1992

Annual Report

of the

Citizen Police Complaint Commission

Prepared by:

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Executive Director
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Citizen Police Complaint Commission
1992 - 1993

Commissioner Jeff Baker, Chair
Commissioner Michael Pearce, Vice Chair
Commissioner Paul C. Blanco
Commissioner Ernest Gualderon
Commissioner Tim Hickman
Commissioner Ellen Mary Martinez
Commissioner John D. Perone
Commissioner Paul Self
Commissioner Barbara Shoag
Commissioner Edward Velazquez
Commissioner Wendell Whisenton

Executive Director
Joseph T. Rouzan, Jr.

Secretary
Jessie Oliva

Investigators
Helga Kennedy
Ivory Webb
MEMORANDUM

March 16, 1993

Honorable Mayor and Charter Amendment Committee Members
Joseph T. Rouzan, Jr., Executive Director, CPCC

INTERIM ANNUAL STAFF REPORT - 1992

The Citizen Police Complaint Commission (CPCC) and its staff has been in operation for two full years. 1991 was - to a great extent - a period of adjustment to a very delicate, sensitive and independent function of government in the City of Long Beach.

The Commission, charged with the responsibility to receive and investigate complaints of police employee misconduct, has developed an operational system that is effective and responsive. An accurate tracking and process system is now fully operational.

The Commission has established a professional and cooperative relationship with the Long Beach Police Department and Commissioners participate in ride-along programs and attend training sessions at the Police Academy. In 1992, Commissioners attended gang and narcotics enforcement workshops and fired weapons at the Police Academy Range.

During the Commission’s public sessions, Commissioners have received presentations from Long Beach Police Department staff on the use of force, police tactics and the manner in which police personnel handle and investigate personnel complaints.

During 1992, the Chief of Police addressed the Commission on three occasions, and a healthy exchange of views and suggestions was presented. The Chief has subsequently implemented several recommendations of the Commissioners.

While there has been - and will be - much debate on whether the police, civilians, or a combination of the two, should investigate complaints of police misconduct, the Commission has displayed a position of confidence in the present management of the Department. The Commission monitors and oversees the Police Department complaint and investigation process with the authority to discount any part of, or all of, an investigation and/or its results.
The Commission's primary role is that of fact finding. It is neither an advocate for the complainant nor for the police employee. The Commission's concern is that professional conduct be maintained at all times. As this becomes a reality, allegations of police misconduct are reduced and the healing process between community and police is greatly enhanced.

The investigative process is directed toward the review of police actions. Complaints that are processed through the Police Department are reviewed and analyzed by the Commission for thoroughness and accuracy. If the Commission is dissatisfied with the investigation, a request is made for re-investigation by the Department, and is honored in almost all cases.

Although the Commission investigators may conduct investigations independent from the Police Department, such investigations are only necessary when the Police Department has failed to conduct a thorough comprehensive investigation. This has not been a significant problem, and excellent cooperation from the Department has been experienced. The review and critique process has worked very well. Police Department findings and actions are not considered by the Commission in exercising their independent analysis and findings.

In 1992, two police officers were requested to appear before the Commission and present information. Those officers declined. No other requests were made, and no subpoenas were issued.

The fact that the Police Officers Association had endorsed the Commission ballot measure and the Police Department has cooperated fully with the Commission, considerable public animosity has been defused. With the absence of public hostility and the Department receiving community support, improved employee morale can be realized.

The Commission clearly sees their mandate as assisting in "improving police effectiveness." One obligation is to determine when employee behavior is inappropriate and bring that information to the City administration - City Manager. An additional responsibility is to refer to the police administration occurrences and incidents that may not be acts of misconduct but appear to require counseling and/or training.
Honorable Mayor and Charter Amendment Committee Members
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These two goals assist the Police Department in maintaining
a professional image and give the representatives of the
community a sense of purpose in fostering harmonious
relations with the police and the community.

The feedback to the Police Department serves the learning
process in understanding community values and community
expectations of their police. This enhances service delivery
opportunities and assists in gaining community approval and
support.

As this positive working relationship between the police and
the Commission matures, both agencies will experience
improved human relations between the police and members of
the community of Long Beach.

COMPLAINTS AND ALLEGATIONS

With the full cooperation of the Chief of Police, the
Commission received virtually all complaints filed with the
Police Department in 1992. This accounts for - what appears
to be - an inordinate number of complaints, 278, in relation
to the 92 filed in 1991.

In 1991, 42 of the 92 complaints filed were classified as
service or non-misconduct complaints (44%). Of the 278 filed
in 1992, 62 (22%) were deemed service or non-misconduct
complaints. These complaints were received and filed, with
no further action.

The great majority of allegations filed were for the use of
unnecessary and excessive force. There were 259 use of force
allegations (42%) of the total 627 allegations filed.

