

1992  
Annual Report  
of the  
Citizen Police Complaint Commission

Prepared by:

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Joseph T. Rouzan, Jr.  
Executive Director  
Deputy City Manager

# 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

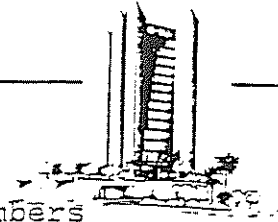
Commissioner Wendell Whisenton

Executive Director  
Joseph T. Rouzan, Jr.

Secretary  
Jessie Oliva

Investigators  
Helga Kennedy  
Ivory Webb

# MEMORANDUM



date  
to  
from  
subject

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.

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, 40 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)
<hr/>	
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.

Honorable Mayor and Charter Amendment Committee Members  
March 16, 1993  
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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)

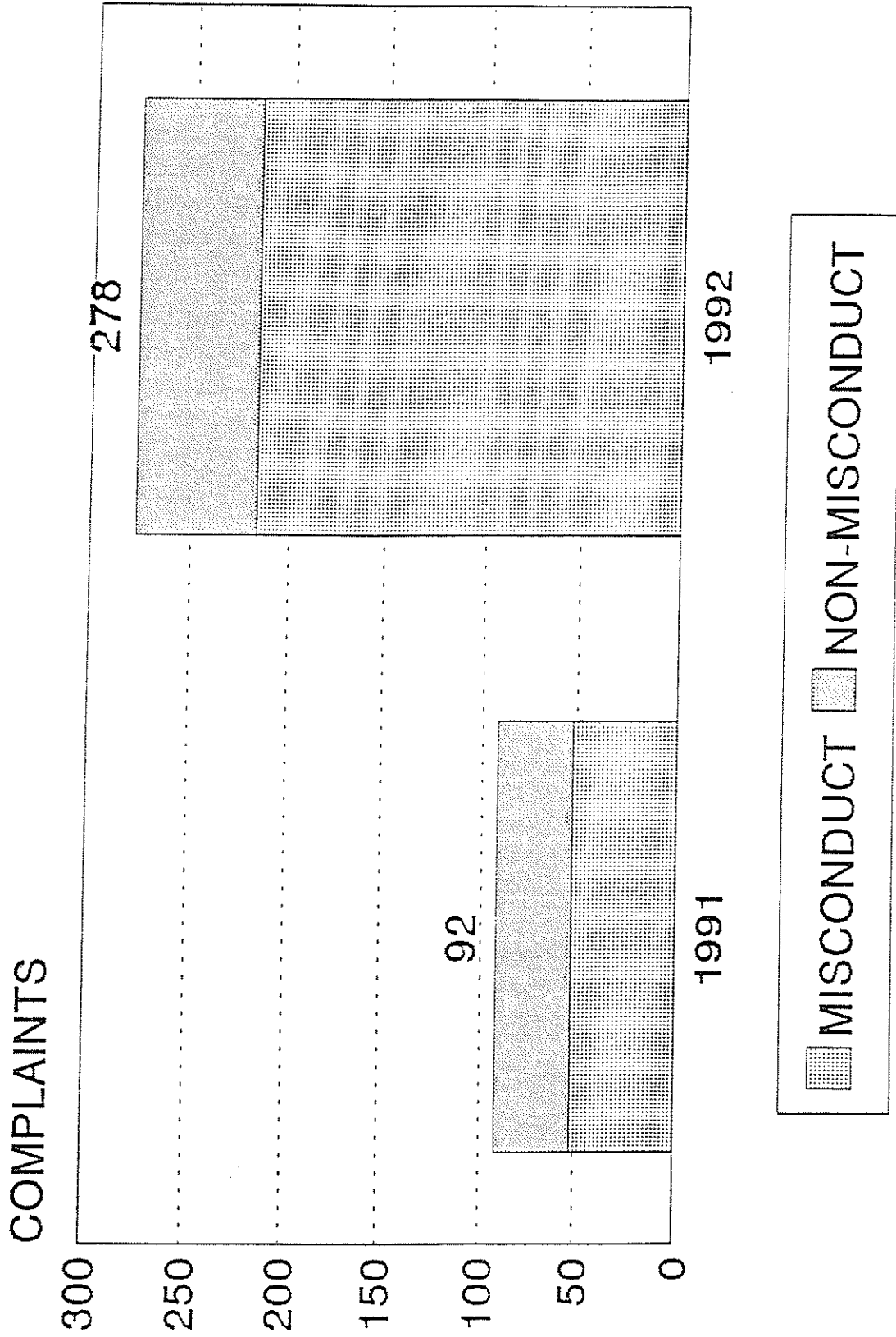
When the allegations cannot be verified by evidence, information or independent witnesses and the officers deny the allegation, and there are no independent witnesses to support the officer's statements.

