 - Raúl Añorve, Josephine Castellanos, Crystal Howard-Johnson, Miles Nevin, Jeff Price, Suely Saro, Beekman "Terry" Beebe and David Clement

Absent: 3 - Alvaro Castillo, José M. Flores and Richard Lindemann

REMARKS FROM THE CHAIR AND COMMISSIONERS (7:17 PM)

Commissioner Price spoke.

Chair Clement spoke.

Richard Conant, Commander, Long Beach Police Department, spoke.

Chair Clement spoke.

ADJOURNMENT (8:59 PM)

At 8:59 PM, there being no objection, Chair Clement declared the meeting adjourned.

ch

NOTE:

If written language translation of the Commission agenda and minutes for non-English speaking persons is desired, please make your request by phone to the Office of the City Clerk at (562) 570-6101, 72 business hours prior to the Commission meeting.

Kung nais ang pagsasalin ng nakasulat na wika ng agenda ng Komisyon at ang minutes para sa mga taong hindi nagsasalita ng Ingles, mangyaring isagawa ang iyong hiling sa pamamagitan ng telepono sa Opisina ng Clerk ng Lungsod sa (562) 570-6101, 72 oras ng negosyo bago ang pagpupulong ng Commission.

Si desea obtener la traducción escrita en otro idioma de la agenda y actas de la comisión para personas que no hablan inglés, haga su solicitud por teléfono a la Oficina de la Secretaría Municipal al (562) 570-6101, 72 horas hábiles antes de la reunión de la comisión.

បើមានការចង់បានឲ្យមានការបកប្រែឯកសារស្តីពីរបៀបរាវ: នឹងកំណត់ហេតុឲ្យអ្នកដែលមិនចេះនិយាយអង់គ្លេស សូមមេត្តាធ្វើសំណើអ្នកតាមទូរស័ព្ទដោយហៅការិយាល័យស្មើនក្រុងតាមរយៈលេខ (562) 570-6101 (72 ម៉ោងធ្វើការមុននឹងចាប់ផ្តើមបើកកិច្ចប្រជុំគណកម្មការធម្មនុញ្ញ)។

CPCC By-Laws

Proposed
AMENDMENTS TO

By-Laws

Adopted []

ARTICLE I

DEFINITION

Section 1. As used in these by-laws, unless a different meaning clearly appears from the context:

- A. “Commission” and “CPCC” shall mean the City of Long Beach Citizen Police Complaint Commission.
- B. “Commissioners” shall mean the members of the Commission.
- C. “Executive Director” shall mean the city employee appointed by the City Manager to (1) oversee the Commission’s business; (2) direct the Commission’s staff and support team; (3) receive allegations of police employee misconduct, and (4) exercise any other delegated authorities.
- D. “Independent Investigator” shall mean the person(s) appointed by the City Manager to receive, or investigate, at the direction of the Commission, allegations of police misconduct.
- E. “City” shall mean the City of Long Beach.

ARTICLE II

AUTHORITY, POWES, DUTIES

Section 1. The Commission shall have all of the authority, powers, and duties conveyed by Section 1153 of the City Charter.

Section 2. These by-laws do not, and are not intended, to exceed the powers given to the Commission by the City Charter and/or ordinances.

ARTICLE III

COMMISSIONERS

Section 1. Eleven (11) Commissioners shall be selected as follows:

- A. Each of the nine City Councilpersons shall nominate to the City Mayor one (1) resident from his or her district to serve in the district Commissioner positions;
- B. The City Mayor shall appoint one nominee from each Council district to serve in district Commissioner positions and two City residents to serve in at-large Commissioner positions;
- C. All appointees shall be confirmed by a majority vote of the City Council;
- D. The Commission shall be broadly representative of the population of the City in terms of race, ethnicity, age, gender, sexual orientation, religion, labor or business affiliation, and physical disability.

Section 2. Commission vacancies shall be filled in the same manner as original appointments, to fill unexpired terms.

