

# *Annual Report 2019*

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## *CITIZEN POLICE COMPLAINT COMMISSION*



CITY OF  
**LONG BEACH**

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## **Acknowledgement of Chairs**

Citizen Police Complaint Commission (CPCC) Commissioners are your neighbors, and they are active in the Long Beach community. They are independent of the LBPD but are trained to make finding recommendations on allegations of police misconduct after reviewing reports and evidence related to a complaint. These commissioners are recommended by the Mayor and appointed by the City Council; they represent the rich diversity throughout the city of Long Beach and are sensitive to issues regarding police-community relations.

To our fellow Commissioners, we extend our sincere appreciation for your professionalism and honest dialogue and dedication to reviewing all submitted material. We know you recognize the trust placed in us to be impartial, objective fact finders of allegations of misconduct. You have made this experience extremely rewarding by sharing perspectives that broaden our

viewpoints and extend our capacity to serve all people. It has been an honor to work side by side with each of you.

We would like to thank the CPCC's former Executive Director, Manager of the CPCC, Investigators and staff; the office of the City Manager; the City Clerk's Office; the City Attorney's Office; the Department of Technology and Innovation; and, the Long Beach Police Department (LBPD), including the Internal Affairs Division for their support.

In closing, we thank the Long Beach community for your honest feedback, participation in open session, recommendations and trust. We know that our work is not always easy, as we address sensitive issues. However, this work is necessary to give our fellow community members a place where their concerns can be independently heard.

Sincerely,

**Desmond Fletcher, Chair,**  
*March 2019 through June 2020*

**Suely Saro, Chair,**  
*July 2018 through February 2019*

# Manager of CPCC Summary



Patrick Weithers, CPCC Manager

The Citizen Police Complaint Commission has undergone some major progressive changes in 2019. Our investigators have worked meticulously to address a backlog of cases from the previous years. The CPCC has seen a 36 – 67% increase in the number of cases briefed each month for the Commission to review. This has allowed the commission to gradually review cases further away from the case expiration date. While we have confronted several challenges, I am confident that the CPCC is on track to serve its primary mission over the next year.

This report reflects the work of the CPCC during the 2019 calendar year. Included is the number of cases/complaints opened, allegations opened, cases reviewed by the commission, allegations reviewed by the Commission, cases closed with no further action and allegations closed with no further action. In this report, CPCC refers to the work of the overall body, including staff and Commissioners. Commission refers to the work of those appointed to fulfill the duties of the charter.

I thank Mayor Robert Garcia and the City Council for their continued support of the CPCC. I would also like to thank the CPCC Commissioners and staff who put so much time and effort into investigating cases, preparing briefs and deliberating over cases late into the night. Your hard work and dedication are greatly appreciated. I would also like to thank the City Manager, City Attorney's Office, City Clerk's Office and the Long Beach Police Department, notably the Internal Affairs Division. The collective professionalism, courtesy, cooperation, and assistance of all involved is appreciated.

## Internal Reforms

In 2019, several critical reforms were implemented to help the flow of caseloads and enhance transparency. I implemented a case tracking system for investigators to manage their caseloads on a monthly basis. This has resulted in several investigations being completed earlier and has helped tremendously with presenting cases to the Commission sooner. In an effort to enhance transparency, the Commission voted to revise the City Manager Reports to explain why a finding recommendation the Commission recommended was a different finding than the final disposition of the City Manager. The implementation of the revised City Manager reports began in 2020. CPCC staff also prepared and implemented changes to public records request laws under Senate Bill 1421, which will enhance transparency. Changes included flagging all cases that fall under Senate Bill 1421 requirements to be readily available for Public Records Requests.

## Staffing

In February and October 2019, we were able to fill both vacant investigator positions, bringing the CPCC back to full staffing. Both investigators have contributed greatly to the reduction in open cases and timeframe in which cases are presented to the Commission.

## Commissioner Additions

In 2019, three new Commissioners were appointed to the commission representing District 2, District 4 and one At-Large seat.

## Challenges

The length of time spent on deliberation in closed session increased significantly due to more cases being presented to the Commission and more video evidence being made available for the Commission to review. The Commission reviews a large amount of body-worn camera videos due to the implementation of body worn camera testing within the Long Beach Police Department. Meetings often adjourn between 10:00 pm and midnight. We are working on finding ways to decrease the length of meetings and at the same time, ensure the Commission continues to receive all available information to render finding recommendations on cases.

## The Future

In 2020, the CPCC will explore the implementation of a Mediation Program. Mediation has been a very successful tool in cities across the United States, helping to bridge the gap in police & community relations. We will continue to shorten the timeframe in which cases are presented to the Commission.

We are enthusiastic to continue enhancing the CPCC's efforts and I am personally excited to continue to work with CPCC Commissioners to implement their new ideas and recommendations.

A blue ink signature of Patrick Weithers, written in a cursive style.

Patrick Weithers, CPCC Manager



## Retirement of Executive Director Anitra Dempsey

After working for the City of Long Beach for 30 years, more than 20 of which were with the City Manager's Office. CPCC Executive Director Anitra Dempsey retired from the City in July 2019. Anitra was a huge asset to the CPCC and implemented many positive changes to help the CPCC progress in a variety of ways over the years. The CPCC staff and Commissioners wish her the absolute best in her retirement.

# CPCC Commissioners

*\*Because the 2019 Annual Report covers January-December, some Commission seats show two representatives, beginning with the commissioner who served first in that seat.*



**DISTRICT 1**  
Dianne McNinch



**DISTRICT 2**  
Porter Gilberg



**DISTRICT 3**  
Christian N. Cooper



**DISTRICT 4**  
Richard Lindemann



**DISTRICT 4**  
Justin Morgan



**DISTRICT 5**  
Veronica Garcia



**DISTRICT 6**  
Leonard Adams



**DISTRICT 7**  
Maria Norvell



**DISTRICT 8**  
Desmond Fletcher



**DISTRICT 9**  
Dr. Joni Ricks-Oddie



**AT-LARGE**  
Dana Buchanan



**AT-LARGE**  
Suely Saro



**AT-LARGE**  
James Ahumada

# Newly Appointed Commissioners

## Porter Gilberg – District 2

Porter Gilberg is the Executive Director for The LGBTQ Center of Long Beach, one of the largest LGBTQ community centers in the United States. He oversees all operations, programs, outreach efforts, events, advocacy, fund development, budgeting, and communications. He also serves as a commissioner on the Los Angeles County Commission on Human Relations, as Vice-President on the 4th Street Business Association Board of Directors, as Board Secretary for the national organization CenterLink, and on the Advisory Boards for the Long Beach Trauma Recovery Center and California State University Long Beach Master of Public Health Program. He has previously served as Vice President for the Alamitos Beach Neighborhood Association, on the Mayor's Everyone Home Homeless Advisory Task Force, on the Long Beach Violence Prevention Plan Steering Committee, and numerous other committees and work groups seeking to improve our communities. Gilberg has lived in Long Beach for more than 15 years and is a resident of the Second District.