Unprofessional and improper conduct accounted for 48% of
allegations filed. Discourtesy was the most significant
complaint - 37%. Profanity also was a prevalent complaint -
33%.

Allegations of neglect of duty were reported as 46 (7.3%) of
all allegations. Failure to take a report was the major area
of dissatisfaction - 23 complaints (50%).

Of the 216 complaints assigned for investigation, 174 (80%)
have been processed, and findings have been forwarded to the
City Manager.
Because there are a number of investigations pending from 1992, a comparative analysis of statistical data from year to year cannot be presented as of this interim report. The official annual report will be prepared when all police investigations for 1992 have been reviewed and presented to the Commission for findings and submitted to the City Manager.

Some noteworthy observations:

- Female Complainants 1991 - 36% 1992 - 42%
- White Complainants 1991 - 36% 1992 - 36%
- Black Complainants 1991 - 47% 1992 - 37%
- Hispanic/Latino Complainants 1991 - 16% 1992 - 16%
- Unknown & Other Complainants 1992 - 10%

Bearing in mind that approximately 38 investigations for 1992 have not been finalized, the following allegations have been sustained by the Commission:

- Excessive Use of Force (1)
- Improper Conduct
  - Improper Entry (1)
  - Improper Search (1)
- Unprofessional Conduct
  - Profanity (3)
  - Harassment/Provocation (2)
  - discourtesy (1)
- Neglect of Duty
  - Failure to Take Report (4)
  - Failure to Investigate (3)
  - Other (1)

Total Sustained Allegations 17

- Of the 216 complaints, 18 %, or 38, complained after being arrested. The majority of those complaints were for allegations of excessive or unnecessary use of force.

- 153 officers had allegations filed against them in 1992 - approximately 23%. Thirty officers had two or more complaints filed against them. One officer had six allegations filed; one officer had five; three officers had four and ten officers had three. Fifteen officers had two complaints filed against them.
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The attached charts and graphs illustrate the particulars contained in this report.

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Attachments

cc:  James C. Hankla, City Manager
     John F. Shirey, Assistant City Manager
     Henry Taboada, Deputy City Manager
     John R. Calhoun, City Attorney
     Robert E. Shannon, Assistant City Attorney
CPCC FINDINGS

UNFOUNDED

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

EXONERATED

When the act complained of did occur and under normal conditions would be considered misconduct; however, mitigating circumstances in the judgement of the Commission make the act appropriate and proper.

INCONCLUSIVE (formerly NOT SUSTAINED)

When the allegations cannot be verified by evidence, information or independent witnesses and the officers deny the allegation, and there are no independent witnesses to support the officer’s statements.

SUSTAINED

When the act or failure to act is established and is misconduct, and that act or failure to act is supported by evidence, information or independent witnesses.
1991 - 1992 COMPLAINTS
MISCONDUCT

COMPLAINTS

278

1992

92

1991

0 50 100 150 200 250 300

MISCONDUCT  NON-MISCONDUCT

315% INCREASE IN COMPLAINTS RECEIVED
1991 - 1992 Complaints of Misconduct

315% increase in complaints investigated
RACIAL/ETHNIC BREAKDOWN OF COMPLAINANTS (216)

- WHITE: 36.1% (78)
- BLACK: 36.6% (79)
- HISPANIC/LATINO: 16.7% (36)
- ASIAN: 0.9% (2)
- OTHER/UNKNOWN: 9.7% (21)

CALENDAR YEAR 1992
ALLEGATIONS OF MISCONDUCT (627)

- **USE OF FORCE**: 42% (264)
- **IMPROPER CONDUCT**: 16% (100)
- **MISCELLANEOUS**: 2% (15)
- **NEGLECT OF DUTY**: 7% (46)
- **UNPROFESSIONAL CONDUCT**: 32% (202)

CALENDAR YEAR 1992
ALLEGATIONS OF MISCONDUCT

USE OF FORCE (264)

NECESSARY 202

UNNECESSARY 77% 202

EXCESSIVE 23% 62
ALLEGATIONS OF MISCONDUCT
UNPROFESSIONAL CONDUCT (202)

- DISCRIMINATION/SEX 4%
  9
- DISCRIMINATION/RACE 20%
  40
- DISHONESTY/THEFT 5%
  11
- PROFANITY 33%
  67
- DISCOURTESY 37%
  75
ALLEGATIONS OF MISCONDUCT

IMPROPER CONDUCT (100)

- IMPROPER DETENTION 13%
  13
- IMPROPER ARREST 16%
  16
- HARASSMENT 29%
  29
- IMPROPER SEARCH 42%
  42
ALLEGATIONS OF MISCONDUCT
NEGLECT OF DUTY (46)

- SAFETY 2% 1
- FAIL TO SECURE PROP 30% 14
- FAIL TO ACT 11% 5
- FAIL TO TAKE REPORT 50% 23
- FAIL TO RESPOND 7% 3