



CITIZEN POLICE COMPLAINT COMMISSION

2010 ANNUAL REPORT



333 West Ocean Boulevard, 13th Floor
Long Beach, California 90802
Office: (562) 570-6891 Facsimile: (562) 570-7613
www.longbeach.gov/cpcc

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Office of the City Manager

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

THE CITIZEN POLICE COMPLAINT COMMISSION

MISSION

The mission of the CPCC is to promote an atmosphere of mutual trust and respect between the community and the Long Beach Police Department, and to ensure that professional police services continue in Long Beach.

ABOUT THE CPCC

On April 10, 1990, the voters of the City of Long Beach approved the creation of the CPCC by adding Sections 1150 – 1155 to the City Charter. This amendment authorized the CPCC to:

- Receive and provide an independent investigation/review of allegations of police misconduct with emphasis on excessive force, false arrest and complaints with racial or sexual overtones.
- Represent the Long Beach community by fairly and thoroughly reviewing the facts of an alleged incident.
- Recommend findings to the City Manager after a complaint has been investigated, reviewed and deliberated.

The CPCC is one of six Chartered Commissions established to provide feedback and input to the City Manager, Mayor and City Council on specified matters. Like all Commissions, the CPCC provides a rewarding experience where constituents can be directly involved in improving our community.

COMMISSIONERS

Appointed by the Mayor and confirmed by the City Council, the CPCC has 11 Commissioners: one per council district and two at-large. Commissioners are broadly representative of the racial, ethnic, religious, labor, business, age, gender, sexual orientation, and disabled members of the general public. Commissioners must reside in the City of Long Beach and can serve two, two-year terms.

The CPCC is a completely civilian organization whose 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. The CPCC is neither an advocate for the complainant nor for the police personnel. The CPCC cannot recommend discipline or penalty.



CITY OF LONG BEACH

OFFICE OF THE CITY MANAGER

Citizen Police Complaint Commission

333 West Ocean Boulevard, 13th Floor, and Long Beach, CA 90802 - Office: (562) 570-6891 FAX (562) 570-7613

PATRICK H. WEST

City Manager

ANITRA DEMPSEY

Executive Director

November 2011

Honorable Mayor and Members of the City Council

City of Long Beach

333 West Ocean Boulevard, 14th Floor

Long Beach, CA 90802

Dear Mayor Foster and Members of the City Council:

I am pleased to provide for your review the Citizen Police Complaint Commission's (CPCC) 2010 Annual Report detailing complaints received, investigated and closed during the 2010 calendar year.

Thank you for your continued support of the CPCC, whose 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

MESSAGE FROM THE CHAIR

I, like many, am affected by the public perceptions of Long Beach Police Department personnel. It is this interest and passion that led me to become a member of the Citizen Police Complaint Commission (CPCC). As the current Chair, I would like to remind the community about the CPCC and of our role when there are allegations of misconduct.



The Long Beach Municipal Code was amended in 1990 to authorize the CPCC to receive and investigate allegations of police misconduct with emphasis on excessive force, false arrest, and complaints with racial and/or sexual overtones when a complaint is filed. There are approximately 20 other categories of misconduct that the Commission considers.

Appointed by the Mayor and City Council, CPCC Commissioners are trained volunteers who review detailed, comprehensive reports alleging police misconduct and submit findings to the City Manager on a monthly basis. Commissioners receive annual and on-going training on topics such as Racial Profiling, Use of Force, and Laws of Arrest, to name a few.

Commissioners cannot rush to judgment. While we have personal opinions, we are careful to consider all available facts. Closed session deliberations include thoughtful and passionate viewpoints on behalf of all involved parties. When new information is received as sometimes occurs during Open Session, Commissioners weigh that information before reaching a decision or we request that the case be re-investigated.

CPCC Commissioners recognize the trust placed in us to be impartial, objective fact finders of allegations of misconduct. The CPCC meets at 6:30 p.m., on the second Thursday of each month in the Council Chambers, 333 W. Ocean Boulevard. More information about the CPCC can be found at www.longbeach.gov/cpcc.

In closing, I would like to thank the CPCC staff for their tireless dedication, especially during the challenging budgetary constraints. The Commissioners and I are appreciative of your professionalism in doing more with less while adhering to the Charter's mandate.

Sincerely,

A handwritten signature in black ink that reads "Patrick Thompson". The signature is written in a cursive, flowing style.