Section 3. Each Commissioner must reside in the City at the time of nomination and throughout his or her service on the Commission. Each Commissioner (other than at-large Commissioners) must maintain residence within the City Council district from which he or she was appointed during his or her service on the Commission.

Section 4. Commissioners who fail to maintain the residence requirements must resign from the Commission or be removed in accordance with Municipal Code §2.18.050.

ARTICLE IV

TERMS OF OFFICE

Section 1. The term of office shall be two (2) years.

Section 2. No Commissioner shall serve more than two (2) full terms.

Section 3. Serving a portion of an unexpired term shall not be counted as service of one term.

Section 4. Terms of office shall commence on the second Thursday of July. Terms of office for Commissioners representing Council Districts #1, #2, #6, and #9, and one at-large Commissioner, shall commence in even-numbered years. Terms of office for Commissioners representing Council Districts #3, #4, #5, #7, and #8, and one at-large Commissioner, shall commence in odd-numbered years. A replacement schedule shall be maintained by the City Clerk and the Executive Director to show when each Commissioner's term expires.

ARTICLE V

REMOVAL FROM OFFICE

Section 1. Pursuant to City Charter Article V, Section 510, "[t]he Mayor may remove any member of a Charter-mandated commission at any time, with the concurrence of two-thirds (2/3) of the members of the City Council."

- Section 2. Commissioners may be removed from the Commission by a majority vote of the City Council for the following causes:
- A. Absence from three consecutive meetings, including Commission meetings, training meetings, and assigned hearings, without official permission expressed in the minutes;
 - B. Incompetence, malfeasance, misfeasance, neglect of duty, or conviction of a crime involving moral turpitude;
 - C. Refusal to resign from the Commission when no longer a resident of the City or, except in the case of at-large commissioners, the district from which appointed; or
 - D. Failure to comply with the confidentiality requirements described in Article X below.
- Section 3. Commissioners may be declared malfeasant and recommended for dismissal by a majority vote of the Commission for the following reasons:
- A. Failure to receive training required for preparation to perform the duties of a Commissioner; or
 - B. Failure to assume and fulfill assigned responsibilities, particularly those related to investigations and hearings before the Commission.

ARTICLE VI

COMPENSATION

- Section 1. Commissioners shall receive no compensation for the performance of their official duties on the Commission unless compensation is expressly provided by the City Council.

ARTICLE VII

OFFICERS

- Section 1. The Commission shall have at least two officers, Chair and Vice Chair, and such other officers it deems necessary.
- Section 2. The Chair shall preside over all meetings of the Commission and shall have the same rights as other commissioners, including the right to vote on all matters. The Chair shall sign all documents on behalf of the Commission after such documents have been approved by the Commission and shall perform such other duties and delegated responsibilities as may be imposed upon the Chair by the Commission.
- Section 3. In the absence of the Chair, the Vice Chair shall assume all the duties and power of the Chair. In the absence of the Chair, all actions taken by the Vice Chair shall have the same force and effect as if taken by the Chair.
- Section 4. The election of officers shall be conducted annually at the first meeting in July in accordance with the most recent edition of Roberts Rules of Order.

- Section 5. All officers shall be elected by the Commission for a term of one year. No Commissioner may serve two successive years in the same office.
- Section 6. In the event of the resignation or removal of the Chair during the year, the Vice Chair shall become the Chair, and a new election shall be held for Vice Chair. In the event of the resignation or removal of any other officer, a new election shall be held to fill the vacant office.
- Section 7. If the Chair and Vice Chair are both absent at any meeting of the Commission, the Commission shall elect a Chair Pro Tem who shall perform all duties of the Chair. All actions taken by the Chair Pro Tem shall have the same force and effect as if taken by the Chair.