## 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.

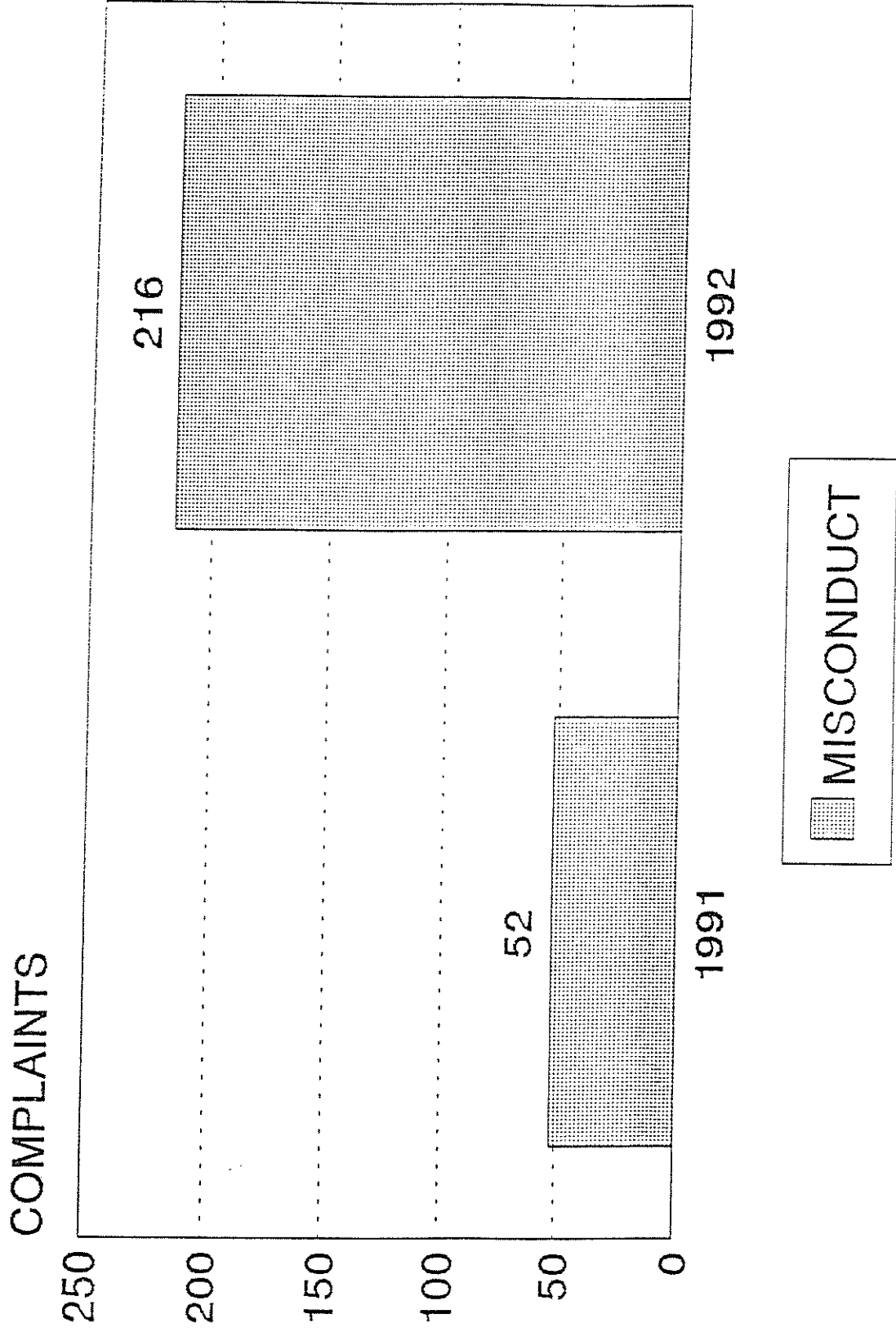


# 1991 - 1992 COMPLAINTS MISCONDUCT



