

*City of Long Beach*  
*Citizen Police Complaint Commission*

*Annual Report for 2000*

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*Prepared for*  
*The Mayor and City Council*  
*City of Long Beach*

# **ANNUAL REPORT 2000**

## **Citizen Police Complaint Commission City of Long Beach**

### **Commissioners**

Eleanor Aguilar, Chair

(Jan. 1999-July 2000)

Gary J. Cooper, Chair\*

(July 2000-July 2001)

John Lee Cross

Grant Boyer

Joanne Devere

Chris Dillon

Judy Everson

Harvey Keller, Vice Chair

(July 2000-July 2001)

Rober Lee King

(Term expired July 2000)

Val Lerch

Dan Lowenthal

Vivian Tobias

(Appointed July 2000)

### **Staff**

Ronald C. Waugh, Executive Director

William Ward, Investigator

Thomas Gonzales, Investigator

Alida Hayes, Executive Secretary

Marcee Siegel, Clerk Typist II

### **Consultant to Commission**

Gerald R. Miller

Assistant City Manager

Citizen Police Complaint Commission  
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\*Vice-chair July 1999-July 2000

# COMPLAINT COMMISSION

## ***ROLE OF 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(s) nor police officer(s). 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 to file 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 preliminary 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 order further investigation only when the Police Department has not conducted a comprehensive case study.

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 intent and limitations of the Commission prevent the recommendation of discipline or penalty.

# **MISSION STATEMENT**

## **Citizen Police Complaint Commission City of Long Beach**

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 restoring 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 the community, the police department, and the Citizen Police Complaint Commission.

## **HEARINGS AND INVESTIGATIONS**

To date, the Commission has not found it necessary to hold a formal hearing where the subpoena or testimony of witnesses was required. The current review process made formal hearings unnecessary at this time. However, hearings may be held if an incident having significant public impact occurs. The effectiveness of the hearing process in obtaining facts will remain unknown until such an incident occurs. The police action review process has been cost-effective in obtaining the facts regarding allegations brought before the Commission.

During this reporting calendar year, the staff investigated and/or thoroughly reviewed 376 complaints containing a total of 965 allegations of police misconduct. A total of 137 cases containing 387 allegations were forwarded to the Commission for its consideration. Of the 376 total complaints 139 were classified by the police department as No Further Action (NFA) and received concurrence by the Commission's Executive Director. This is the first year that the CPCC staff included complaints determined to be NFA in the tracking system. Complaints are classified as NFA for a variety of reasons. A complaint may be classified as NFA if it can immediately be disproved via witnesses' statements, physical evidence, or if the Complainant admits to making a false allegation. A complaint may also be classified as NFA if it does not involve a police department employee or it simply does not rise to the level of misconduct.

The Commission staff received two officer involved shooting investigations to review and prepare for Commission review. These were the first shooting cases to come to the attention of the Commission since its inception in 1991. The first case involved an individual who was a member of a White supremacist gang who had a history of violence. This was a particularly complicated investigation because the officers were involved in a foot pursuit that covered a several square block area with shots being fired at several locations by five officers. The suspect expired at the scene as a result of being shot by police officers.

The second officer involved shooting also involved a foot pursuit and resulted in the suspect being shot one time. A fully loaded automatic pistol was recovered from the suspect. The suspect sustained a serious gunshot wound but recovered from his injuries. Detectives assigned to the Long Beach Police Department's Homicide Division investigated both of these officer-involved shootings. As a matter of routine, the Los Angeles County District Attorney's Office conducted concurrent investigations on both officer-involved shootings. The Commission staff began their investigation but could not present the cases to the Commission until the District Attorney's Office rendered a decision with regard to the justification of the shootings.

The Commission's investigative staff received full cooperation from the Long Beach Police Department and, in particular, from the Homicide investigators and Internal Affairs investigators. There were allegations of excessive force in both of these investigations. As a matter of routine, Internal Affairs does not conduct separate investigations under these circumstances. Only when a shooting is ruled out of policy by the Officer-Involved-Shooting Board and they request an investigation is Internal Affairs provided with the officer-involved shooting reports, the Coroner's reports, when appropriate, other related materials and the reports generated by District Attorney's Officer-Involved Shooting Roll Out Team. Once this review process is complete, a determination may be made by Internal Affairs regarding any policy concerns that may or may not exist. Because of the cooperation the Commission staff received from the Homicide investigators and Internal Affairs, they were able to prepare both cases for presentation to the Commission in a timely manner. Representatives from Homicide Division and Internal Affairs made themselves available to answer questions in executive session as the Commission reviewed each case. This willingness to help by the Homicide investigators and Internal Affairs was very much appreciated by the Commissioners. The first case was heard before the Commission on January 11, 2001, and the second case was heard on June 14, 2001.

### **THE LONG BEACH MODEL**

Since 1990, a greater nationwide emphasis has been placed on the value of providing civilian oversight to the various law enforcement agencies. As a result, professional, non-profit organizations have been instituted to provide support to newly formed, evolving and established civilian oversight/review boards. The National Association for Civilian Oversight of Law Enforcement (NACOLE) is one of these organizations. The September 2000 NACOLE Convention, hosted in Hawaii, included an open forum and provided the practitioners of civilian oversight with the opportunity to dialog and exchange information.

As a recognized leader in the citizen-policing field, the City of Long Beach Citizen Police Complaint Commission investigative staff was requested to participate. Thomas Gonzales, Commission Investigator, represented Long Beach as a featured speaker and panelist. The Commission's highly visible involvement in the NACOLE conference has enhanced the CPCC's national status and reputation.

During the conference, various civilian oversight/review systems were discussed. Three distinct models were identified as those being used most frequently by the various boards. The first system was described as an **Independent, Investigative** model. This style investigates complaints and, based on the findings, makes recommendations regarding discipline and policy. The second system is identified as being a **Monitoring** model. This process reviews the investigations completed by the police department's Internal Affairs Division and simply makes

findings based on agreement or disagreement with the Internal Affairs investigation. This model may ask for further investigation. The third system was described as an **Auditor/Ombudsman** model, having the power to compel evidence. This process reviews Internal Affairs investigations, conducts its own investigations, and conducts investigations not generated by complaints. The model used by the City of Long Beach varies from the three basic models and was specifically identified as being a **Hybrid** model. The Long Beach Hybrid process reviews investigations completed by the Long Beach Police Department's Internal Affairs Division, and when the need arises, initiates audits, and may conduct additional investigations. The Long Beach CPCC determines findings based on the results of the investigation but does not recommend discipline.