ARTICLE VIII

MEETINGS

- Section 1. The most recent edition of Roberts Rules of Order shall apply to the conduct of the Commission's meetings to the extent that they do not conflict with the Commission's by-laws, in which case the by-laws shall apply.
- Section 2. Regular meetings of the Commission shall be held on the second Thursday of each month at 6:30 p.m. in the City Council Chamber, 333 West Ocean Boulevard, unless otherwise agreed upon in advance by the Commission.
- Section 3. Special meetings of the Commission may be convened at the call of the Chair, or of the Vice Chair in the absence of the Chair. Upon petition of six Commissioners, the Chair shall be required to call a meeting of the Commission within one week. Commissioners will be given at least 24 hours notice before any special meeting. The notice and agenda for any special meeting will be distributed in accordance with Section 54956 of the California Government Code.
- Section 4. All meetings of the Commission shall be open to the public and, whenever possible, shall be held in a City-owned facility. Notice shall be given to the public prior to convening of any meeting in accordance with the Brown Act, Section 54950 et seq. of the California Government Code.
- Section 5. A majority of all Commissioners shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the commissioners present at any meeting.
- Section 6. A quorum being present, the order of business at the meetings of the Commission may include the following:
- A. Roll Call
 - B. Minutes of Previous Meeting
 - C. Staff Reports
 - D. Chair's Report
 - E. Committee Reports
 - F. Unfinished Business
 - G. New Business

- H. Public Participation
 - I. Next Meeting
 - J. Recess to personnel or executive session, if required
 - K. Adjournment
- Section 7. A Commission meeting may be cancelled by the Chair due to a lack of a quorum, lack of sufficient agenda voting items, or for any reasonable cause as determined by the Chair.
- Section 8. Minutes of each Commission meeting shall be kept and filed with the City Clerk, and copies shall be sent to the Mayor and City Manager.
- Section 9. The Commission may promulgate such rules, regulations, policies, and procedures for its conduct as it deems necessary.
- Section 10. All adopted rules, regulations, policies, and procedures shall be filed within five (5) business days with the City Clerk and shall bear the signature of the Chair and the date they were adopted.
- Section 11. The annual meeting shall be the July meeting.
- Section 12. Special Commissioner training meetings shall be conducted at sites to be determined. No business other than training shall be conducted at such meetings. Appropriate notices shall be posted in accordance with the Brown Act.
- Section 13. Commissioners shall attend at least one training day every year and one Long Beach Police Department ride-along in their first 60 days of City Council approval as a Commissioner.
- Section 14. New Commissioners shall attend an orientation meeting prior to their participation in their first Commission meeting.

ARTICLE IX

INVESTIGATIONS AND HEARINGS

- Section 1. Investigations and hearings shall be conducted in accordance with the Policies and Procedures for processing complaints against police officers adopted by the Commission.
- Section 2. The hearing process shall be open to the public to the extent legally possible and insofar as it does not conflict with state or federal law, as required by Section 1153 of the City Charter.
- Section 3. Investigations and hearings shall be conducted solely to determine facts and to make recommendations to the City Manager.
- Section 4. Hearings shall be scheduled as needed.

ARTICLE X

CONFIDENTIALITY

Section 1. All personnel records, investigative reports, documents generated within the Long Beach Police Department, information relating to deliberations of the Commission, and other matters shall be kept confidential to the extent required by law.

ARTICLE XI

COMMITTEES

Section 1. The Chair may appoint special committees as needed. Each shall consist of an appointed Chairperson and at least two other Commissioners.

Section 2. Committee appointments should be made to ensure a diversity of viewpoints to the greatest extent possible, in accordance with Section 1151 of the City Charter.

Section 3. The Commission Chair shall be an ex-officio member of all committees.

ARTICLE XII

REPORT TO CITY

Section 1. The Commission shall present an annual written report of its activities for the period of the previous July through June to the Mayor and City Council. The Commission may also make appropriate recommendations. The report shall include, but is not limited to, the following:

- A. The name of the Commission;
- B. The Commission's goals, objectives, and functions;
- C. Reference, by category, to all reports and recommendations presented to the City Manager;
- D. The number of meetings held;
- E. The number of hearings conducted;
- F. Attendance records of all commissioners;
- G. The amount of money expended in support of the Commission, if known; and
- H. A list of City personnel who regularly assist the Commission.

Section 2. The report should be submitted by December 31 of each year.