## Justin Morgan – District 4

Justin Morgan is a 4th District resident and a former educator. He has an M.Ed. from Pepperdine University and was an independent school teacher in Palo Alto, Los Angeles, and Long Beach for 12 years, as well as an academic administrator at UC Berkeley. He is a member of the National Council of Teachers of Mathematics; a Phi Delta and Kappa International Education Academic Honors Society Member; currently serves on his son's elementary school's Governance Site Council; and is the representative for the Superintendent's Forum for LBUUSD. He is the co-founder and CEO of a management application start-up company founded in Long Beach.

## James Ahumada – At-Large

James is a 1st District resident and he currently works as the Senior Communications Manager for the CSULB Associated Students, Incorporated. In that capacity, he oversees communications, media and strategy for the ASI of CSULB. He is a graduate of Leadership Long Beach, is a member of the CSULB Alumni Association Board, is involved in numerous community organizations, and is active across the CSULB campus.



# Staff and Support Staff

## OFFICE OF THE CITY MANAGER

**PATRICK H. WEST**  
City Manager

**THOMAS MODICA**  
Acting City Manager

**THOMAS MODICA**  
Assistant City Manager

**REBECCA GARNER**  
Acting Assistant City Manager

**KEVIN JACKSON**  
Deputy City Manager

**TERESA CHANDLER**  
Interim Deputy City Manager

**ANITRA DEMPSEY**  
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## OFFICE OF THE CITY CLERK

**JONATHAN NAGAYAMA**  
City Clerk Specialist

**KYLE SMITH**  
City Clerk Specialist

## OFFICE OF THE CITY ATTORNEY

**SARAH GREEN**  
Deputy City Attorney

**MONICA KILAITA**  
Deputy City Attorney

# Staff and Support Staff

## OFFICE OF THE CITY MANAGER

**THOMAS MODICA**  
City Manager

**LINDA F. TATUM**  
Assistant  
City Manager

**KEVIN JACKSON**  
Deputy City Manager

**TERESA CHANDLER**  
Deputy  
City Manager

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## OFFICE OF THE CITY CLERK

**JONATHAN NAGAYAMA**  
City Clerk Specialist

**KYLE SMITH**  
City Clerk Specialist

## OFFICE OF THE CITY ATTORNEY

**SARAH GREEN**  
Deputy City Attorney

# About the Citizen Complaint Commission

The CPCC was created by a vote of the people in 1990 to review the service provided by members of the LBPd and independently conduct investigations into allegations of police misconduct with an emphasis on excessive force, false arrest and complaints with racial or sexual overtones.

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

The CPCC is a Charter Commission and has the power to issue subpoenas related to a complaint. The CPCC is neither an advocate for the Complainant nor for police personnel. CPCC findings can result in the accused personnel being disciplined, trained or exonerated. The CPCC refers policy recommendations to the City Manager, who can forward the recommendations to the LBPd for implementation.

While the Commission does not set policy, its policy recommendations have resulted in policies being changed or clarified to best serve the community.

## Our Guiding Values

- ACCOUNTABILITY
- INTEGRITY
- RESPECT FOR ALL PEOPLE
- RESPECT FOR THE LAW AND THOSE WHO SERVE
- TRANSPARENCY

CPCC Meetings: CPCC meetings begin at 5:30 pm on the second Thursday of every month at City Hall, 411 West Ocean Blvd., Long Beach, CA, in the City Council Chambers. Complainants, those who filed complaints, are notified when their cases will be reviewed by the Commission. Community members are welcome to attend the Open Session and can address the Commission during this time. Special meetings that include subject matter presentations or changes in meeting times are posted in compliance with the Brown Act to provide notification to the community.

## Commission Priorities

The Commission Chair, with input from the Vice Chair, sets priorities for the CPCC during his or her term. During this reporting period, the Commission identified the following priorities:

**PROVIDE MORE TRANSPARENCY ON CITY MANAGER REPORTS**

**FIGURING OUT A WAY TO VIEW CASE VIDEOS PRIOR TO MEETINGS**

**HAVE CASES PRESENTED TO THE COMMISSION AT LEAST TWO MONTHS MINIMUM BEFORE THE ONE-YEAR CASE TIME-OUT DATE**

## Highest Standard of Objectivity

Commissioners are charged with and receive training to remain objective in all cases they review. Commissioners must remain open-minded and understand their role to ensure the fairest outcome in every case.

The CPCC views objectivity as decisions based on facts and without bias, not decisions solely influenced by personal feelings, interpretations, or prejudice. Commissioners consider alternative viewpoints and all available evidence when deliberating cases, and are prohibited from allowing anything that happens outside the scope of the CPCC's investigation to affect their decision-making, including media reports and information on the internet.

Commissioners are held to the highest standard of confidentiality and cannot discuss cases outside the scope of their duties. They are prohibited from conducting their own research and forming opinions about a case until they have sufficiently reviewed all evidence.

## Connected with the Community

- The CPCC continued to be strategic about its community presence to increase opportunities to inform the community about the CPCC as a resource, and to hear concerns and recommendations.
- The Commission Chair and Vice chair initiated a community engagement committee and made presentations to neighborhood groups and community-based organizations.

## CPCC Workload

Several factors contribute to the number of complaints filed each year, including public awareness of the CPCC and its function, police conduct toward the public, media focus, and community concerns.

A complaint/case can contain one or several allegations with one or several accused officers. If there is more than one officer accused in an allegation, the total number of allegations includes findings recommendations for all accused officers. For example, if three officers are accused of excessive use of force in one incident, the CPCC renders finding recommendations on each officer.

## Serving on the CPCC

Before newly appointed Commissioners can review cases, they are required to complete an orientation process that consists of an overview of applicable laws and CPCC policies and procedures. The orientation also includes discussion about the history of the CPCC, perceptions and realities about the Commission's work, and the CPCC's value to the city of Long Beach. See more orientation information in Appendix E.