As the Citizen Police Complaint Commission's system evolves, many community-policing agencies recognize Long Beach as the best combination of all working models. Two California communities, Riverside and Claremont, have recently adapted the Long Beach model for their review board. Mr. Waugh, Executive Director of the CPCC, assisted Riverside's *Community Police Review Commission* executive staff with their complaint processing procedure, standard of operations, tracking system and coordination with the City's police department.

### **GOALS AND OBJECTIVES**

From its inception, the long-range goal of the Citizen Police Complaint Commission has been the restoration of public trust in their community law enforcement agency. Additionally, the improvement in the demeanor of police officers, and in their interactions with the public is also an important goal of the CPCC. The Commission believes that if it can assure that police officers take appropriate action while interacting with the public, the community will more readily support the police. When the public supports the police, they become personally involved in the law enforcement effort and contribute to crime reduction within the City. A proven benefit of both goals is that cities with low crime rates attract new businesses, encourage tourism, improve the quality of community life and retain long-term residents.

The Commissioners and staff believe the "reasonable person's standard," by which the Commission operates, is helping police employees and complainants have a more favorable understanding of police department actions. Additionally, this standard is used to ensure that police conduct is appropriate and acceptable--diminishing the public's need to file complaints of misconduct. The desired result is to encourage understanding and harmony between the community and law enforcement. The CPCC has and will continue to strive for preservation of community trust in its law enforcement agency by assuring fairness and accountability.

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

### **REPORTS**

By monitoring complaints and allegations the Executive Director reports obvious and developing trends related to police misconduct and public perception to the City Manager. As they emerge, these trends also are shared with the Chief of Police. The Commission has found that certain

patterns may indicate an increase in specific allegations based on public perception, media attention and/or incidents occurring locally or nationally. This reporting procedure is necessary to assist with police officer review and to assess individual and department training needs. The Long Beach Police Department employs the *Early Warning System*, which is a computerized method of identifying problematic officers who deviate or stray from Department policy.

Commission meetings are conducted monthly during the calendar year. The frequency with which the Citizen Police Complaint Commission meets adds to its ability to receive, investigate, deliberate, and make findings regarding a public complaint of police misconduct in a timely manner.

### **TECHNOLOGY ALLOWS BETTER TRACKING**

The Citizen Police Complaint Commission maintains an ever-evolving database dating back to 1996. The database stores case information on complainants and involved police department personnel. The tracking system also includes details of alleged incidents, the nature of the allegations and the basic types of activities the officers were engaged in at the time the incidents/allegations occurred. Initial incident information is updated as cases progress through the complaint process to their conclusion.

### **RELATIONSHIP WITH STAFF**

The Commissioners enjoy an excellent relationship with Commission staff and the City Manager. The CPCC staff is a dedicated, well-organized team committed to supporting the Commissioners in every aspect of their responsibilities. Staff provides insight and background to assist the Commissioners in reaching fair and impartial case findings. The staff does not make recommendations of findings or exercise influence over the Commissioners.

### **COOPERATION STARTS AT THE TOP**

Under Chief Lance's leadership, the Long Beach Police Department has continued to work closely with the CPCC. Chief Lance has fostered better understanding between the CPCC and the Long Beach Police Department by permitting ride-alongs for the Commissioners and Commission staff, encouraging open communication with the Police Department's Internal Affairs Division and developing training, relative to police procedures and policy. Chief Lance also started meeting commission members on an informal basis over brunch to discuss issues of mutual concern. These meetings were limited in number so as not to establish a quorum. This spirit of cooperation has helped to improve police community relations and allowed the CPCC to process their cases in a more efficient and expedient manner.

### **INTERACTION WITH POLICE DEPARTMENT**

The Commission, and/or its staff, has met with Chief Lance and Internal Affairs offering suggestions on specific complaints while reviewing police tactics and patterns of misconduct. Chief Lance has openly accepted the good-faith suggestions and issues raised by the Commissioners. Following review of this information, Chief Lance has provided feedback to the Commission on how the Department received and addressed their comments.

The Commissioners commend the Chief for allowing them the opportunity to suggest recommendations, which may be in conflict with current policy, and for accepting that information in good faith. The Commissioners are fully aware that they do not have the authority to formulate or dictate police department policy. However, the Commissioners would be remiss if they did not inform the Chief of observations they have made which could assist the Chief in improving the performance of the Department while enhancing the philosophy and concept of community policing.

### **RELATIONSHIP WITH THE LONG BEACH POLICE OFFICERS ASSOCIATION**

The Commission and staff have developed and maintain a cooperative relationship with the Police Officers Association. The present and past Police Officers Association presidents have all addressed the Commission and attended meetings. Their dialogue has been very positive and the Commission makes every effort to continue that open and positive relationship.

### **INVESTIGATIVE PROCESS**

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 to exclude complaints that were invalid on their face and/or were complaints of police service, which were not violations of Police Department policy. These complaints collectively, are classified as No Further Action (NFA).

As a part of the policy change, the Commission delegated authority to the Executive Director to initially screen new complaints. This expedited the preliminary review process and reduced time spent on frivolous and intentionally misleading complaints of misconduct. The need to redefine the policy was based on a number of complaints that had no foundation in fact to suggest a complaint.

In 1996, the Commission staff computerized the complaint tracking process to accurately reflect data available for analysis. The CPCC database provides the statistics and information used for annual analysis and year-to-year comparisons. The stored data is consistent with Commission findings.

### **MEETINGS**

The Commission met twelve times in public session during 2000. By Commission policy, these meetings were convened in the City Council Chambers at 6:30 p.m. on the second Thursday of each month. The public was welcome to participate in these sessions.

Each month after general business was completed, the Commission entered into closed session to discuss specific details of allegations appearing on that meeting's agenda. Following discussion, the Commissioners voted to determine appropriate findings for each case. Executive session is confidential and the public cannot attend or participate.

One special meeting was held on October 14, 2000, at the Long Beach Police Academy. This meeting/training session focused on an overview of Internal Affairs procedures, weaponless defense, simulated shooting situations, a less-than-lethal-force overview and a K-9 demonstration. The purpose of this training session was to familiarize the commissioners and

support staff with current Internal Affairs procedures and police department policies as they relate to criminal behavior, police tactics and procedures.

### **DELAY IN SUBMITTING THE 2000 CPCC ANNUAL REPORT**

To accurately calculate the number of incidents and types of misconduct allegations received within the annual reporting period, final computing must be delayed to optimize the number of completed investigations received from Internal Affairs. There are a number of reasons why investigations may be delayed. Case research may be extremely complex, involve multiple witnesses, and/or accuse more than one officer of misconduct. Upon the completion of an investigation, the police review process may demand scrutiny and formal review at numerous levels within the police department. Finally, allegations of police misconduct are accepted up to one year from the date of the alleged occurrence and may not be reported by the complainant in a timely manner. For these reasons accuracy dictates formal reporting occur near the end of the year following the reporting period.