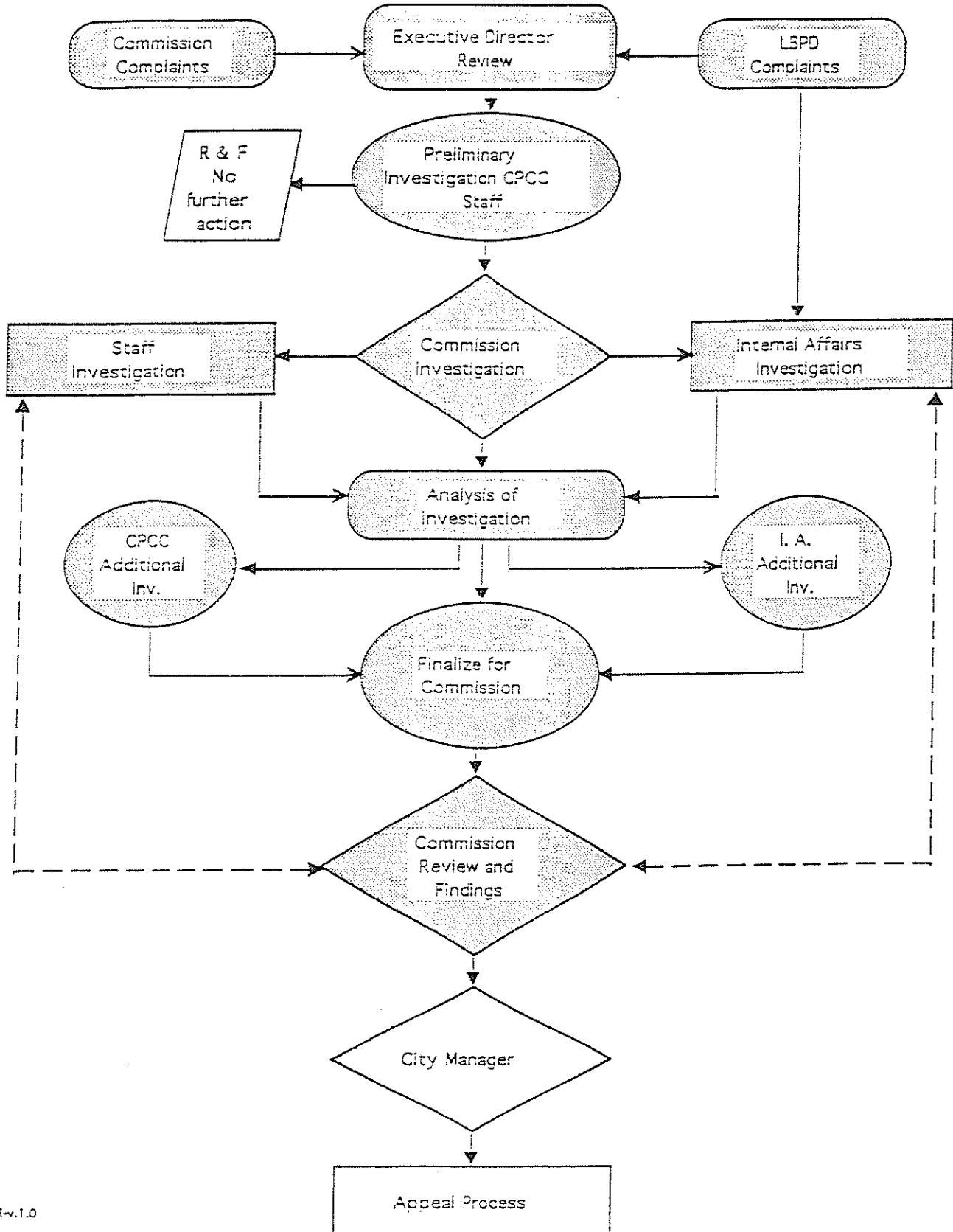
315% INCREASE IN COMPLAINTS RECEIVED

# 1991 - 1992 COMPLAINTS MISCONDUCT

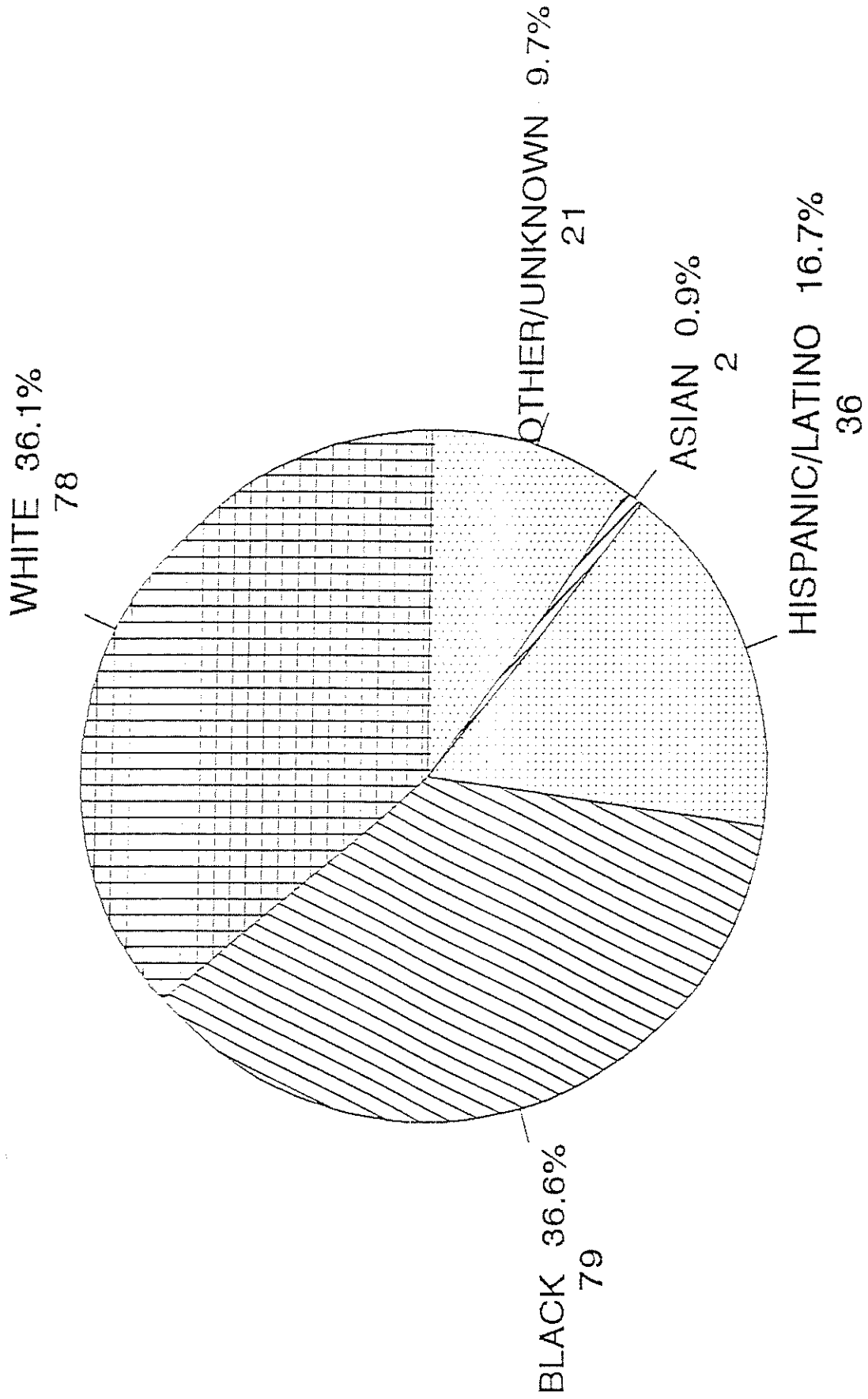


315% INCREASE IN COMPLAINTS INVESTIGATED

City of Long Beach  
 Citizen Police Complaint Commission  
 Complaint and Investigation Process