ARTICLE XIII

AMENDMENT OF BY-LAWS

Section 1. These By-Laws may be amended at any regular meeting of the Commission by majority vote of the commissioners present, provided that notice of such amendment shall have been given at the previous regular meeting and in accordance with any and all applicable laws.

[A chronology of all amendments to these by-laws will be attached hereafter. These by-laws are not official unless signed and dated by the Commissioner serving as Chair at the time of adoption.]

**City of Long Beach
Citizen Police Complaint Commission
Policies and Procedures**

AUTHORITY: Article VII §§ 8 and 9; City of Long Beach Citizen Police Complaint Commission By-Laws

I. Purpose:

To establish guidelines for the receipt and processing of allegations of police employee misconduct as set forth in the City Charter, Sections 1150 and 1155.

II. Scope:

These guidelines are applicable in addressing allegations of misconduct by employees of the Long Beach Police Department filed on or after April 11, 1990.

III. Amendment:

These Policies and Procedures may be amended at any regular meeting of the Commission by a majority vote of the Commissioners present, provided that notice of such amendment shall have been given at the previous regular meeting and comply with any and all applicable laws.

IV. Definitions:

In addition to the terms already defined in the Commission's By-Laws, the following terms shall have the stated meaning:

- A. Complaint:** Allegation(s) of misconduct against an employee of the Long Beach Police Department.
- B. Complainant:** The person filing the complaint.
- C. Complaints with Racial Overtones:** Any allegation that is based upon real or perceived adverse actions taken against any racial, ethnic or minorities group.
- D. Complaints with Sexual Overtones:** Any allegation that is based upon real or perceived adverse actions taken against a person(s) based upon his/her gender and/or sexual orientation.
- E. Employee of the Long Beach Police Department:** Any employee in the Long Beach Police Department who is a sworn peace officer or an employee who

provides customer service, including the arrest, detention, search, transportation or incarceration of any person.

- F. Excessive Force:** Unreasonable or unnecessary force used by an employee of the Long Beach Police Department against a person or persons without legal or moral justification.
 - G. False Arrest:** An arrest that is not made in compliance with California Penal Code § 836.
 - H. Force:** Any action to control a person or to overcome resistance through the use of physical strength, weaponless defense techniques, pain compliance techniques, defensive weapons, or a combination thereof.
 - I. Misconduct:** An allegation against an employee of the Long Beach Police Department, which if true, may constitute a violation of law, rule, regulation or policy.
 - J. Probable Cause:** A condition where facts and circumstances known to the officer warrant a reasonable person to believe that a particular person has committed a crime.
 - K. Respondent:** An employee of the Long Beach Police Department against whom a complaint is filed.
 - L. Witness:** Any person who has information relevant to the complaint.
- V. Receiving and Processing Complaints:**
- A. Where to File:** Allegations of police employee misconduct can be filed with the CPCC Office, or with any appropriate agency.
 - B. How to File:** All allegations of police employee misconduct may be made telephonically, in writing, or in person. Complaints may be made anonymously or by a person not directly involved in the incident.
 - C. Time Element:** Complaints filed directly with the CPCC must be filed within one year of the date of the alleged police employee misconduct.
 - D. Complaint Investigation:** All complaints shall be conducted in a fair, ethical, and objective manner. The investigator is a finder of fact. Personal opinions shall not be contained in the investigator's report.

1. The Independent Investigator should strive to complete any investigation within 90 days of assignment.
2. Interviews
 - a. The Independent Investigator may interview any person the investigator determines may have information related to the allegation(s) of misconduct, including but not limited to Complainant, Respondent, and Witness(es).
 - b. Any statements obtained by the investigator should be summarized by the investigator, and whenever possible, agreed to by the person being interviewed.
 - c. The investigator shall collect all relevant information including all documentation available relative to the allegation(s).
3. The investigator shall compile all information and evidence into a written report.