## FINDINGS and ALLEGATIONS

<b>COMMISSION FINDINGS</b>	<b>1999</b>	<b>2000</b>	
UNFOUNDED	50.8%	60.5%	
EXONERATED	1.9%	5.6%	
INCONCLUSIVE	23.4%	9.5%	
SUSTAINED	3.2%	6.5%	
RECEIVE & FILE	13.3%	0.3%	
PENDING	7.4%	10.3%	
NOT SUSTAINED	*	6.2%	
OTHER/TRAINING	*	1.0%	
*1999 data not collected			
	<b>1999</b>	<b>2000</b>	<b>% of Change</b>
Total Complaints Reviewed by Commissioners	200	137	-31.5%
Total Allegations Received by Commissioners	565	387	-31.5%
 <b>MAJOR ALLEGATION CATEGORIES AS DEFINED BY CHARTER</b>			
Use of Force	194	322	+66%
Improper Arrest / Detention	38	121	+218%
Improper Racial Remark	12	11	-8.3%
Improper Sexual Remark/Misconduct	8	2	-75%
Total Allegations	252	456	+80%

During this reporting period the classifications of "INCONCLUSIVE" AND "NOT SUSTAINED" are synonymous. The classification of "INCONCLUSIVE" was changed during this calendar year to "NOT SUSTAINED" in order to be consistent with the classification used by the police department during their administrative review process. Also, for the first time, allegations determined to require "NO FURTHER ACTION" are included in the report.

The Commission heard 31.5% fewer complaints and allegations in 2000 compared to 1999. There was a substantial increase in the number of complaints involving Use of Force and Improper Arrest/Detention. Complaints involving Improper Remarks and Improper Sexual Remarks/Misconduct decreased slightly. The total number of allegations in these categories increased from 252 in 1999 to 456 in 2000, an increase of 80%. The 66% increase of Use of Force allegations at first appears excessive. However, of the total Use of Force allegations 2.8% were Exonerated, 7.2% were Inconclusive/Not Sustained, 53.4% were determined to require No Further Action, and 33.9% were determined to be Unfounded. Sustained allegations represented .6% of the total allegations alleged against police department employees. The number of allegations involving Improper Arrest/Detention increased from 38 in 1999 to 121 in 2000, representing an increase of 218%. Despite the dramatic increase of allegations in this category, none were sustained by the Commission. There was an 8.3% reduction in allegations involving Improper Racial Remarks and a 75% reduction in allegations involving Improper Sexual Remark/Misconduct. The Commission Unfounded 63.6% of the allegations involving Racial Remarks and determined that 36.4% required No Further Action. None of the allegations in this category were Sustained. The allegations involving Improper Sexual Remarks/Misconduct were all determined to require No Further Action while representing approximately 1% of the total allegations.

The increase in the overall number of formal complaints may be attributed to a number of factors. The CPCC has continued to make its existence known to the public by disseminating pamphlets, having representatives appear at public functions and by being included in the City's web page. In addition, individuals who are in custody are allowed to contact the CPCC via a direct phone line available in both the men and women's jails. There also appears to be a concerted effort on the part of police supervision to formalize complaints from citizens in the field and not just document concerns in their daily reports. The initial investigations completed by field supervision are more in depth than in years past resulting in all of the citizen's allegations being documented during the initial contact. Because of these factors, the number of complaints have increased.

The Commissioners have noted that a disproportionate number of complaints were from African Americans. While African Americans represent only 15% of the Long Beach population the total percentage of complaints by this group amounts to approximately 38% of the total complaints received. The Commissioners have noted that while these numbers are of concern they also noted a steady decline in the percentage of complaints. For example, the percentage of complaints from African Americans dropped from 49% in 1998 to 41% in 1999. The percentage of complaints dropped again from 41% in 1999 to 38.1% in 2000. The total number of complaints from Whites rose from 27% in 1999 to 35.1% in 2000 while during this same time period complaints from Hispanics dropped slightly from 22% to 19.6%. The following represents a five-year complaint trend from 1996 to 2000.

<u>Reporting Year</u>	<u>Number of Investigated Complaints</u>	<u>+/- to Prior Year</u>
1996	216	-10.4%
1997	183	-15.3%
1998	119	-35.0%
1999	200	+68.0%
2000	376	+88%

The increase of 88% from 1999 to 2000 includes those cases received but later classified as No Further Action. Including the total number of cases reviewed by the Commission provides a better prospective of the Commissions caseload and functions. The actual number of cases heard by the Commission dropped from 200 in 1999 to 137 in 2000 representing a decrease of 31.5%.

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 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 citizens complaints which include public awareness of the Commission and its function, popular perception of police conduct toward the public, media focus and current community issues within the annual reporting period. 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.

In 2000, the Commission classified the majority of the allegations, some 60.5%, as "Unfounded" meaning the Commissioners found no basis or foundation in fact and there was no information or evidence to support the allegation. Allegations classified as Inconclusive/Not Sustained represented 15.7% of the total number of the allegations heard by the Commission. The finding of Inconclusive/Not Sustained simply meant there was no evidence to support or refute the

allegations. A total of 6.9% of the allegations were classified as Sustained. This represents an increase of approximately 100% from the previous year.

The *Early Warning System* of the Long Beach Police Department tracks those officers receiving a high number of misconduct complaints to determine if the officers are “off track.” Retraining and counseling are tailored to meet the personal needs of the individual officers. The Department closely monitors their progress and evaluates the results.

Occasionally, issues in an officer’s private life may create on-duty problems. When personal problems have been determined to interfere with the officer’s performance, the Department will offer help through the *Employee Assistance Program* and *The Peer Counseling Program*. When the problem is resolved, the officer is expected to return to his/her acceptable level of performance. The Commission is supportive of this intervention and indirectly assists in the effort.