# Filing a Complaint

You can file a complaint if you believe that a member of the LBPD has violated your rights. Call (562) 570-6891, mail a complaint form, send an email, or file a complaint in person at the CPCC office, 411 West Ocean Boulevard, 1st Floor, Long Beach, CA, 90802. Business hours are Monday through Friday, 8:30 a.m. to 4:30 p.m. Appointments are recommended, but not required. Complaints can be made anonymously. Complaint forms are available in person and on-line: <http://www.longbeach.gov/citymanager/cpcc/filing-a-complaint/> in English, Khmer, Spanish, and Tagalog.

It is recommended that the complaint be filed soon after the incident occurs. In general, complaints can be filed directly with the CPCC within one year of the date of the incident or with the LBPD at any time.

To expedite the processing and investigation of complaints, provide as much information as possible regarding the allegations, including witness names, photos, recordings, and other physical evidence that is available.

Third party complaints will be investigated if sufficient information is available. All complaints remain on file for the statutory time period and can be considered when evaluating overall police-community relations.

## The Investigative Process

Complaints/cases are assigned to an Investigator who reviews reports, video and audio recordings, interviews witnesses, and conducts field investigations to collect information relevant to the case. The complaint and the investigative data are submitted to Commissioners for review prior to the monthly meeting.

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 2014, With the addition of staff, and to allow the Commission to see more cases, the criteria for the Executive Director to recommend cases with a NFA disposition was changed to:

- Insufficient information
- Lack of witness cooperation
- Staff recommendation

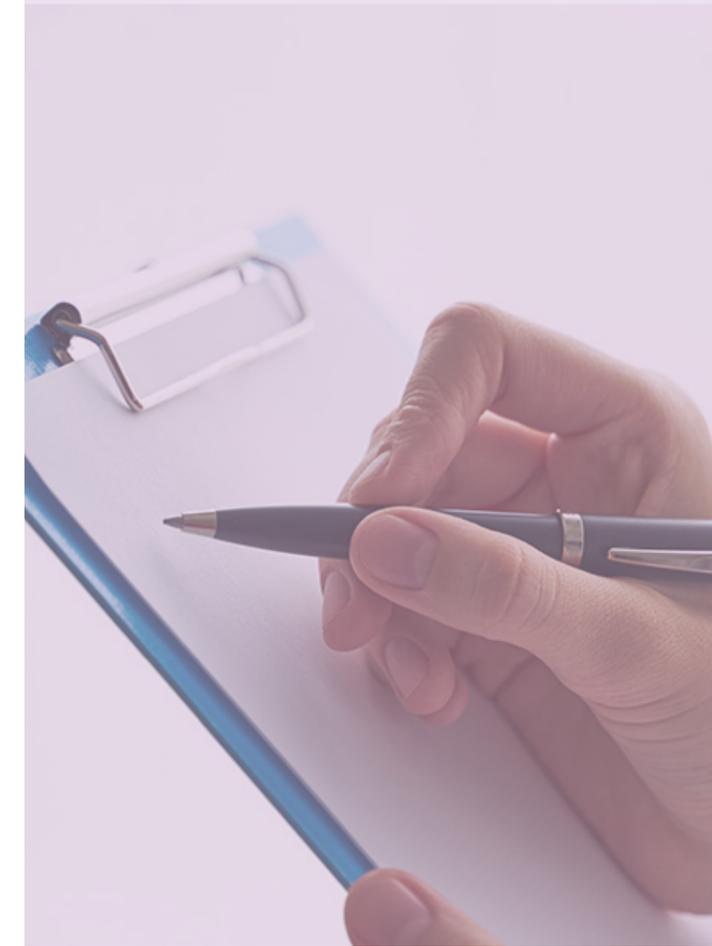
Prior to 2014, the authorized criteria for the Executive Director to recommend cases be closed with an NFA disposition included:

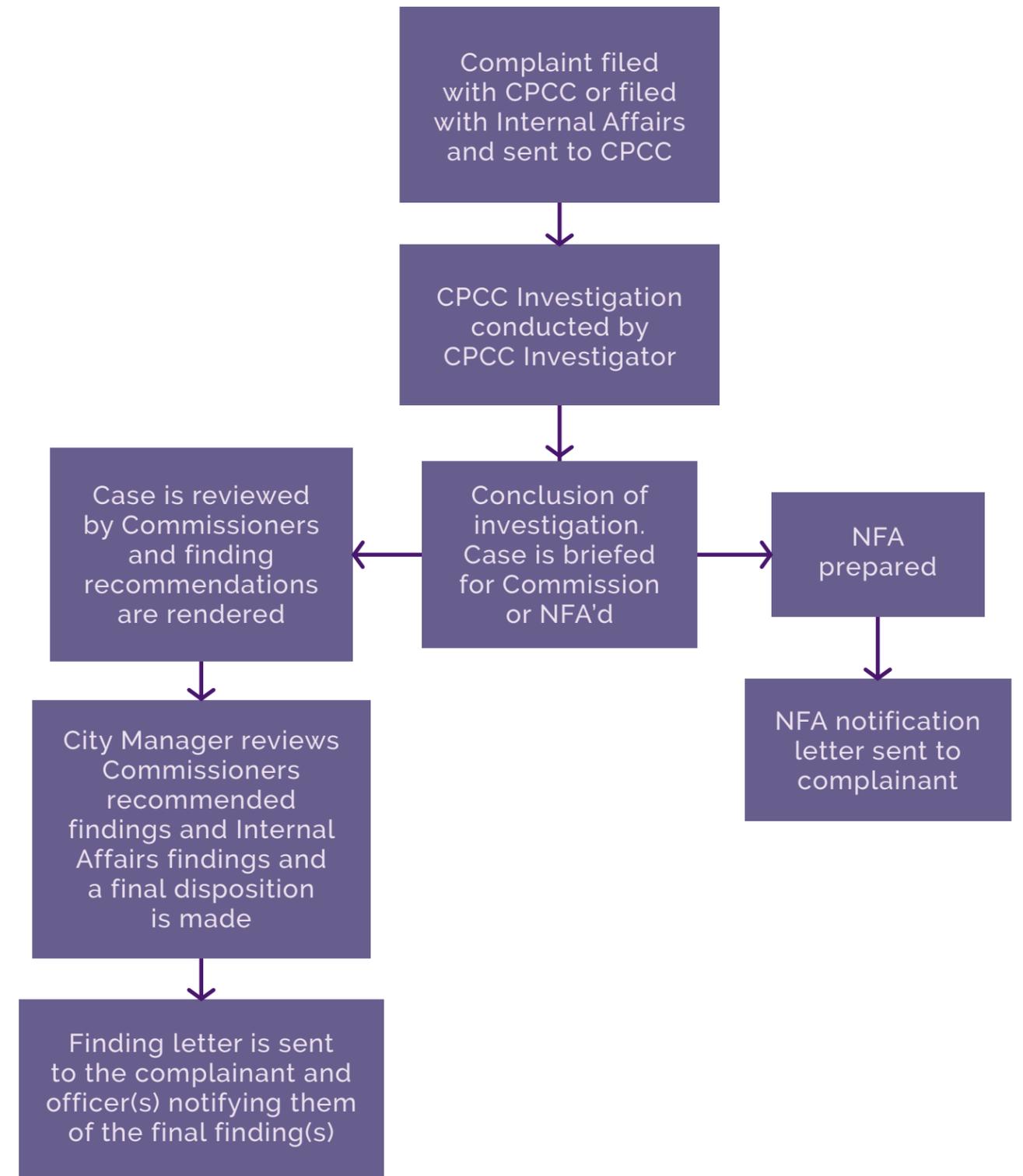
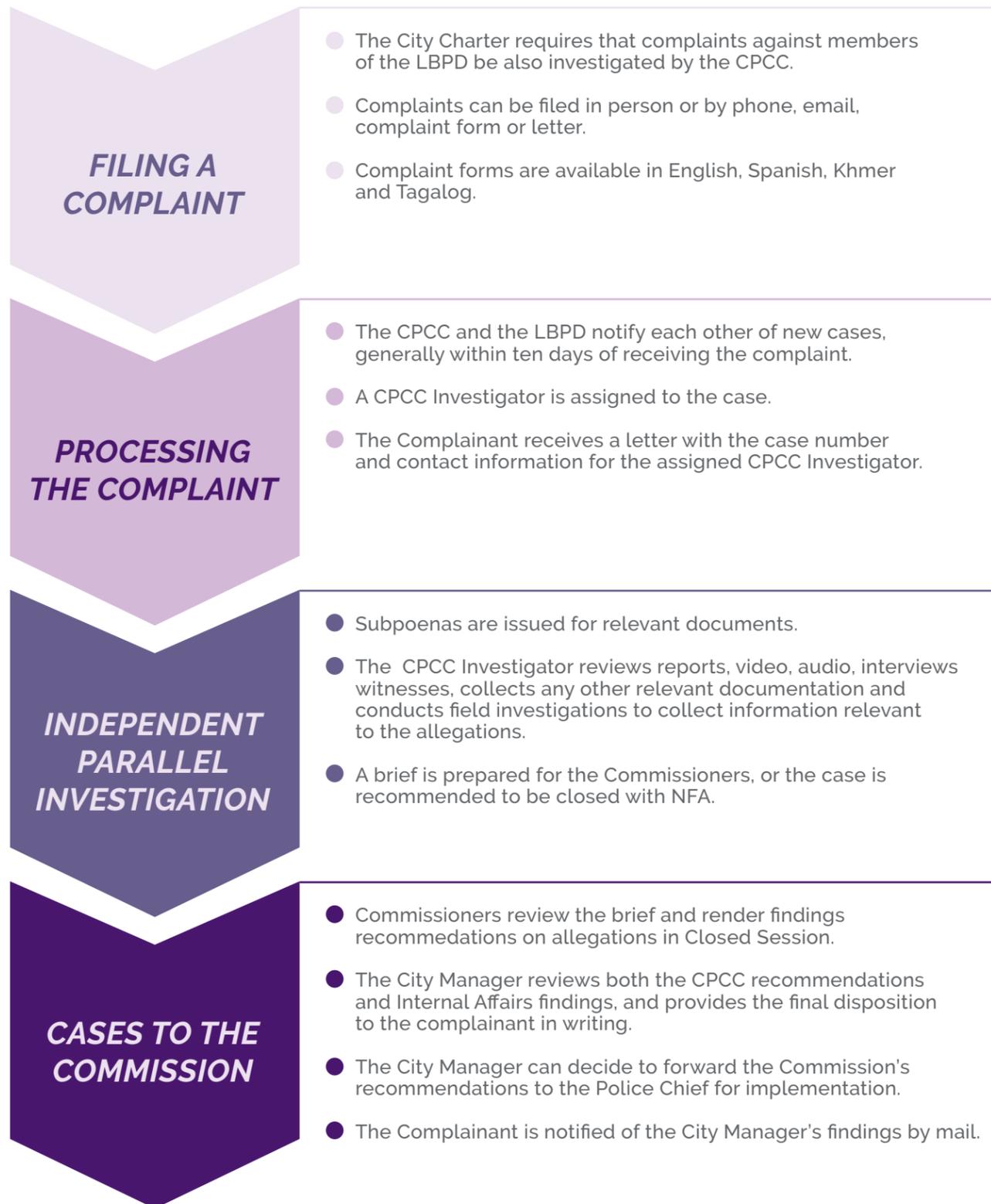
- The accused was never an employee of the LBPD.
- The complaint was deemed to have "judicial review," such as a disputed parking citation.
- The facts and information were insufficient to permit resolution or warrant further investigation.
- The complainant retracted the allegation(s).
- The actions of the officer regarding the allegation(s) were legal, necessary and proper under the circumstances.
- CPCC staff concurred with LBPD's recommendation of "service" or additional training

## CPCC Executive Session, Second Open Session and Report on Commission's Vote

During the monthly CPCC meeting, the Commission takes a recess from Open Session and reconvenes in Executive/Closed Session to discuss the cases and to recommend findings on each allegation. The Commission then reconvenes in Open Session to report their vote on each allegation without violating confidentiality requirements. Because each complaint is a personnel matter, the public is not allowed to attend the Executive/Closed Session.

The Commission's findings recommendations are submitted to the City Manager, who reviews both the Commission's recommendations and LBPD findings. The City Manager provides the final disposition to the Complainant in writing. See Appendix F for more information.