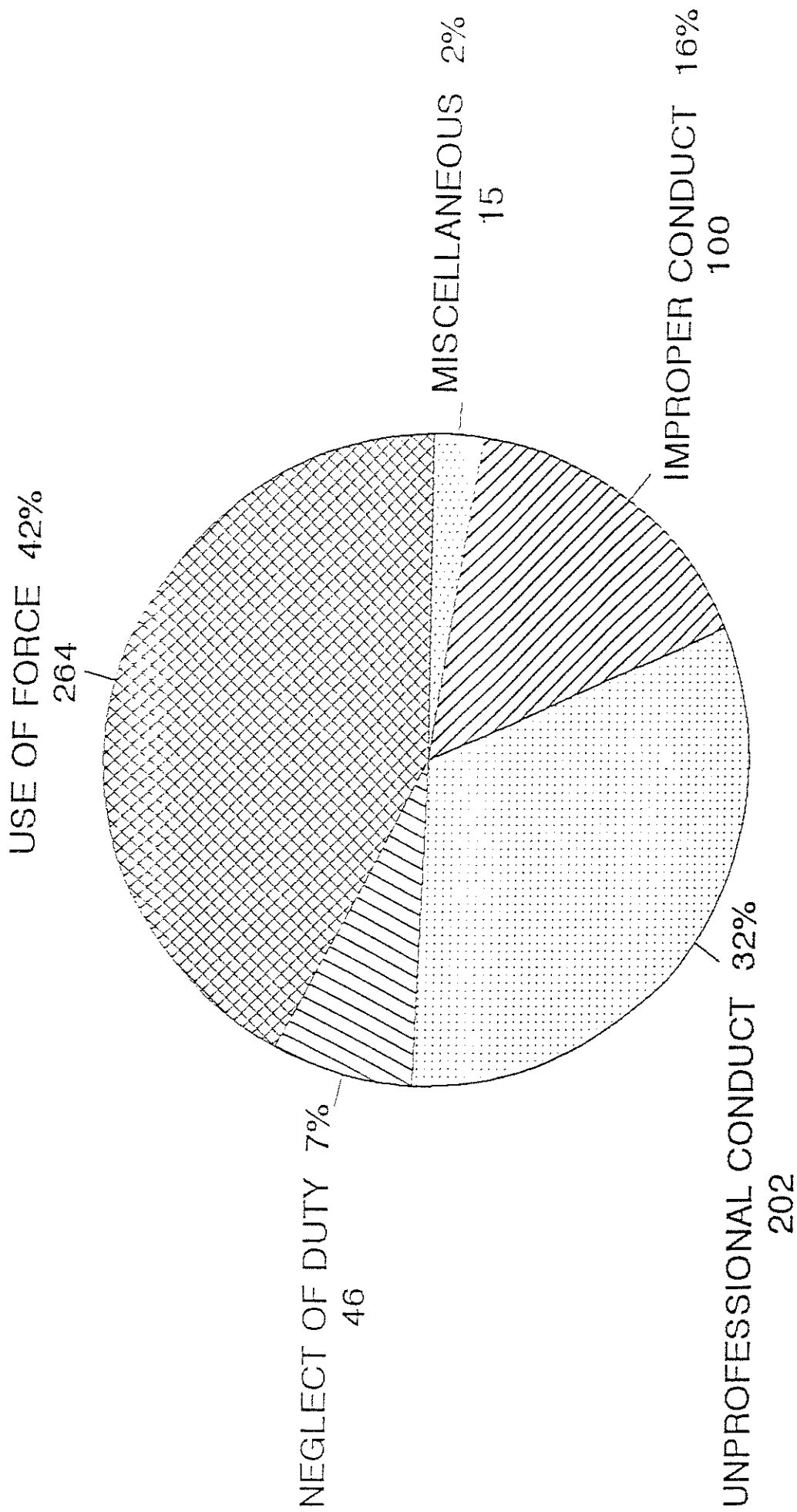


# RACIAL/ETHNIC BREAKDOWN OF COMPLAINANTS (216)



CALENDAR YEAR 1992

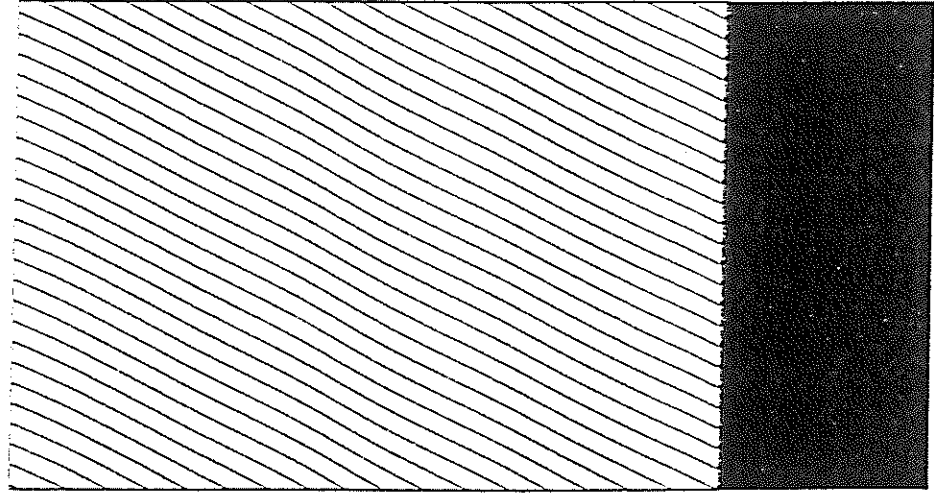
# ALLEGATIONS OF MISCONDUCT (627)