Patrick Thompson, Chair

CITIZEN POLICE COMPLAINT COMMISSIONERS



Patrick Thompson
Chair
8th Council District



Marcos Gonzalez
Vice Chair
At-Large



Robert Hildebrand
1st Council District
(Term expired June 2010
Seat vacant)



Trina Schoonmaker
2nd Council District



**Rick McGilton-
McGlamery**
3rd Council District



G. Andrew Jones
4th Council District
(Completed term June
2010 and replaced
September 2010)



Matthew Cunningham
4th Council District



Monica Blumenfield
5th Council District



Thary Ung Phung
6th Council District



Carolyn Smith Watts
7th Council District
(resigned February 2010)



Charlotte Roush
7th Council District



Daniel Cartagena
9th Council District



Wilma Powell
At-Large

CPCCC Staff

- Anitra Dempsey, Executive Director
- Anthony Dannan, Special Investigator
- James Peery, Special Investigator
- Mary Bryant, Administrative Support
- Dina Lopez-Wild, City Clerk Specialist, Minutes

EXECUTIVE SUMMARY

This report reflects the number and disposition of complaints received and investigated by the Citizen Police Complaint Commission (CPCC) during the 2010 calendar year. This report does not reflect the number of complaints actually received by the Long Beach Police Department during the same reporting period.

COMPLAINTS

During this reporting period, 268 complaints were received and thoroughly reviewed by staff and the Commission. This represents a decrease from 2009, which had 375 complaints. Thirty-one cases and seven appeals were presented to the Commission, which sustained 16 allegations and recommended other/training on 54 allegations during nine monthly meetings. CPCC staff handled 134 “public assists,” which are phone calls, emails and/or walk-in’s that did not rise to the level of a formal complaint.

TRAINING

Commissioners were trained on the following topics: CPCC By-Laws, Policies and Procedures, Allegation Codes, Use of Force, Police Officer Bill of Rights, Long Beach Police Department Training Bulletins, Racial Profiling, Laws of Arrest, Force Options & TI Simulator. Commissioners had one round-table discussion with Police Chief Jim McDonnell and his command staff. Chief McDonnell addressed the Commission once during Open Session.

COMMUNITY OUTREACH

The CPCC staff and Commissioners conducted outreach to educate the community about its mission and functions. Collectively, the CPCC participated in and provided informational brochures at resource fairs, meetings and public forums, and made presentations to students, neighborhood groups and community based organizations,

CONCLUSION

In 2010, the CPCC saw a 28.5% decrease in the number of complaints filed against Long Beach police personnel.

INVESTIGATIVE PROCESS

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 (IA) 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 be made anonymously.

After IA completes its investigation, the cases are forwarded to the Deputy Chiefs and/or Chief of Police for disposition and appropriate action. The cases are then forwarded to the CPCC for an independent review. During the CPCC investigative process, any new information uncovered is shared with IA.

The full Commission meets on the second Thursday of each month at 6:30 p.m., in the City Council Chamber, 333 West Ocean Boulevard, Long Beach. Complainants and community members are welcome to attend the Open Session and address the Commission. The Commission adjourns Open Session and re-convenes in Executive Session to discuss the cases and recommend findings on each allegation. Because each complaint is a personnel matter, the public is not allowed to attend the Executive Session. The City Manager reviews both the Commission and IA's findings, and provides the final disposition to the complainant in writing.

The average time it takes to process and investigate a complaint is between three and six months, however each case is unique. Complex or lengthy investigations can take up to one year from the date the complaint is filed.

Resolved or frivolous complaints are reviewed and closed by staff with a No Further Action (NFA) finding. Examples of NFA complaints are:

- The accused is not an employee of the Long Beach Police Department.
- The allegation was disproved by either 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" or additional training.

NFA complaints can be re-evaluated or appealed to the full Commission if new information related to the original concern is found within one year of the complaint. Like all complaints, NFA complaints remain on file for the statutory period and may be considered when evaluating overall community/police relations.

2010 ALLEGATIONS AND FINDINGS

The CPCC has no control over the number of complaints it receives during a reporting period. 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.