**TOTAL ALLEGATIONS INVESTIGATED IN 1999 – 565**

<b>Categories</b>	<b>*NOA</b>	<b>Percentage of Total</b>
Discourtesy	59	10.4%
Discourteous Remark	6	1.1%
Dishonesty	22	3.9%
Fail to Investigate	1	0.2%
Failure to Care for Property	33	5.8%
Failure to Take Action	40	7.1%
Harassment	48	8.6%
Improper Arrest	23	4.1%
Improper Detention	15	2.7%
Improper Entry	2	0.4%
Improper Search / Personal	3	0.5%
Improper Search / Residential	12	2.1%
Improper Search / Vehicle	3	0.5%
Improper Sexual Remark	8	1.4%
Improper Use of Force	194	34.3%
Misappropriation of Property	3	0.5%
Profanity	57	10.1%
Racial Remark	12	2.1%
Sexual Misconduct	1	0.2%
Unbecoming Conduct	21	3.7%
Unauthorized Tactics	2	0.4%

\*NOA = Number of allegations filed

**TOTAL ALLEGATIONS INVESTIGATED IN 2000 – 965**

<b>Categories</b>	<b>*NOA</b>	<b>Percentage of Total</b>
Discourtesy	26	2.7%
Discourteous Remark	18	1.9%
Dishonesty	29	3.0%
Failure to Investigate	8	0.8%
Failure to Care for Property	37	3.8%
Failure to Take Action	79	8.2%
Failure to Take Report	9	0.9%
Harassment	40	4.1%
Harassment/ Physical	1	0.1%
Harassment/Sexual	1	0.1%
Harassment/Verbal	14	1.5%
Improper Arrests	23	2.4%
Improper Detention	20	2.1%
Improper Entry	11	1.1%
Improper Search / Personal	14	1.5%
Improper Search / Residential	23	2.4%
Improper Search / Vehicle	6	0.6%
Improper Remark	8	0.8%
Improper Use of Force	322	33.4%
Misuse of Authority	1	0.1%

Profanity	38	3.9%
Racial Remark	11	1.1%
Sexual Misconduct	2	0.2%
Unbecoming Conduct	201	20.8%
Unauthorized Tactics	23	2.4%
*NOA = Number of allegations filed		

## **FINDINGS AS DEFINED BY THE COMMISSION**

### **UNFOUNDED**

When the allegation clearly has no basis or foundation in fact and there is no information or evidence that supports the allegation, and/or the Complainant has been found to be untruthful based on factual information.

### **EXONERATED**

When the act complained of did occur, but in the judgment of the Commissioners, the actions taken were justified, lawful, and proper.

### **NOT SUSTAINED**

When the allegations cannot be verified by evidence, information or independent witnesses and the officers deny the allegation(s), and there are no independent or unbiased witnesses to support the Complainant's allegation(s).

### **SUSTAINED**

When the act or failure to act is established and is rendered misconduct, and that act or failure to act is supported by evidence, information or unbiased independent witnesses.

### **RECEIVE & FILE**

When information is received which does not, on its face, establish misconduct or failure to act has occurred, that information is received and filed for possible reopening of the case if further information or evidence is submitted. If additional information is received within a year, an investigation may be opened.

## OBSERVATIONS AND RECOMMENDATIONS

The appropriate and timely acceptance and recording of public complaints against law enforcement officers is such a significant issue that the State Legislator has promulgated State law to address and ensure that policing agencies establish and maintain a complaint process which is readily available to the community. This process must be credible and have the confidence of the citizenry. The Long Beach Police Department has such a process. Once a complaint is filed with the Police Department or the Citizen Police Complaint Commission, the Long Beach Police Department initiates investigation of the complaint.

Complaints assigned to Internal Affairs investigators are generally more comprehensive and detailed than those assigned to field supervisors or non-specialists in personnel investigations. Because of limited resources, only very sensitive or serious complaints of misconduct are assigned to Internal Affairs investigators. The investigations completed by non-Internal Affairs personnel are not always comprehensive and may lack needed information or require re-investigation.

Commission staff has received complaints from some citizens concerned that the system is skewed against them. Some complainants state that a few complaint intake officers discourage a filing and are argumentative with the complainant. This type of activity certainly taints the process. When the public identifies these officers to the CPCC staff, the Police Department is immediately notified. It appears that the majority of these types of complaints arise because of a 1996 California State Law, 148.6 PC. This law mandates that officers "shall" inform complainants that it is a crime to file a false complaint against a peace officer and that they may be subject to arrest and/or civil action for filing a false report. However, as of this writing, 148.6 PC is currently unenforceable and was ruled unconstitutional. The California Supreme Court is currently reviewing the case.

The Commission has noticed a marked improvement in the quality of the investigations completed by Internal Affairs investigators since the 1999 Annual Report was completed. In the past, only basic information was taken from a complainant when he or she wished to file a personnel complaint in the field. Often times, the names and addresses of witnesses would be included in the initial investigation, however the witnesses were not necessarily formally interviewed. As a result, many witnesses could not be located at a later date creating additional work for the Internal Affairs investigator while causing delays in case preparation and completion.

Through the ongoing training provided by Internal Affairs supervision to field supervisors, the intake process is much more thorough, including detailed statements and photographs of alleged injuries and/or scenes when appropriate. This initial extra effort has allowed the CPCC investigators to prepare a more detailed case for Commission review. Another concern, that has since been remedied, was the lack of specific responses by officers to specific allegations. The Commission staff has noticed a marked improvement in this area.

The Commission has also recognized that the quality of the arrest and related reports have also improved thus making the review process more comprehensive. The Commission routinely recognizes quality work by the officers and, through its support staff, prepares formal commendations to be presented to the officers by police department supervision. This kind of recognition serves two purposes. The recognition lets the officers know their work is being reviewed by individuals outside the police department while at the same time serving to

encourage good police work and reporting. This interaction between Internal Affairs, the police rank and file and the CPCC all contributes to a better relationship between the Police Department and the community it serves.

The Commissioners find their challenges and responsibilities very rewarding and are pleased to be of service to the elected officials, the Administration, and, most importantly, to the residents and visitors of the City of Long Beach.

## BUDGETED EXPENDITURES

	Budgeted 1999	Actual 1999	Budgeted 2000	Actual 2000
<b>Personnel</b>	\$283,291	\$278,931	\$284,360	\$278,933
<b>Non-Personnel</b>	\$14,200	\$69,330	\$15,125	\$74,496
<b>Inter-Departmental</b>	\$31,669	\$24,986	\$32,665	\$24,987
<b>Total</b>	\$329,160	\$373,247	\$332,150	\$378,416

