

CPCC
Annual Report
2004

Vivian Tobias
Commission Chair



ANNUAL REPORT

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Citizen Police Complaint Commissioners

+Richard Aden
Eleanor Aguilar
+Alvin Austin II
+Deanna Bonachea
Juvie Borges
John Cross, Chair
(Term: July 2002-July 2003)
Chris Dillon
Christopher Hicks
Harvey Keller, Chair
+Coqueece King
Dan Lowenthal
Patrick O'Donnell, Vice Chair
(Term: July 2003-July 2004)
John Rose
Thomas Simcox

*Vivian Tobias, Vice Chair
(Vice Chair July 2002-July 2003)
(Chair Term: July 2003-July 2004)

Staff

Ronald C. Waugh, Executive Director
William Ward, Investigator
Thomas Gonzales, Investigator
Alida Grace, Executive Secretary
Marcee Siegel, Clerk Typist II
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+Appointed to first term July 2003

# 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 request further investigation only when the Police Department has not conducted a comprehensive case study or when new information becomes available.

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

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

The Commission's findings and recommendations often provide valuable insight into the community's perception of the Police Department. This insight can assist with police personnel training and public relations. It should be noted that the 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 itself, the community and the Police Department.

### **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 makes formal hearings unnecessary at this time. However, future 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 269 complaints containing a total of 688 allegations of police misconduct. A total of 60 cases containing 138 allegations were forwarded to the Commission for its consideration. Of the 269 total complaints, 207 were classified by the police department as No Further Action (NFA) and received concurrence by the Commission's Executive Director. This is the fifth 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 wishes to withdraw it or admits to making a false allegation. A complaint may also be classified as NFA if it does not involve a police department employee or the allegation simply does not rise to the level of misconduct. Additionally, at the discretion of the Executive Director, or after an appeal to the full Commission by the Complainant, NFA cases may be reopened.

### **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.

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 adapted the Long Beach model for their review board. A number of cities outside of California contacted the CPCC staff requesting information on the structure and function of the Commission. In order to assist other cities establish civilian oversight in their communities, the CPCC provided background information, and copies of annual reports and in some cases, copies of the Long Beach City Charter that established the CPCC.

## **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 improve the quality of community life, retain long-term residents, attract new businesses and encourage tourism.

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 improved quality of life and increased tourism.

## **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 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.

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 Batts' leadership, the Long Beach Police Department continued to work closely with the CPCC. Chief Batts fostered a 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 Batts continued to meet with commission members on an informal basis over brunch to discuss issues of mutual concern. These meetings were limited in number of participants so as not to establish a quorum. This spirit of cooperation has continued to help improve police community relations and allowed the CPCC to process their cases in a more efficient and expedient manner.

## **INTERACTION WITH POLICE DEPARTMENT**

The Commissioners commend Chief Batts 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 continue to maintain a cooperative relationship with the Long Beach Police Officers' Association. The Police Officers' Association presidents have addressed the Commission and attended meetings. Their dialogue has been very informative and productive.

## **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. Additionally, complaints deemed to have "judicial review" such as traffic and parking citations are not taken unless there are extenuating circumstances.

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. While data can be tracked back to 1996, only the most current five-year period of statistics are reflected in this annual report.

## **COMMUNITY OUTREACH**

The Commission staff visited several community organizations in 2004 to provide their staff and clients an overview of the citizen complaint process. CPCC staff discussed the procedure of filling out the complaint form with emphasis on being specific and factual with regard to an allegation of misconduct. The CPCC staff provided scenarios concerning the various types of stops police officers might make. The CPCC staff also discussed the "do's and don'ts" when detained by law enforcement and supplemented the information with hand out materials. Community outreach is an important aspect of the CPCC. The CPCC believes that sharing information will foster better police community relations by reducing conflict.

## **MEETINGS**

The Commission met eleven times in public session during 2004. By Commission policy, these meetings were convened in the City Council Chambers at 6:30 p.m. on the second Thursday of each month unless special training had been arranged. On May 13<sup>th</sup> the Commission heard an officer-involved shooting case with Long Beach Homicide detectives present to provide background and answer questions. The public was welcome to participate in these sessions. As a matter of routine, the complaining person or persons are notified approximately one week in advance by mail or telephone of the date, time and location their case is to be heard by the Commission. This gives the complaining party an opportunity to present their case in person and to answer whatever questions the Commissioners might have.

On Saturday October 23<sup>rd</sup> the Commission convened for an all day training session at the Police Academy. The public was welcome to and did participate in these sessions. Training was provided by Academy staff and supplemented with an address by Chief Batts. Chief Batts shared his goals and expectations while discussing the various aspects of training each officer is responsible for knowing. Chief Batts' address and candor was very well received by all who attended. The commissioners were very impressed with the training provided and professionalism of the Academy staff and later wrote them letters of commendation.