E. Commission Review, Findings & Recommendations:

1. The CPCC shall review the complaint with the stated allegations of misconduct and the investigative data.
2. The CPCC shall conduct its review in closed session in accordance with applicable laws and regulations.
3. For each allegation of misconduct, the CPCC shall render one of the following findings by majority vote:
 - a. Receive & File
 - b. Unfounded
 - c. Exonerated
 - d. Not Sustained
 - e. Sustained
 - f. Other/Training
 - g. Re-Investigate
4. The CPCC shall forward its findings to the City Manager for final disposition.
5. The Independent Investigator shall be present to respond to investigatory questions from members of the Commission.
6. The Long Beach Police Department Internal Affairs Commander, or his or her designee not below the rank of Lieutenant, may be present to respond to police department policy questions from the Commission.

F. No Further Action

The CPCC Executive Director can close cases No Further Action due to lack of witness cooperation or insufficient information. These cases shall appear on the meeting agenda's consent calendar.

G. Post-Commission Process

1. The City Manager shall notify the complainant of the final disposition of any allegations of misconduct.

H. Hearings

1. The Commission, by majority vote of those present, may hold a public hearing on any matter within its jurisdiction.
2. This hearing will be conducted by the Commission.
3. The Commission may request or subpoena the complaining parties, witnesses, and involved Police Department employees to appear before it to answer questions or provide information.
4. The hearing shall be open to the extent permissible by law.
5. The Commission shall follow an informal hearing procedure in conducting its investigation of individual complaints.
6. Citizen or Police Department employee witnesses shall be questioned by the Commission or staff only.
7. There shall be no cross-examination by Police Department employees, citizen witnesses, the Complainant, or their respective counsel.
8. All records relating to the investigation pertinent to the complaint shall be made available to the Commission to the extent permissible by applicable federal, state and local law and applicable contractual agreements.
9. Subpoenas shall be authorized by a majority vote of the full Commission present and shall be issued by the Executive Director and served by the Independent Investigator or their designee.
10. The CPCC shall make no findings during the hearing. At the conclusion of the hearing, the Clerk shall make a record available to the CPCC for consideration in closed session.

VI. Complaint File

The Commission shall maintain a confidential central register of all complaints filed with the CPCC. All files, documents, and related materials shall be kept and preserved for five years after the completion of the case by the CPCC, and the recommendation has been reviewed by the City Manager. In the event the investigation is suspended, all evidence relevant to the complaint, shall be preserved and maintained while such investigation is suspended.

VII. Confidentiality:

- A. The Executive Director, Independent Investigator, and Commissioners shall keep confidential all information received in the process of receiving, investigating, and reviewing a complaint to the extent required by law.
- B. Failure to comply with this policy shall be grounds for removing a Commissioner from the Commission.

- C. Only the City Manager can make public the disposition of a complaint investigated by the CPCC.

VIII. Ancillary Matter: If in the course of Commission deliberations, the Commission finds that consideration should be addressed to policy, training, supervision, or other issues, the Commission may refer such suggestions to the City Manager.

Chronology of Amendments and Adoptions:

January 2, 1991 Original Adoption
July 3, 1991 Adoption Amended
March 4, 1992 Adoption Amended
June 10, 1999 Amendment Adopted Respectfully

submitted:

David Clement, Chair
Citizen Police Complaint Commission

CITY OF LONG BEACH
CITIZEN POLICE COMPLAINT
COMMISSION AGENDA

THURSDAY, JANUARY 14, 2016
333 W. OCEAN BOULEVARD
COUNCIL CHAMBER/LOUNGE, 6:30 PM

David Clement, Chair
B. Terhune (Terry) Beebe, Vice Chair
Raúl A. Añorve, Commissioner
Josephine Castellanos, Commissioner
Alvaro Castillo, Commissioner
José M. Flores, Commissioner



Crystal Howard-Johnson, Commissioner
Richard Lindemann, Commissioner
Miles Nevin, Commissioner
Jeffrey Price, Commissioner
Suely Saro, Commissioner

Anitra Dempsey, Executive Director

CLOSED SESSION

Closed Session pursuant to Section 54957 of the California Government Code for the purpose of consideration of personnel discipline matters.