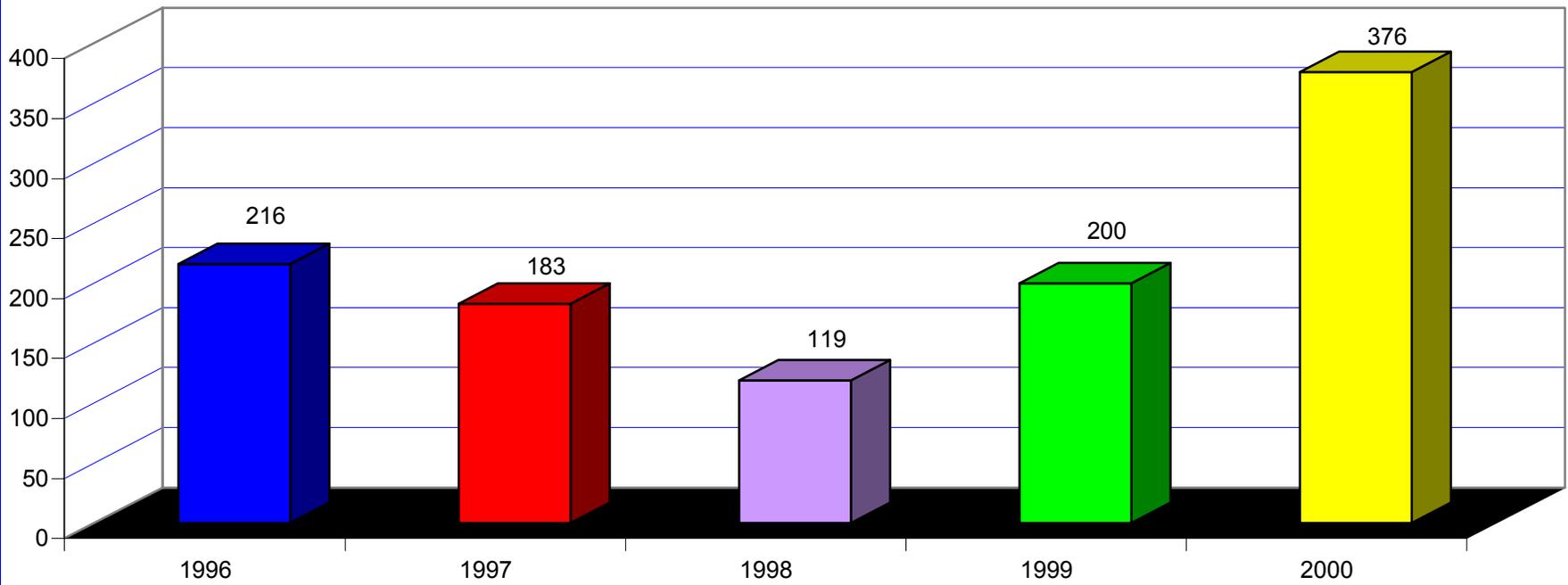
### Commissioner Attendance Record for 2000 Citizen Police Complaint Commission

Meetings: **Second** Thursday of every month, beginning at 6:30 P.M.  
Council Chambers, 333 West Ocean Blvd., Long Beach, CA

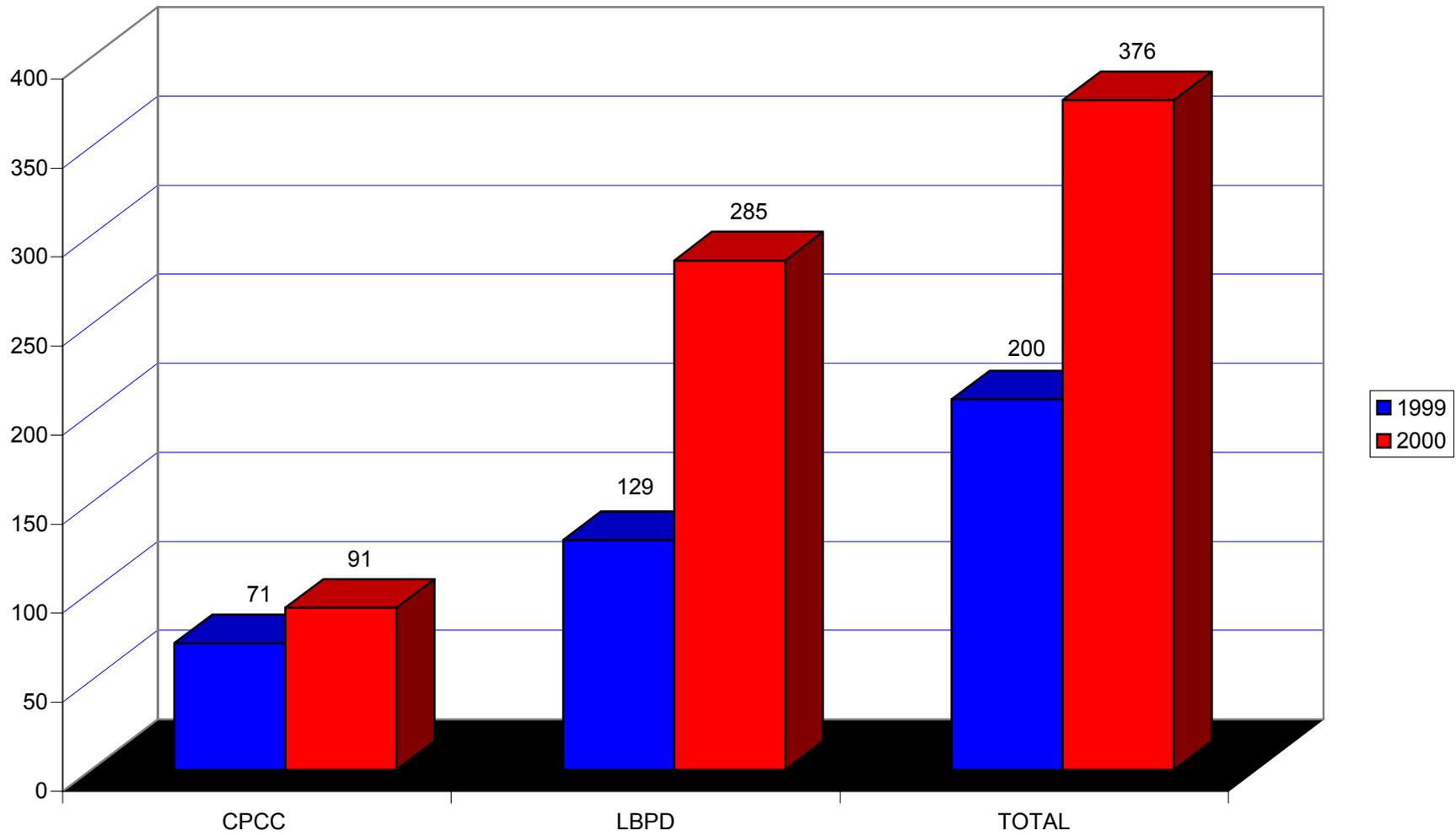
<i><b>Commissioner</b></i>	<i><b>Jan</b></i>	<i><b>Feb</b></i>	<i><b>Mar</b></i>	<i><b>Apr</b></i>	<i><b>May</b></i>	<i><b>Jun</b></i>	<i><b>Jul</b></i>	<i><b>Aug</b></i>	<i><b>Sep</b></i>	<i><b>Oct</b></i>	<i><b>Nov</b></i>	<i><b>Dec</b></i>
Aguilar, Eleanor	P	P	P	P	P	P	P	EX	P	P	EX	EX
Boyer, Grant	P	P	P	P	P	P	EX	P	P	P	P	P
Cooper, Gary	P	P	P	P	P	EX	P	P	P	EX	EX	P
Cross, John	P	P	P	P	P	P	P	P	P	P	P	P
Devere, Joanne	P	EX	P	P	EX	EX	EX	P	P	EX	EX	EX
Dillon, Chris	P	P	P	P	P	P	P	P	P	P	P	P
Everson, Judy	P	P	P	EX	EX	EX	EX	P	EX	EX	P	EX
Keller, Harvey	P	P	P	P	P	P	P	P	P	P	P	P
King, Robert Lee	P	P	P	P	P	P						
Lerch, Val	P	P	P	P	P	P	P	P	P	P	P	P
Lowenthal, Dan	P	EX	P	P	P	P	EX	P	P	P	P	P
Tobias, Vivian							P	P	P	P	P	P