Of 268 cases, 639 **allegations** were reviewed:

Finding	Total	% of Total
Exonerated	16	2.5
No Further Action	483	75.5
Not Sustained	47	7.4
Other/Training	54	8.5
Pending	3	.5
Received and Filed	4	.6
Sustained	16	2.5
Unfounded	16	2.5
Total:	639	100.0

“Sustained” and “Other/Training” Findings by Type

Allegation	# Sustained	% Sustained	# Training	% Training
Discourteous	3 of 57	5.3	12 of 57	21.
Fail to Care for Property	0 of 21	0	6 of 21	28.6
Fail to Investigate	4 of 23	17.4	3 of 23	13.0
Fail to Take Action	2 of 12	16.7	0 of 12	0
Fail to Take Report	0 of 13	0	4 of 13	30.8
Harassment	0 of 34	0	3 of 34	8.8
Improper Arrest	0 of 22	0	2 of 22	9.1
Improper Detention	2 of 11	18.2	1 of 11	9.1
Improper Entry	0 of 5	0	3 of 5	60.
Improper Remark	1 of 16	6.3	0 of 16	0
Intimidation	0 of 7	0	2 of 7	28.6
Misuse of Authority	0 of 5	0	1 of 5	20
Profanity	1 of 42	2.4	3 of 42	7.1
Racial Based	0 of 46	0	4 of 46	8.7
Unbecoming Conduct	2 of 107	1.9	8 of 107	7.5
Use of Force	1 of 147	1.4	2 of 147	1.4
TOTAL FINDINGS	16		54	

COMPLAINT TRENDS

<u>Reporting Year</u>	<u>Number of Completed Investigations</u>	<u>+/- to Prior Year</u>
2006	341	-06.57%
2007	285	-16.42%
2008	287	+00.70%
2009	375	+30.67%
2010	268	- 28.50%

COMPLAINT SOURCE

2006	2007	2008	2009	2010
CPCC	CPCC	CPCC	CPCC	CPCC
36	41	71	52	55
LBPB	LBPB	LBPB	LBPB	LBPB
305	244	216	323	213

ARREST / INJURED

NOT Arrested and NOT Injured	158	58.96%
NOT Arrested but Injured	31	11.57%
Arrested but NOT Injured	33	12.31%
Arrested and Injured	46	17.16%
TOTAL	268	100.00%

COMPLAINTS BY RACE

In some cases, there is more than one complainant or the racial background was not provided.

Asians	12	4.5%
African American	107	40.2%
American Indian	1	0.4
Hispanic	55	20.7%
Other/Unknown	24	9.0%
White	67	25.2%

The Commissioners have noted that a larger number of complaints are from African-Americans. While African-Americans represent 13.2% of the Long Beach population, the total percentage of complaints by this group amounts to 40.2% percent of all the complaints received. There were no unusual situations or incidents to explain why there are more complaints from African-Americans.

OBSERVATIONS AND RECOMMENDATIONS

The Commission conveys concerns and recommendations to CPCC staff and to the LBPD throughout the year when issues come to its attention. During this reporting period, the Commission noted a slight decrease in the number of Racial Profiling complaints: 46 in 2010 compared to 50 in 2009, representing an 8% decrease. The Commission recognizes that, while often subjective, the perception of racial bias continues to pose a great threat to police-community relations. The Commission commends the Long Beach Police Department for requiring all staff to attend racial profiling training, including the *Perspectives on Profiling Workshop*, an interactive training tool.