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.

## **DELAY IN SUBMITTING THE 2004 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 within the calendar year. 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. For these reasons, accuracy dictates formal reporting occurs after the end of the year, following the reporting period.

Statistical information for this annual report, as with past reports, was compiled after all case-year complaints were closed. This reporting style has delayed report preparation for as much as 18 months. Because of improvements to the CPCC information database and modified reporting procedures, it is anticipated that reports beginning this case year will be completed in a timelier manner. Information will be limited to the case year, but will be calculated on case status within the calendar year. Cases trailing from prior year(s) and those remaining open on December 31<sup>st</sup> of the reporting year will continue to be included.

It has become apparent that the value of statistical information with regard to CPCC activities is in timely reporting. Therefore, the 2005 Annual Report should be completed no later than mid-year, 2006 with subsequent reports being completed within three months of year-end.

## FINDINGS AND ALLEGATIONS

The Commission heard 14.3 percent fewer complaints and 32 percent fewer allegations in 2004 compared to 2003. Under the authority of Sections 1150-1155 of the City Charter, special emphasis is placed on those complaints from the public involving allegations of **excessive force, false arrest, and racial and/or sexual overtones.**

The total number of complaints decreased from 406 in 2003 to 269 in 2004, representing a 33 percent decrease. The number of Use of Force allegations decreased by 20.9 percent. There was a minor increase in the number of allegations involving Improper Arrests and Detentions. There were 39 such allegations in 2003 and 42 in 2004, representing an increase of 7.0 percent. The number of allegations involving Improper Racial Remarks decreased from 2-to-1, representing a decrease of 50 percent. Those allegations involving Improper Sexual Remarks/Misconduct decreased from 11-to-7. The total number of allegations in these categories decreased from 270 in 2003, to 227 in 2004, a decrease of 16 percent. The majority of the total 227 allegations in these categories, some 73.5 percent, were deemed by both the Police Department and the Commission's Executive Director to require No Further Action and, therefore, were not presented to the full Commission.

Of the 269 complaints, containing 688 allegations lodged by the public, the Commission reviewed a total of 60 complaints containing 138 various allegations of misconduct. Of the **total** Use of Force allegations, some 174, 71.8 percent were classified as No Further Action, 3.4 percent were classified as Exonerated, 12.8 percent were Not Sustained, .57 percent were Sustained and 6.9 percent were Unfounded. In addition 2.3 percent were classified as Other/Training and 2.8 percent were classified as Pending. Of the Improper Arrest/Improper Detention allegations, 2.4 percent were classified as Unfounded, 2.4 percent were pending and 4.7 percent were Other/Training. The one Improper Racial Remark allegation classified as No Further Action. There were 6 allegations of Sexual Remark/Misconduct. Two of these allegations were classified as No Further Action, two were Unfounded, one was classified as Not Sustained and one was classified as Sustained.

The Commissioners noted that complaints from the Hispanic community increased from 15.5 percent in 2003 to 20.2 percent in 2004, and that complaints from the African-American community also increased from 37.3 percent to 41.2 percent. The Commissioners have noted that a disproportionate number of complaints were from African-Americans. While African-Americans represent only 15 percent of the Long Beach population, the total percentage of complaints by this group amounts to 41.2 percent of the all the complaints received. There were no unusual situations or incidents to explain why there is a trend with regard to there being more complaints by African-Americans or why complaints from the Hispanic community increased. Complaints from Whites increased by approximately .5 percent. The following represents a five-year complaint trend.

| <u>Reporting Year</u> | <u>Number of Investigated Complaints</u> | <u>+/- to Prior Year</u> |
|-----------------------|------------------------------------------|--------------------------|
| 2000                  | 376                                      | +88%                     |
| 2001                  | 391                                      | +3.7%                    |
| 2002                  | 428                                      | +9.0%                    |
| 2003                  | 406                                      | -5.0%                    |
| 2004                  | 269                                      | -33.7%                   |

The decrease of approximately 33.7 percent from 2003 to 2004 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 Commission's caseload and functions. The

actual number of cases heard by the Commission decreased from 70 in 2003, to 60 in 2004, representing a decrease of approximately 15 percent.