**CPCC Retreat**

With the CPCC Charter and all applicable laws as the foundation, Commissioners and staff had its annual retreat to learn more about how LBPB investigations are conducted, how CPCC staff works, to learn more about each other, and to engage the community in 2019. Commissioners received the following presentations and/or trainings during the Annual Retreat:

**OFFICER INVOLVED SHOOTINGS (OIS'S) – LAW'S, POLICIES, AND CONSIDERATIONS**

**OIS INVESTIGATIONS AND REVIEWS**

**BIAS-BASED POLICING**

**IMPLICIT BIAS**

**CPCC'S LETTERS AND PROCESSES**

**COMMUNITY ENGAGEMENT, PRESENTED BY THE CHAIR AND VICE CHAIR**

**Annual Training**

The CPCC has an Annual Training, which is held at the Long Beach Police Academy. This provides ongoing training on the priorities set by the City Charter.

Specific topics covered during this training were:

**LAWS OF ARREST**

**BIAS BASED POLICING**

**BODY-WORN CAMERAS**

**LBPB POLICY AND PROCEDURES**

**PATROL OPERATIONS TRAINING & FORCE OPTIONS WITH FLEX CUFFS DEMO**

**CALL SCENARIOS**

**Staff Training**

The CPCC is a member of the Association of Workplace Investigators and the National Association for the Civilian Oversight of Law Enforcement (NACOLE). Throughout the year, staff receives certified training to meet the standards of basic investigations and civilian oversight. To ensure compliance with the City Charter, foundational training topics include, but are not limited to Laws of Arrest, Public Safety Officer's Procedural Bill of Rights, Racial Profiling and Use of Force/Force Options.

During this reporting period, staff attended a civilian oversight symposium and received training in the following areas:

**SYMPOSIUMS**

San Francisco Department of Police Accountability: Symposium on Civilian Oversight, Accountability, and Transparency of Law Enforcement in California

**DIFFICULT CONVERSATIONS WORKSHOP**

Provided by Liebert Cassidy Whitmore

**INTERVIEWING CHILDREN IN AN INVESTIGATIVE SETTING, MORE THAN MEETS THE EYE WEBINAR**

Provided by I-Sight, an online resource for investigators

**INVESTIGATION INTERVIEWS, NEW CHALLENGES AND EMERGING TRENDS FOR 2019 WEBINAR**

Provided by I-Sight, an online resource for investigators

CPCC staff has also previously received certifications/licenses in:

**INTERNAL AFFAIRS CERTIFICATION (PUBLIC AGENCY TRAINING COUNCIL)**

**CALIFORNIA PRIVATE INVESTIGATOR LICENSE**

**TEXAS PRIVATE INVESTIGATOR LICENSE**

**P.O.S.T. BASIC TRAFFIC COLLISION INVESTIGATIONS COURSE**

**P.O.S.T. 832 PC COURSE – LAWS OF ARREST COURSE**

**Other**

Presentations and trainings provided to the Commission during Open Session were:

**PRESENTATION ON SENATE BILL 1421**

**REPORT ON COMMUNITY ENGAGEMENT**

**PRESENTATION ON CITY MANAGER'S FINDINGS**



Case and Allegations Summary

- 173 CASES OPENED
- 493 INSTANCES OF MISCONDUCT WERE ALLEGED
- 201 OFFICERS HAD AT LEAST ONE ALLEGATION OF MISCONDUCT
- 24% HAD MORE THAN ONE ALLEGATION OF MISCONDUCT
- 211 CASES INVESTIGATED AND CLOSED
- 120 CASES CONTAINING 483 ALLEGATIONS WERE PRESENTED TO THE COMMISSION
- 91 CASES CONTAINING 225 ALLEGATIONS WERE NFA'S

The most common complaint allegations for newly opened cases had to do with Conduct Unbecoming of an Officer (Unbecoming Conduct), Use of Force, Sexual Misconduct, Bias Based Policing, Failing to Care for Property and Failing to Take Action.

Race / Ethnicity and Gender

Identifying one's race/ethnicity and gender are optional when filing a complaint. Because some cases have more than one complainant, the total number of people listed may differ from the total number of cases.

	ASIAN	BLACK	HISPANIC	NATIVE AMERICAN	OTHER	PACIFIC ISLANDER	UNKNOWN	WHITE
FEMALE	2	26	11	1	3	2	18	15
MALE	2	32	21	1	5	0	13	27
UNKNOWN	0	0	0	0	0	0	6	0

Allegation Breakdown for Cases Opened

- 1. Unbecoming Conduct – 216
- 2. Use of Force – 60
- 3. Sexual Misconduct – 25
- 4. Bias Based Policing – 23
- 5. Failure to Care for Property – 22
- 6. Failure to Take Action – 20
- 7. Improper Arrest – 19
- 8. Failure to Take Report – 18
- 9. Dishonesty – 13
- 10. Failure to Investigate – 13
- 11. Misappropriation of Property – 12
- 12. Improper Search – 10
- 13. Improper Detention – 7
- 14. Profanity – 6
- 15. Personal Search – 6
- 16. Misuse of Authority – 4
- 17. Harassment – 4
- 18. Improper Remark – 4
- 19. Vehicle Search – 3
- 20. Racial Profiling – 2
- 21. Racial Remark – 2
- 22. Racial Bias – 1
- 23. Domestic Violence – 1
- 24. Improper Entry – 1
- 25. Intimidation – 1