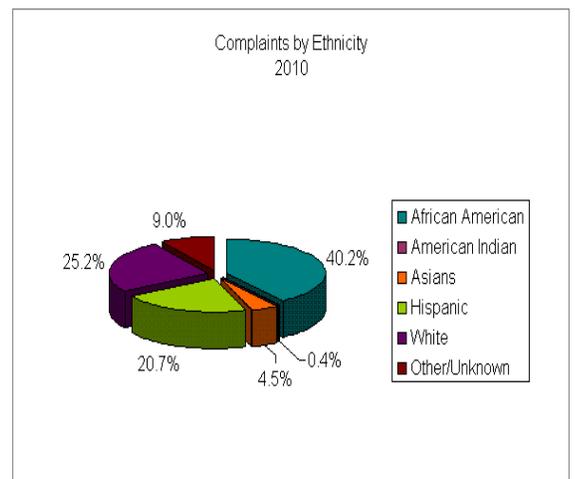
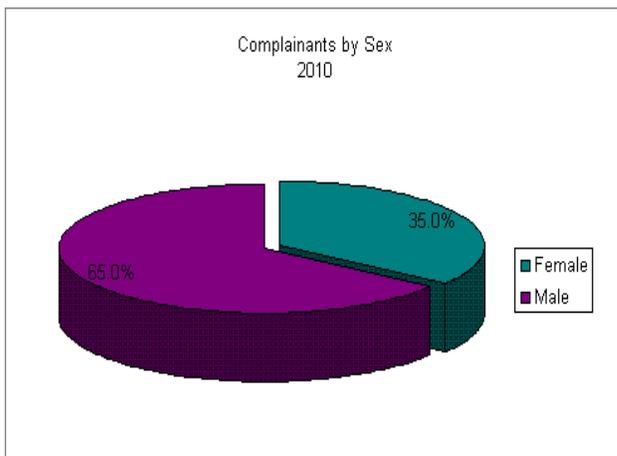
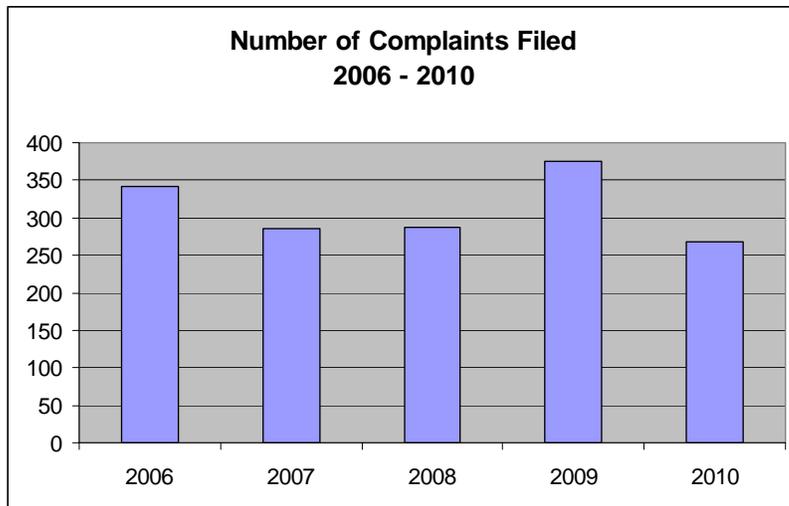
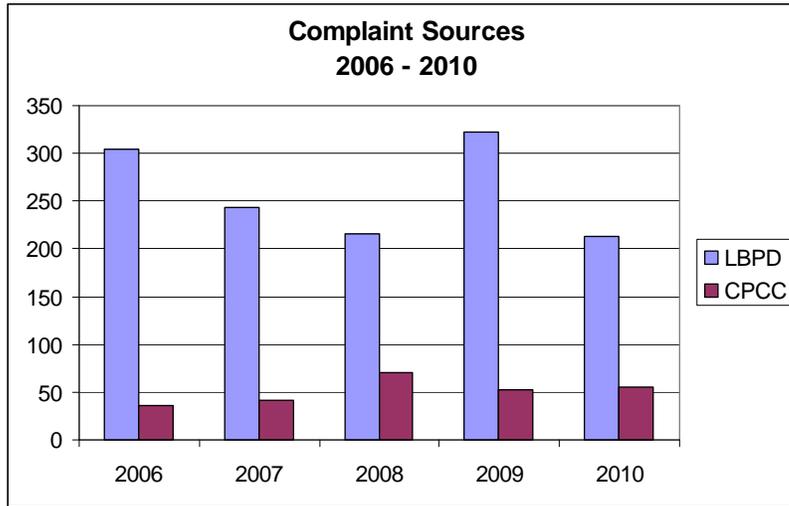
The Commission has considered ways of strengthening the complaint process to meet the public's expectation while maintaining adherence to all laws. It recommended the ability to file complaints on-line. Staff is working to implement this request.

Recognizing the challenging citywide budgetary constraints that have affected the CPCC staff's ability to support many community events and forums, the Commissioners agreed to avail themselves of opportunities to represent the CPCC at community events to ensure that the public knows about this Commission as a viable resource.