CALENDAR YEAR 1992

# ALLEGATIONS OF MISCONDUCT USE OF FORCE (264)

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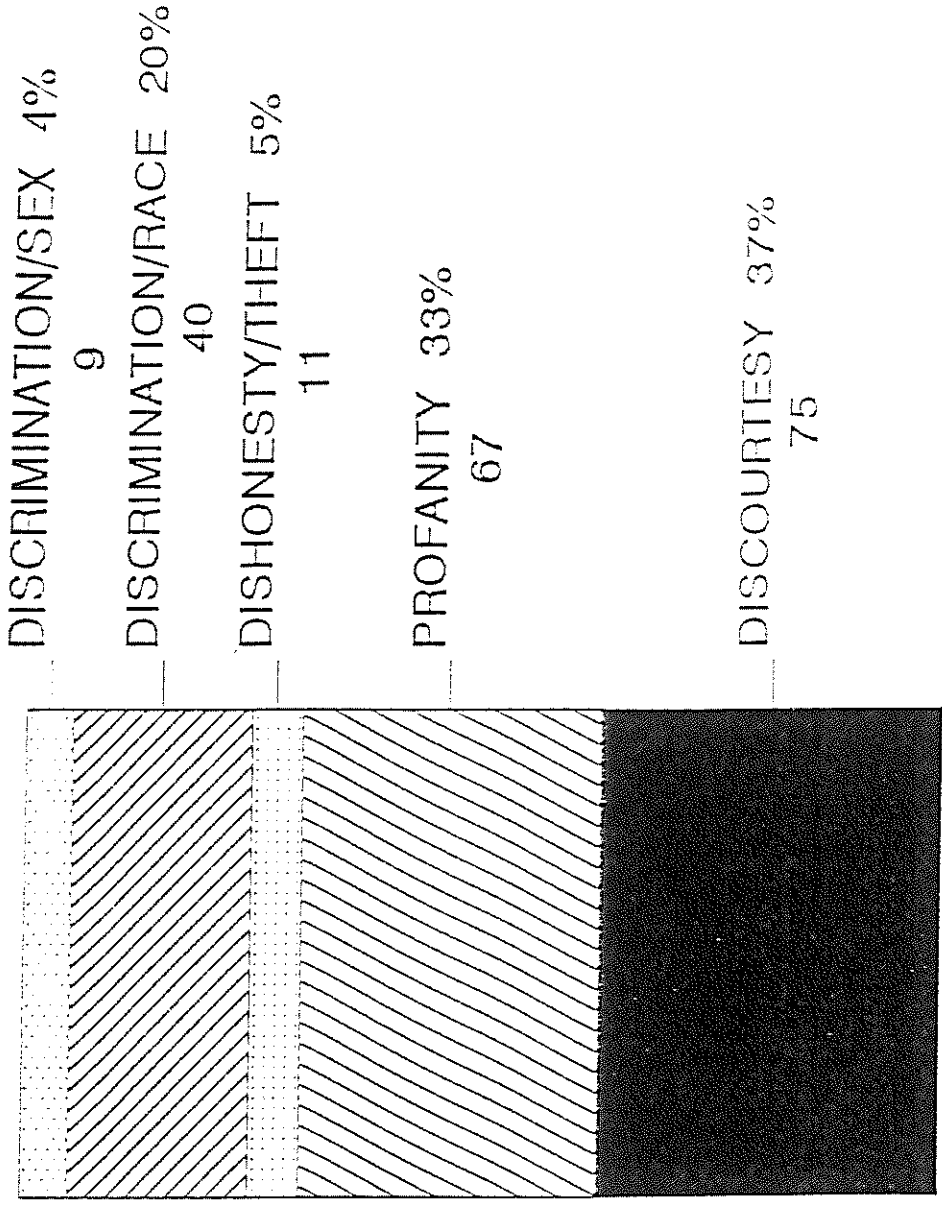