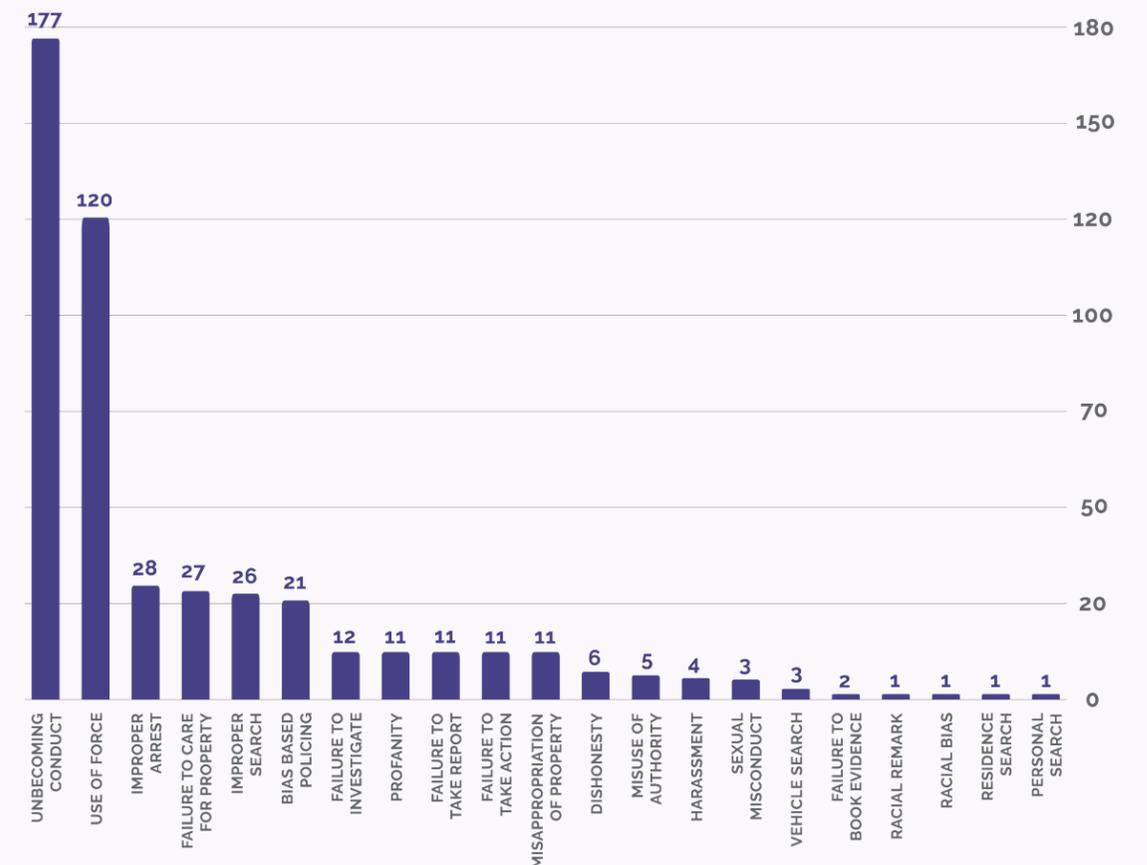
Caseloads and Case Closures

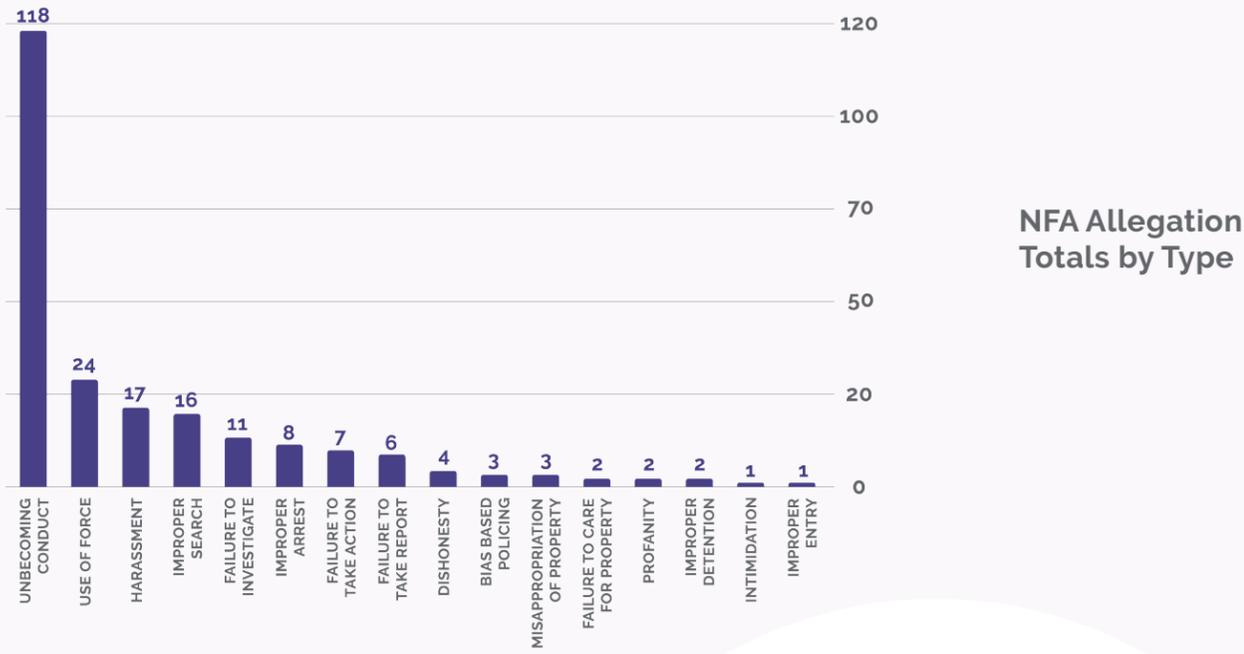
The CPCC opened 173 new cases and closed 211 cases, most of which were from previous years. One case was opened in 2014. Two cases were opened in 2016. Three cases were opened in 2017. 173 cases were opened in 2018. And 32 cases were opened in 2019.

The Commission met 12 times, and reviewed 120 cases containing 483 allegations. The Commission sustained 52 allegations and recommended "Other" on 19 allegations.

A total of 91 cases were closed with a disposition of No Further Action (NFA) containing 225 allegations due to insufficient evidence, lack of witness cooperation, or staff's recommendation.

Allegation Totals Presented to the Commission by Type





“Other” Commission Allegations

1. Unbecoming Conduct
2. Use of Force
3. Improper Arrest
4. Failure to Investigate

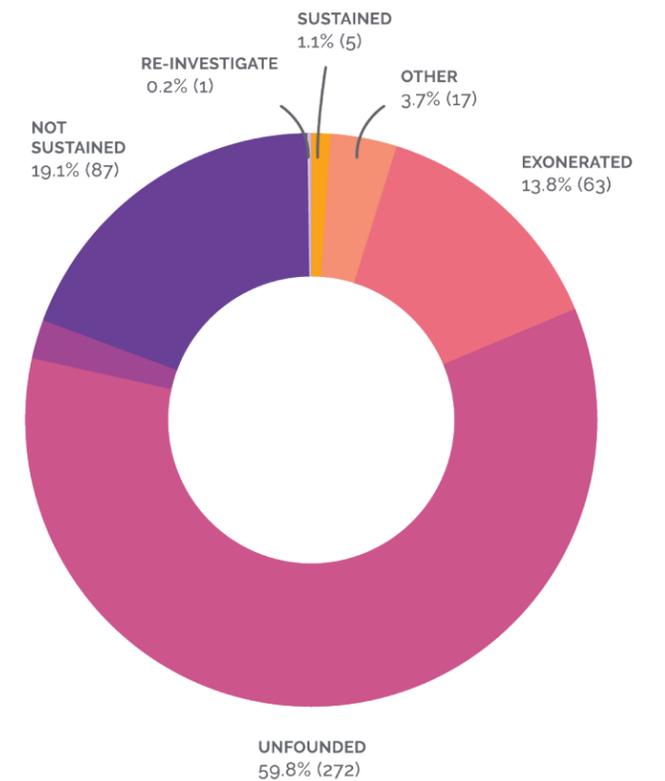
City Manager Findings\*<sup>1</sup>

147 of the Commission's 483 recommended findings ultimately resulted in a different final finding.