P = Present    A = Absent    EX = Excused Absence    NM = No Meeting      Not Commissioners

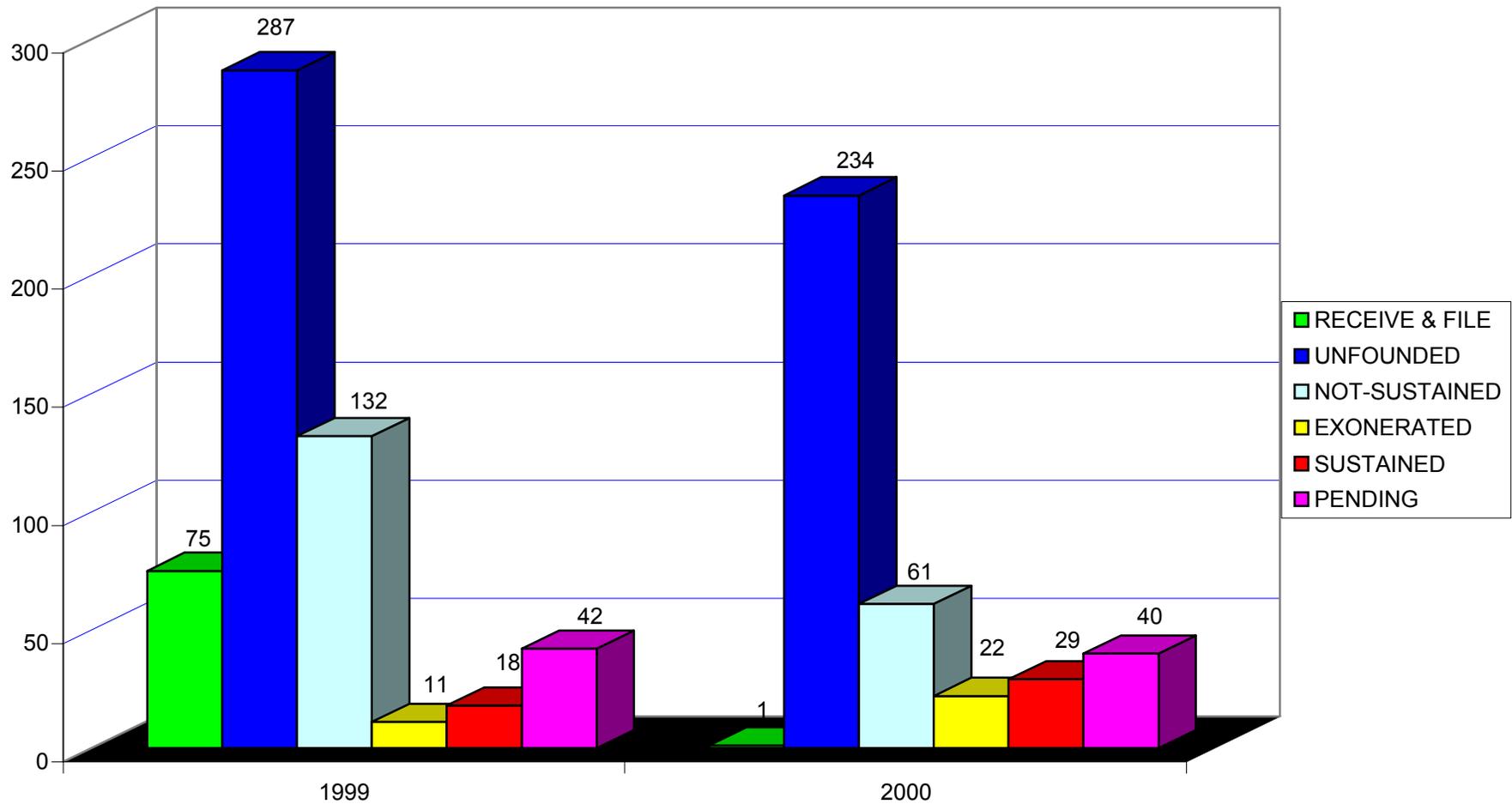
# COMPLAINTS FILED 1996 - 2000



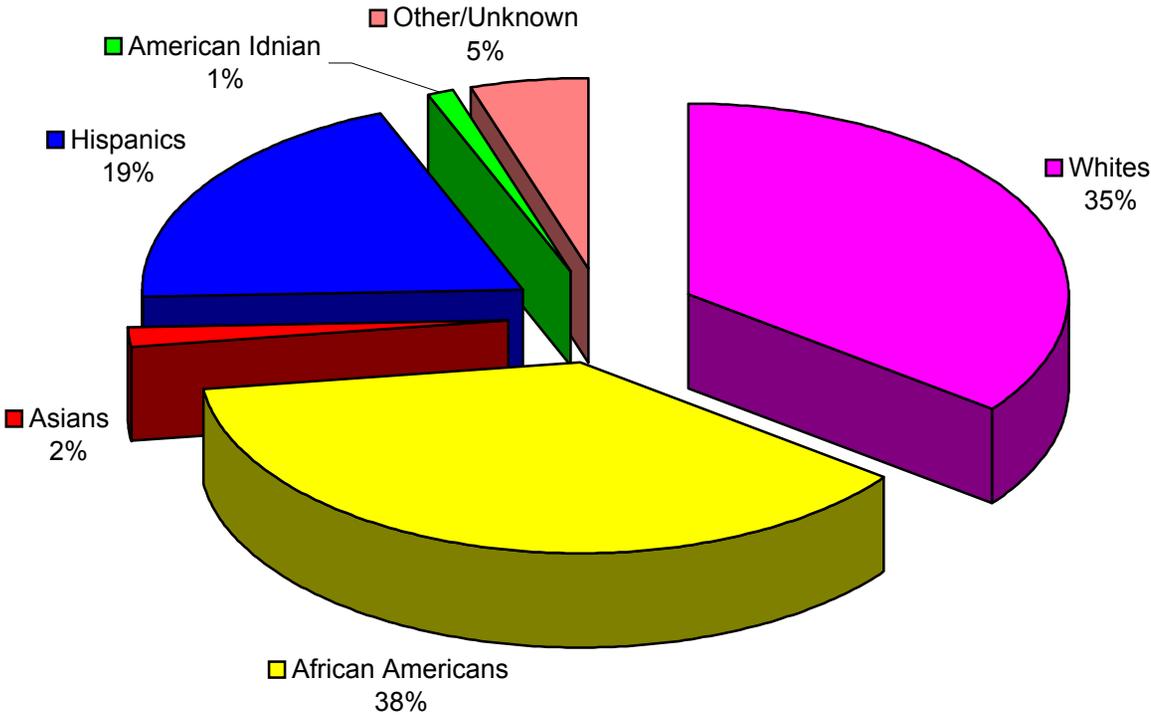
## COMPLAINT SOURCES 1999-2000



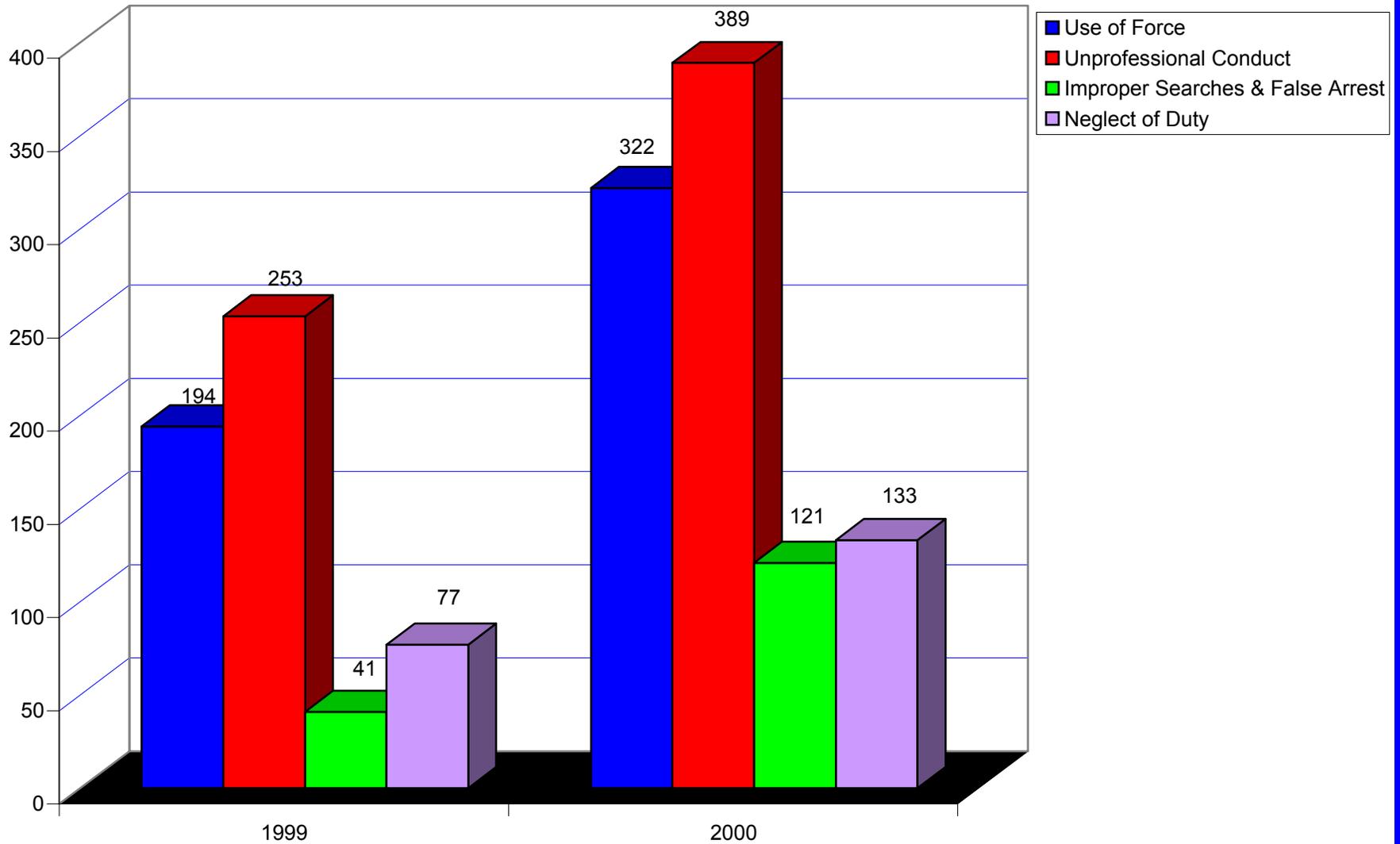