TOTAL ALLEGATIONS INVESTIGATED IN 2010 – 638

<u>Categories</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>Percentage of 2009 Total</u>	<u>Percentage of 2010 Total</u>	
Discourteous	60	44	34	90	48	8.1%	7.7%	
Discourteous Remark	24	19	39	1	9	0.1%	1.4%	
Dishonest		5	5	19	29	1.7%	4.6%	
Fail to Book Evidence				1	1	0.1%	0.2%	
Fail to Care for Property	17	23	12	50	21	4.5%	3.3%	
Fail to Investigate	13	23	8	27	23	2.4%	3.5%	
Fail to Take Action	52	28	12	28	12	2.5%	1.9%	
Fail to Take Report	18	19	6	25	13	2.2%	2.1%	
Gender Bias	2		1	2	1	0.2%	0.2%	
Harassment	12	8	13	27	23	2.4%	3.5%	
Harassment / Physical			1		10	0.0%	1.6%	
Harassment / Sexual		1		1	0	0.1%	0.0%	
Harassment / Verbal	1		2	2	1	0.2%	0.0%	
Improper Arrest	20	22	13	35	23	3.1%	3.6%	
Improper Detention	25	35	35	56	11	5.0%	1.8%	
Improper Entry	5	7		10	5	0.9%	0.8%	
Improper Remark	4	11	7	27	16	2.4%	2.6%	
Intimidation	13	11	15	25	8	2.2%	1.1%	
Misappropriation of Property	4	5	5	28	11	2.5%	1.8%	
Misuse of Authority	22	11	27	18	5	1.6%	0.8%	
Pending			1	2	1	0.2%	0.2%	
Personal Search		13	4	19	6	1.7%	1.0%	
Profanity	36	44	19	90	42	8.1%	6.5%	
Racial Bias	7	5	10	8	10	0.7%	1.6%	
Racial Profiling	6	13	15	24	31	2.1%	4.9%	
Racial Remark	6	10	2	18	6	1.6%	1.0%	
Residence Search		6	7	14	6	1.3%	1.0%	
Sexual Misconduct	4	1	1	2	0	0.2%	0.0%	
Unauthorized Tactics	9	5	5	3	4	0.3%	0.6%	
Unbecoming Conduct	155	123	96	105	107	9.4%	16.7%	
Use of Force	160	140	151	350	147	31.3%	23.3%	
Vehicle Search	9	6	7	10	9	0.9%	1.4%	
*NOA = Number of Allegations Filed	TOTAL	684	638	553	1117	639	100%	100%





Citizen Police Complaint Commission ATTENDANCE RECORD 2010

Meetings: 2nd Thursday of every month, beginning at 6:30 P.M.

Council Chambers, 333 West Ocean Blvd., Long Beach, CA

Commissioner (District)	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Hildebrand, Robert (1) Appointed 07/08	Dark	EX	P	P	P	Dark						
Schoonmaker, Trina (2) + Reappointed 07/08	Dark	P	P	P	P	Dark	EX	P	DARK	P	P	P
McGilton-McGlamery, Rick (3) Appointed 1/08 (Interim)	Dark	P	P	P	P	Dark	P	EX	Dark	P	EX	P
Jones, G. Andrew (4) + Reappointed 8/07	Dark	EX	P	P	P	Dark	P	EX	Dark			
Cunningham, Matthew (4) Appointed 10/10	-----	-----	-----	-----	-----	-----	-----	-----	-----	P	P	P
Blumenfield, Monica (5) Appointed 04/08	Dark	EX	P	EX	P	Dark	EX	P	Dark	P	P	P
Phung, Thary Ung (6) Appointed 12/09	Dark	P	P	P	P	Dark	P	P	Dark	P	P	P
Smith Watts, Carolyn (7) Reappointed 7/08	Dark	P	R	R	R	Dark	---	---	---	---	---	---
Roush, Charlotte (7) Appointed 7/10	---	---						P	Dark	P	P	P
Thompson, Patrick (8) Chair, Appointed 01/08	Dark	P	EX	P	EX	Dark	P	EX	Dark	P	P	P
Cartagena, Daniel (9) Appointed 07/08	Dark	P	P	P	P	Dark	P	P	Dark	P	P	P
Wilma Powell (At Large) Appointed 7/08	Dark	EX	P	EX	P	Dark	P	P	Dark	EX	EX	P
Gonzalez, Marcos (At-Large) Vice Chair, Appointed 7/08	Dark	EX	P	P	P	Dark	P	P	Dark	EX	P	P

CHAIR: Patrick Thompson (Term: 7/10 - 6/11)

VICE CHAIR: Marcos Gonzalez (Term: 7/10-6/11)

KEY: P = Present A = Absent

Ex = Excused Absence DARK = No Meeting

R = Resigned

** =

Early Departure

--- = Non Commission

■ = Termed-out

DARK NQ = No Meeting/No Quorum

+ = Term Extended

□ = Vacant

UPDATED: 10/2011