\*Tolling

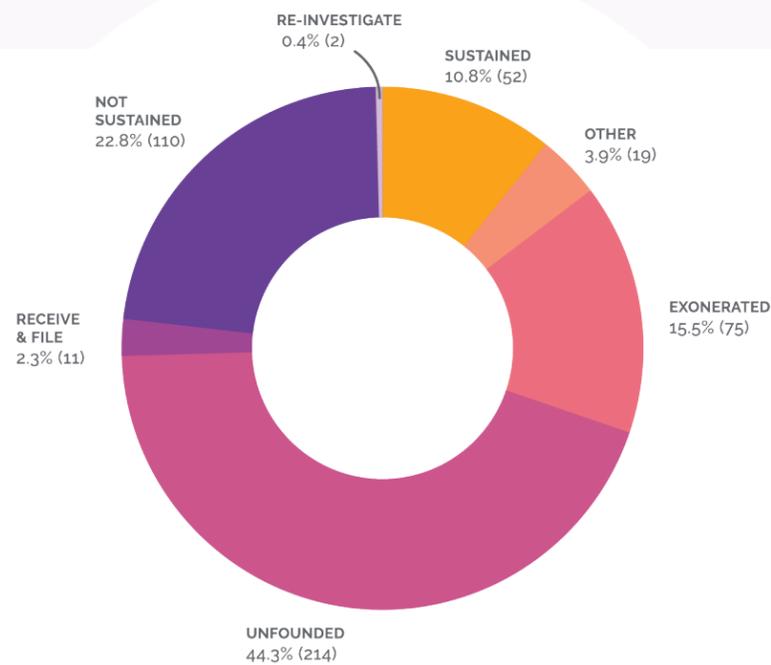
A tolled case occurs when a special condition extends the legal deadline for finishing an investigation. A common example of this is when an officer is on medical leave and as a result, unavailable for questioning.

Due to **three** cases being tolled/pending in 2019, City Manager findings have not yet been rendered on the **28** allegations of those cases.



Commission Finding Recommendations

The Commission recommended Sustained for **11%** of the allegations they reviewed.



Sustained Commission Allegations

1. Unbecoming Conduct
2. Use of Force
3. Bias Based Policing
4. Failure to Investigate
5. Failure to Take Report
6. Improper Search
7. Vehicle Search
8. Sexual Misconduct
9. Misuse of Authority
10. Harassment
11. Failure to Care for Property

Sustained City Manager Allegations

1. Unbecoming Conduct
2. Use of Force
3. Failure to Take Report
4. Improper Search

“Other” City Manager Allegations

1. Unbecoming Conduct
2. Use of Force
3. Profanity
4. Failure to Take Action
5. Improper Search
6. Misuse of Authority

The CPCC refers LBPB policy recommendations to the City Manager. During this reporting period, the Commission requested that the City Manager forward the following to the LBPB:

1. **Information about the objective standards for using flex cuffs for handcuffs, including information regarding how tight flex cuffs can be placed and how long the flex cuffs should remain on.**
2. **Recommendation to revise/update or create a flex cuffs policy, and for officers to have a tool in the field to cut/remove flex cuffs when handcuffs are placed on.**
3. **Information regarding how long arrestees can remain unclothed in jail.**
4. **Recommendation for the LBPB review and update policy regarding handcuffs. They also requested either a comparative analysis of injuries from handcuffs or information about practices regarding handcuffing.**
5. **Recommendation that an arrest warrant physically be shown to a suspect after being detained and prior to being arrested, if the warrant is premediated.**
6. **Recommendation for the LBPB to look into how calls involving custody issues could be addressed, when a minor opposes to go from one parent to the other.**
7. **Concern about searches continuing when someone is being searched by an officer of the other sex, without policy being clarified about opposite sex searches to the person being searched.**
8. **Recommendation retraining for an officer on use of force and commands.**
9. **Recommendation that a department wide memorandum be released detailing the various types of pepper spray devices.**
10. **Recommendation that translation services should be provided when needed. And officers should follow the policy on translation requests and services.**
11. **Recommendation to see a policy regarding putting cell phones into evidence.**

1. In October 2018, the Commission expressed concern regarding the following:

**RECOMMENDATION:** The Police Department arresting someone "solely for smoking a cigarette" at a bus stop and believed that the "no smoking" signs in the bus area are too small. The Commission questioned whether LBPB should be enforcing them.

**The following response was received March 2019:**

**RESULT:** LBPB believed the 640 (b)(3) CPC violations are being issued lawfully. The LBPB has recommended that larger signage be approved by Long Beach Transit.

2. In February 2019, the Commission recommended the department take the following actions:

**RECOMMENDATION:** The Commission saw many complaints regarding handcuffs being too tight. A review and update of the policy regarding handcuffs was requested. The Commission also requested either a comparative analysis of injuries from handcuffs or information about practices regarding handcuffing.

**The following response was received July 2019:**

**RESULT:** A Watch Report was sent out department wide for officers to document the use of handcuffs, document action taken after inspection of handcuffs if a citizen stated they were too tight, note in the report if handcuffs were properly applied and no adjustment was

necessary, and document any action taken after adjustment of handcuffs due to citizen complaining of tightness.

The LBPB updated their training bulletin on "Search Techniques" to include a section on handcuff fitting and locking. A handcuff refresher training in the form of an in-service bulletin was also distributed to all sworn officers with detailed information on how to double-lock handcuffs and check for fit, with photo examples. During the 2019 CPCC Annual Training at the LBPB Police Academy, handcuffing demonstrations were also provided to the Commissioners.

3. In January 2019, the Commission recommended the department take the following actions:

**RECOMMENDATION:** The Commission recommended that LBPB create a policy on the use of zip ties and recommended that LBPB provided officers with a tool in the field to remove zip ties when handcuffs are used (ensuring both handcuffs and zip ties are not used together).