The Commission has no control over the number of complaints it receives during a reporting period. Since complaints can be received by phone, mail, in-person visits, via the City's web site or submitted by Internal Affairs, the Commission staff acts on the complaints as they are received. A number of factors contribute to the increase/decrease in the number of citizen complaints, including public awareness of the Commission and its function, 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 2004, the Commission classified the majority of the allegations it heard, some 36.2 percent, as "Not Sustained" meaning there was no evidence to support or refute the allegation. Allegations classified as "Unfounded", meaning the Commissioners found no basis or foundation in fact and there was no information or evidence to support the allegation, represented 28.2 percent of the total number of the allegations heard by the Commission. A total of 10.1 percent of the allegations were classified as Sustained. This represents a decrease from the previous year. The Commission Exonerated 14.5 percent of the allegations and recommended Other/Training on 10.8 percent of the remaining allegations.

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 these individual officers. The Department closely monitors their progress and evaluates the results. The CPCC is notified, in writing, when the training or corrective action has been completed.

**TOTAL ALLEGATIONS INVESTIGATED IN 2004 – 688**

| <u>Categories</u>                  | <u>*NOA</u>       | <u>Percentage of Total</u> |
|------------------------------------|-------------------|----------------------------|
| Discourtesy                        | 48                | 7.0%                       |
| Discourteous Remark                | 9                 | 1.3%                       |
| Dishonesty                         | 9                 | 1.3%                       |
| Failure to Investigate             | 12                | 1.7%                       |
| Failure to Care for Property       | 11                | 1.6%                       |
| Failure to Take Action             | 32                | 4.7%                       |
| Failure to Take Report             | 15                | 2.2%                       |
| Harassment                         | 34                | 4.9%                       |
| Harassment/Sexual                  | 4                 | 0.6%                       |
| Improper Arrests                   | 12                | 1.7%                       |
| Improper Detention                 | 30                | 4.4%                       |
| Improper Entry                     | 10                | 1.5%                       |
| Improper Search / Personal         | 10                | 1.5%                       |
| Improper Search / Residential      | 7                 | 1.0%                       |
| Improper Search / Vehicle          | 6                 | .9%                        |
| Improper Remark                    | 15                | 2.2                        |
| Improper Use of Force              | 174               | 25.3%                      |
| Intimidation                       | 21                | 3.1%                       |
| Misuse of Authority                | 24                | 3.5%                       |
| Misappropriation of Property       | 14                | 2.0%                       |
| Racial Bias                        | 2                 | .3%                        |
| Racial Profiling                   | 21                | 3.1%                       |
| Profanity                          | 30                | 4.4%                       |
| Racial Remark                      | 1                 | 0.1%                       |
| Sexual Misconduct                  | 6                 | 0.9%                       |
| Unbecoming Conduct                 | 128               | 18.6%                      |
| Unauthorized Tactics               | 3                 | .4%                        |
| *NOA = Number of allegations filed | <b>TOTALS</b> 688 | <b>100.00%</b>             |

## **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 Legislature 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 as 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, if true, would certainly taint the process. When the public identifies these officers to the CPCC staff, the Executive Director immediately notifies the Police Department. 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." The admonition regarding false complaints now appears on the complaint forms used by the Long Beach Police Department and the Citizen Police Complaint Commission.

The Commission has continued to notice a marked improvement in the quality of the investigations completed by Internal Affairs investigators. 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 to field supervisors, the intake process is much more thorough, including detailed statements and photographs of alleged injuries and/or incident scenes when appropriate. This initial extra effort has allowed the CPCC investigators to prepare a more detailed case for Commission review even though the staffing levels have been reduced. Because the intake process has been more thorough, the percentage of cases deemed to require No Further Action (NFA) in relation to the cases for this year, has increased dramatically. The Commission staff will continue to closely monitor cases in this category to insure that appropriate cases are still reviewed by the full Commission.

In the past only those individuals whose complaints were heard before the Commission received correspondence advising them of the disposition of their allegations. Once it was discovered that neither the Police Department nor the CPCC was providing the disposition to individuals whose cases were deemed to require No Further Action (NFA) the situation was immediately corrected. The CPCC now provides the complainant with a NFA letter.

The Commission has recognized that the quality of the arrest and related reports also have 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 via 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 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 City Manager, and, most importantly, to the residents, businesses and visitors of the City of Long Beach.

### **BUDGETED EXPENDITURES**

The 2004 Fiscal Year Adopted Budget for the CPCC was \$488,818. The Actual Expenses for Personnel, Non-Personnel and Inter-Department items was under the Adopted Budget, or approximately \$377,305. The sizable savings was, in part, due to a reduction in staffing. The CPCC strives to remain within the Adopted Budget; however, high priority cases such as Officer Involved Shootings (OIS's) might cause extra expenditures for investigations.