# CITIZEN POLICE COMPLAINT COMMISSION DISPOSITIONS FOR ALLEGATIONS 1999 - 2000



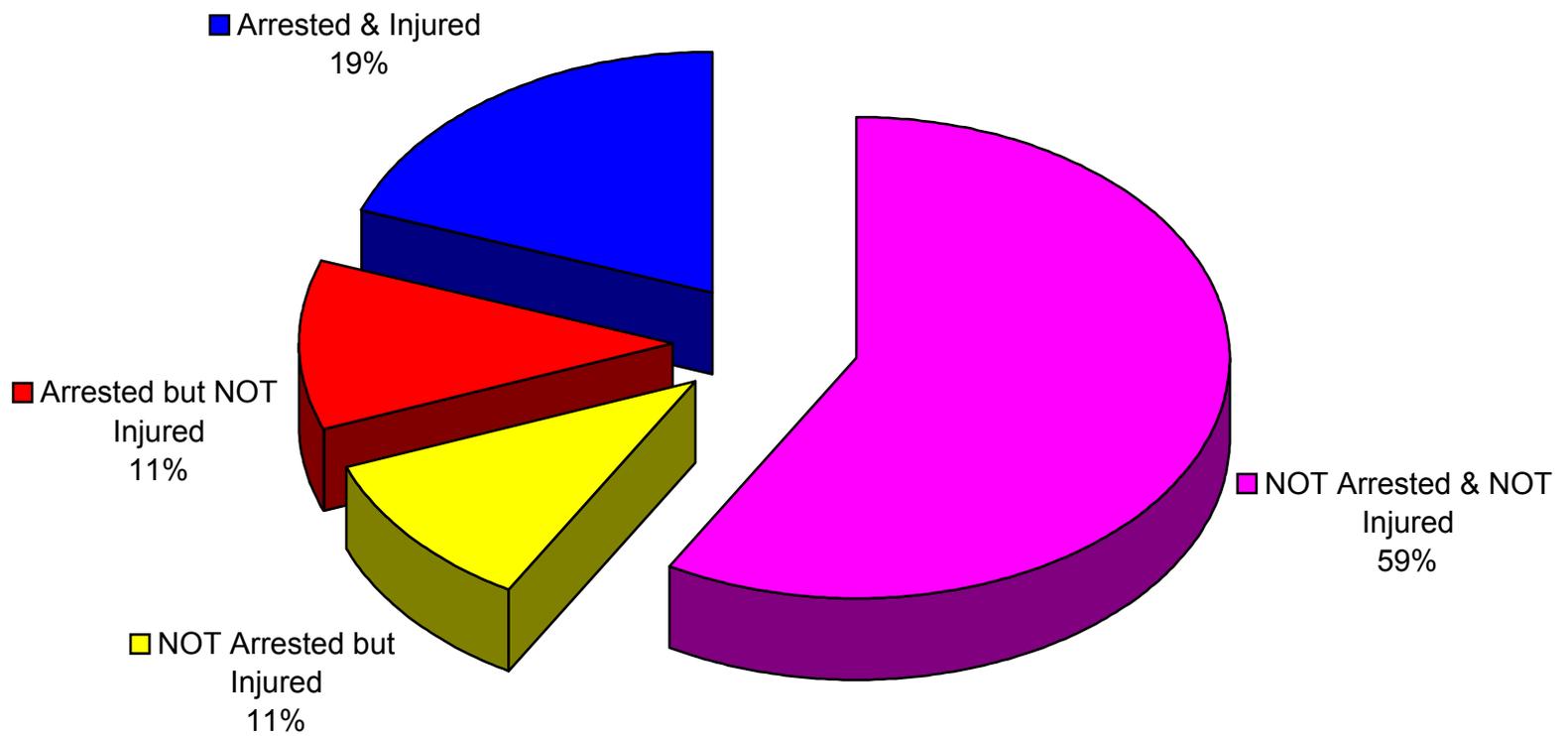
# PERCENT OF COMPLAINTS FILED BY RACE 2000



# CITIZEN POLICE COMPLAINT COMMISSION ALLEGATIONS OF MISCONDUCT 1999 - 2000