**The following response was received August 2019:**

**RESULT:** The LBPB identified a tool specific for removal of flex cuffs and made the tool available for officers to use when applicable. Regarding policy, the objective standard for the use of flex cuffs falls under the same policy governing the use of metal handcuffs in the LBPB Manual. A flex cuff demonstration was also provided to the Commissioners during the 2019 CPCC annual training at the LBPB Police Academy.

## Citizen Police Complaint Commission Vernacular

**ALLEGATION:** A claim or assertion that an LBPD employee has done something illegal or wrong.

**BRIEF:** The compilation of information to a complaint, including statements, photos, reports and other evidence.

**CASE:** A complaint requiring investigation or action.

**CLOSED OR EXECUTIVE SESSION:** As part of a regular or special meeting, the restricted and/or confidential deliberation on allegations of misconduct concerning LBPD employees.

**COMPLAINT:** An allegation against an LBPD employee.

**COMPLAINANT:** Person who files a complaint.

**COMMISSION:** The Long Beach community members appointed to serve on the CPCC.

**CPCC:** Commissioners and staff.

**DISPOSITION:** The final finding for a case.

**FINDINGS:** The determination of each allegation.

**OPEN OR PUBLIC SESSION:** Part of a regular or special meeting where the Commission conducts business that is not restricted from being openly discussed.

## Definitions for Findings and Dispositions

**SUSTAINED:** The investigation indicates the alleged act more likely than not occurred and constitutes misconduct

- This finding recommends discipline for the accused
- Discipline can be a letter of reprimand, suspension, demotion or termination

**OTHER:** The alleged act, although more likely than not occurred, was not misconduct and could be most appropriately handled by training or other means.

**EXONERATED:** The investigation indicates the alleged act did occur, but the action(s) taken were lawful, proper and justified.

**UNFOUNDED:** The investigation indicates the alleged act did not occur.  
Examples: There is no information or evidence that supports the allegation; there is evidence that the alleged act did not occur; or, the individual named in the complaint was not involved.

**RECEIVE AND FILE:** The information received is submitted past the statute of limitations for disciplinary actions; or, the information received does not, on its face, establish misconduct. A case may be reopened if further information or evidence is submitted within the statute of limitations period.

**NOT SUSTAINED:** The investigation fails to disclose sufficient evidence to prove the alleged act.

**RE-INVESTIGATE:** When new information comes to the attention of the Commission or when the Commission requests clarification or additional information that could reasonably be obtained.

**NO FURTHER ACTION (NFA):** The disposition for cases closed, as recommended by the Manager of the CPCC, according to the criteria provided by the Commission. 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 cases remain on file for the statutory period and may be considered when evaluating overall community/police relations.

## Commissioners and Attendance Records

Because the 2019 Annual Report covers January through December, some Commission seats show two representatives, beginning with the Commissioner who served first in that seat.

The CPCC is comprised of eleven Commissioners: one representing each council district and two at-large members. Per the City Charter, Commissioners must broadly represent the racial, ethnic, religious, labor, business, age, gender, sexual orientation, and disabled members of the general public.

Commissioners are recommended by Mayor and are confirmed by the City Council. Commissioners must reside in the City of Long Beach and in the district they are appointed to represent throughout their service. At-Large Commissioners can live anywhere in the city. Commissioners can serve two, two-year terms.

Commissioners provide a valuable insight into the community's perception of, and experience with, members of the LBP. To apply to the CPCC, visit [www.longbeach.gov/mayor/action/commissions/](http://www.longbeach.gov/mayor/action/commissions/) or contact your City Council office. Contact the Manager of the CPCC at (562) 570-6891 to learn about the specific duties and responsibilities of serving on the CPCC.

Commissioners are required to take and pass a Live Scan criminal background check before serving.

The attendance status reflects roll call and each vote. If a Commissioner arrives late or leaves early, he/she might be absent for one roll call or vote, but not for the other roll call or for the entire meeting.

## Commissioners and Attendance Records

### Attendance Record – January 2019 – June 2019

Meetings: 2nd Thursday of every month, beginning at 5:30 P.M.  
Council Chambers, 411 West Ocean Blvd., Long Beach CA

CHAIR: Suely Saro (7/18 – 2/19)

Interim CHAIR: Desmond Fletcher (3/19- 6/19)

COMMISSIONER (DISTRICT)	JAN	FEB	MAR	APR	MAY	JUN
MCNINCH, DIANNE Appt. 7/18/18 (1)	P	P	P	P	P	P
VACANT (2)						
COOPER, CHRISTIAN N. Appt. 7/18/17 (3)	P	P	EX	P	P	P
LINDEMANN, RICHARD Appt. 8/11/15 (4)	P	P	P	P	P	P
GARCIA, VERONICA Appt. 7/1/18 (5)	P	P	P	EX	P	P
ADAMS, LEONARD Appt. 3/7/17 (6)	EX	P	P	EX	EX	P
NORVELL, MARIA Appt. 7/1/18 (7)	P	P	P	P	P	P
FLETCHER, DESMOND Appt. 7/18/17 (8)	P	P	P	P	P	P
RICKS-ODDIE, DR. JONI Appt. 7/1/18 (9)	P	EX	P	P	EX	P
SARO, SUELY (AT LARGE) Appt. 8/11/15	EX	P	R			
BUCHANAN, DANA (AT LARGE) Appt. 7/1/18	P	P	P	P	P	EX

<b>P</b> PRESENT	<b>A</b> ABSENT	<b>EX</b> EXCUSED ABSENT	 NON COMMISSION
<b>R</b> RESIGNED	<b>DARK</b> NO MEETING	<b>X</b> EARLY DEPARTURE	 VACANT
<b>*</b> PENDING	<b>+</b> TERM EXTENDED	<b>DARK/NQ</b> NO MEETING/ NO QUORUM	 TERMED OUT







City of Long Beach  
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Long Beach, CA 90802

Visit us at [www.longbeach.gov](http://www.longbeach.gov)

   @LongBeachCity

To request this information in an alternative format or to request a reasonable accommodation, please contact City Manager's Office at [Patrick.Weithers@longbeach.gov](mailto:Patrick.Weithers@longbeach.gov) or (562) 570-6711. A minimum of three (3) business days is requested to ensure availability. Reasonable attempts will be made to accommodate request made within less than three (3) business days.