**STATISTICAL COMPARISONS**

**COMPLAINTS FILED**

**2000 – 2004**

| <b><u>2000</u></b> | <b><u>2001</u></b> | <b><u>2002</u></b> | <b><u>2003</u></b> | <b><u>2004</u></b> |
|--------------------|--------------------|--------------------|--------------------|--------------------|
| 376                | 391                | 428                | 406                | 269                |

**COMPLAINT SOURCES**

**2000 – 2004**

| <b><u>2000</u></b> | <b><u>2001</u></b> | <b><u>2002</u></b> | <b><u>2003</u></b> | <b><u>2004</u></b> |
|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>CPCC</b><br>91  | <b>CPCC</b><br>85  | <b>CPCC</b><br>58  | <b>CPCC</b><br>54  | <b>CPCC</b><br>38  |
| <b>LBDP</b><br>285 | <b>LBDP</b><br>306 | <b>LBDP</b><br>370 | <b>LBDP</b><br>352 | <b>LBDP</b><br>231 |

**ALLEGATIONS OF MISCONDUCT**

**2000 – 2004**

|                                         | <b><u>2000</u></b> | <b><u>2001</u></b> | <b><u>2002</u></b> | <b><u>2003</u></b> | <b><u>2004</u></b> |
|-----------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>Use of Force</b>                     | 322                | 325                | 305                | 218                | 174                |
| <b>Unprofessional Conduct</b>           | 389                | 342                | 481                | 431                | 331                |
| <b>Imp. Searches &amp; False Arrest</b> | 121                | 36                 | 47                 | 49                 | 23                 |
| <b>Neglect of Duty</b>                  | 133                | 193                | 255                | 258                | 160                |

**STATISTICAL INFORMATION FOR 2004 ONLY**

**ARREST / INJURED REPORT**

|                                     |                |
|-------------------------------------|----------------|
| <b>Arrested and Injured</b>         | 20.85%         |
| <b>Arrested but NOT Injured</b>     | 8.48%          |
| <b>NOT Arrested but Injured</b>     | 11.31%         |
| <b>NOT Arrested and NOT Injured</b> | 59.36%         |
| <b>TOTAL</b>                        | <b>100.00%</b> |

**PERCENT OF ALL COMPLAINTS FILED BY ETHNICITY**

|                          |                        |               |                 |                      |              |
|--------------------------|------------------------|---------------|-----------------|----------------------|--------------|
| <b>African Americans</b> | <b>American Indian</b> | <b>Asians</b> | <b>Hispanic</b> | <b>Other/Unknown</b> | <b>White</b> |
| 41.2%                    | .4%                    | 2.5%          | 20.2%           | 5.4%                 | 30.3%        |
| <b>TOTAL 100.00%</b>     |                        |               |                 |                      |              |

## ETHNICITY MAPPING BY COUNCIL DISTRICT

At its November 2004 meeting, the Long Beach Public Safety Committee discussed a number of issues, including the CPCC's annual report. Three members of the City Council sit on that committee. Councilmembers Val Lerch, Chair, Bonnie Lowenthal and Patrick O'Donnell representing Districts 9, 1 and 4 were Public Safety Committee members at that time. Representatives from the Police Department and the CPCC were also in attendance. During discussion, Councilmember Lowenthal noted that the CPCC's annual report contained a great deal of statistical information regarding the types of complaints and ethnicity of complainants. Councilmember Lowenthal questioned if it was possible to include the incident location and the ethnicity, Council District and residence of the complaining parties.

To better understand who was making complaints and where the incidents occurred, Councilmember Lowenthal asked that this information be included in future annual reports. The CPCC requested assistance from Technology Services. Using raw statistics from the CPCC database, Technology Services was able to "map" the following information: 1) The ethnicity of individuals making complaints by incident location within a specific Council District, and 2) The ethnicity of individuals making complaints by location of their residence within a specific Council District.

The Department of Technology Services completed the mapping project in record time, allowing this new information to be included in our 2003 annual report. Complaints occurring outside of City boundaries were counted, but not mapped, while complaints containing multiple complainants were included, showing the approximate location of the residence of each complainant living within the City.

For reporting purposes, the total number of allegations has always been included in the annual reports, while each complaint is counted individually, regardless of the number of complainants. This new mapping information will show Councilmembers and the community where complaints against Police Department employees are occurring within the City. It will also plot complainant residences and note the ethnicity of those making the complaints.

While the CPCC has not coordinated this new mapping information with the Police Department, it is believed there may be a direct correlation between crime locations and sites where personnel complaints originate. It is hoped that in the near future, the Police Department's ability to map crime patterns will be paired with the mapping information provided by the CPCC and aid in the reduction of personnel complaints.

The addition of mapping information has proved to be a valuable resource. Because of this, mapping information will continue to be included in all future annual reports.



City of Long Beach

**Citizen Police Complaint Commission**

# Complaint and Investigation Process