UNNECESSARY 77%  
202

EXCESSIVE 23%  
62

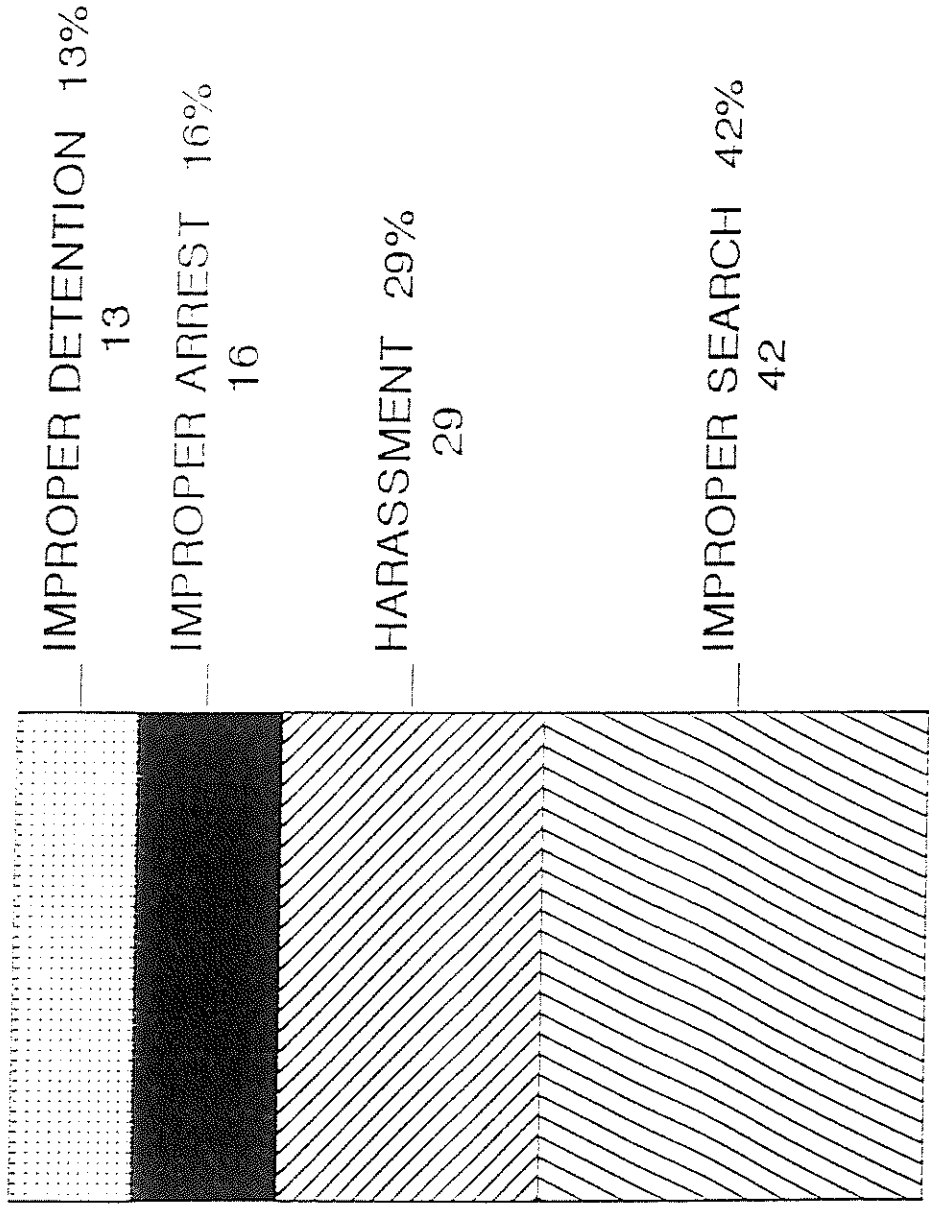
# ALLEGATIONS OF MISCONDUCT UNPROFESSIONAL CONDUCT (202)

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# ALLEGATIONS OF MISCONDUCT IMPROPER CONDUCT (100)

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# ALLEGATIONS OF MISCONDUCT NEGLECT OF DUTY (46)

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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