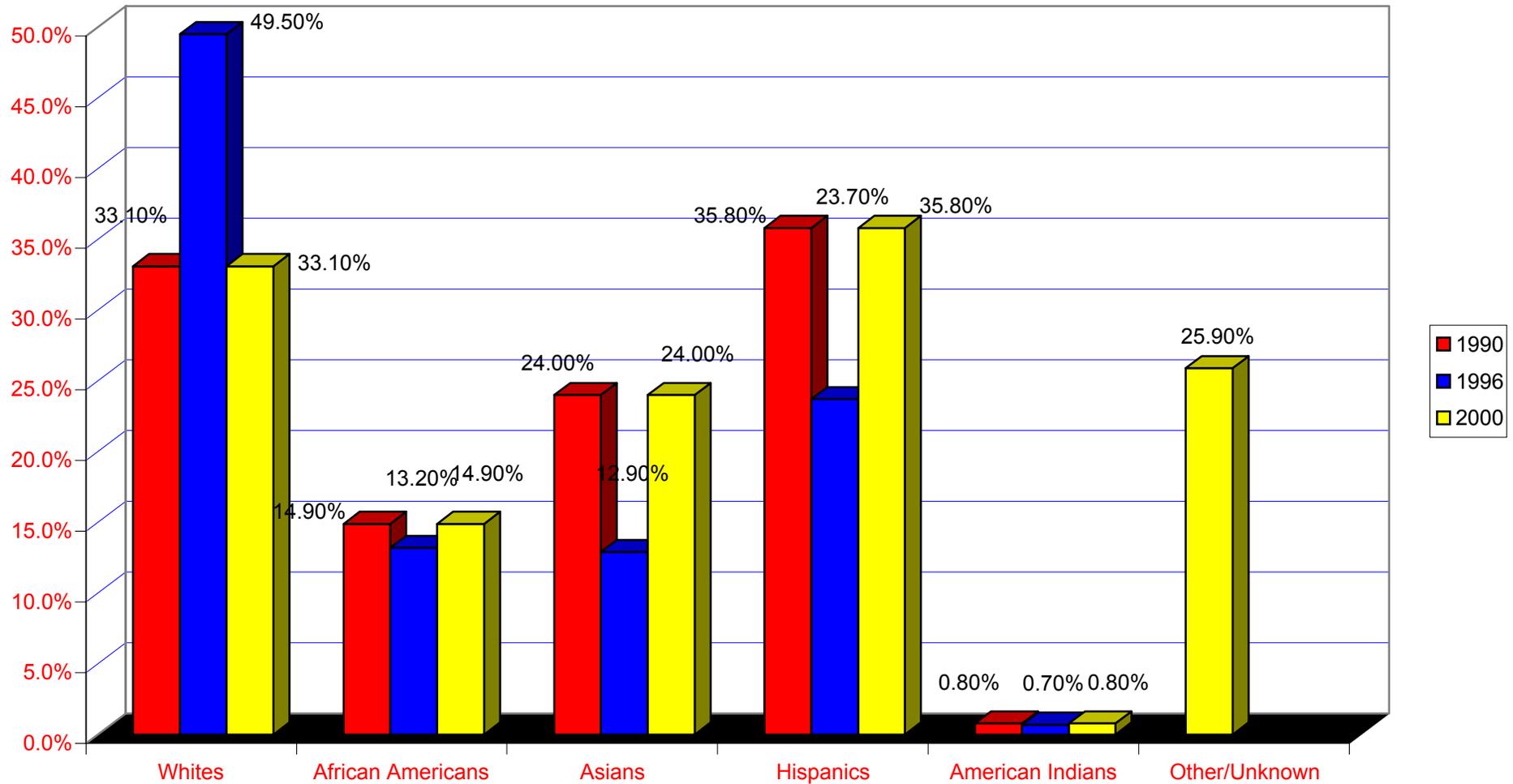


# COMPLAINTS RECEIVED SUMMARY ARRESTED / INJURED REPORT 2000



**CITY OF LONG BEACH DEMOGRAPHICS POPULATION PERCENTAGES PROVIDED  
BY ADVANCED PLANNING DIVISION**

**2000  
461,522**



(No 1997 or 1998 Data Available)