1. 16-006CP	<u>CPCC NO.</u>	<u>ALLEGATION(S)</u>
	15-010	Improper Detention, Bias Based Policing and Unbecoming Conduct.
	15-190	Unbecoming Conduct.
	15-026	Use of Force and Profanity.
	15-015	Use of Force, Unbecoming Conduct and Profanity.
	15-019	Unbecoming Conduct and Profanity.
	15-012	Use of Force.
	15-014	Unbecoming Conduct.
	15-022	Bias Based Policing, Dishonest and Unbecoming Conduct.
	15-021	Use of Force.
	15-020	Improper Detention and Unbecoming Conduct.
	15-029	Bias Based Policing.
	15-016	Improper Detention, Personal Search and Unbecoming Conduct.

I, Carolyn Hill, City Clerk Specialist, certify that the agenda was posted not less than 72 hours prior to the meeting. Carolyn Hill Date: 1/7/16

ch

If oral language interpretation for non-English speaking persons is desired or if a special accommodation is desired pursuant to the Americans with Disabilities Act, please make your request by phone to the Office of the City Clerk at (562) 570-6101, 72 business hours prior to the Charter Commission meeting.

Kung nais ang interpretasyon ng sinasalitang wika para sa mga taong hindi nagsasalita ng Ingles o kung nais ang isang natatanging tulong ayon sa Americans with Disabilities Act, mangyaring isagawa ang iyong hiling sa pamamagitan ng telepono sa Opisina ng Clerk ng Lungsod sa (562) 570-6101, 72 oras ng negosyo bago ang pagpupulong ng Charter Commission.

Si desea interpretación oral en otro idioma para personas que no hablan inglés o si desea una adaptación especial en conformidad con la Ley de Estadounidenses con Discapacidades, haga su solicitud por teléfono a la Oficina de la Secretaría Municipal al (562) 570-6101, 72 horas hábiles antes de la reunión de la comisión de estatutos.

បើមានការចង់បានឲ្យមានការបកប្រែភាសាផ្ទាល់មាត់ឲ្យអ្នកមិនចេះនិយាយអង់គ្លេស ឬបើមានការចង់បានឲ្យមានដំណោះស្រាយពិសេសដោយយោងតាមមាត្រាច្បាប់ស្តីពី ជនពិការអាមេរិកាំង សូមមេត្តាធ្វើសំណើអ្នកតាមទូរស័ព្ទដោយហៅទៅការិយាល័យសៀវ ក្រុងតាមរយៈលេខ (562) 570-6101 (72 ម៉ោងធ្វើការមុននឹងចាប់ផ្តើមបើកកិច្ចប្រជុំ គណៈកម្មការធម្មនុញ្ញ)។

If written language translation of the Commission agenda and minutes for non-English speaking persons is desired, please make your request by phone to the Office of the City Clerk at (562) 570-6101, 72 business hours prior to the Commission meeting.

Kung nais ang pagsasalin ng nakasulat na wika ng agenda ng Komisyon at ang minutes para sa mga taong hindi nagsasalita ng Ingles, mangyaring isagawa ang iyong hiling sa pamamagitan ng telepono sa Opisina ng Clerk ng Lungsod sa (562) 570-6101, 72 oras ng negosyo bago ang pagpupulong ng Commission.

Si desea obtener la traducción escrita en otro idioma de la agenda y actas de la comisión para personas que no hablan inglés, haga su solicitud por teléfono a la Oficina de la Secretaría Municipal al (562) 570-6101, 72 horas hábiles antes de la reunión de la

បើមានការចង់បានឲ្យមានការបកប្រែឯកសារស្តីពីរបៀបវារៈ និងកំណត់យោគុណ្ណ
អ្នកដែលមិនចេះនិយាយអង់គ្លេស សូមមេត្តាផ្ញើសំណើអ្នកតាមទូរស័ព្ទដោយហៅ
ការិយាល័យសៀវភៅក្នុងតាមរយៈលេខ (562) 570-6101 (72 ម៉ោងធ្វើការមុននឹង
ចាប់ផ្តើមបើកកិច្ចប្រជុំគណៈកម្មការធម្មនុញ្ញ)។