

ANNUAL REPORT

1994

**Citizen Police Complaint
Commission**

City of Long Beach

CPC Staff

City Manager's Office

333 W. Ocean Blvd.

Long Beach CA 90802

HISTORICAL PERSPECTIVE

The Citizen Police Complaint Commission was created by City Charter Amendment by adding Sections 1150 - 1155 and was approved by the voters of the City of Long Beach on April 10, 1990. The Charter Amendment authorized the Commission "to receive, administer and investigate (through an Independent Investigator) allegations of police misconduct with emphasis on Excessive Force, False Arrest, and complaints with Racial and Sexual overtones".

The Citizen Police Complaint Commission may conduct hearings and may subpoena witnesses and records when necessary to facilitate the fact-finding process. The Commission is a fact-finding body and makes findings and recommendations which are submitted to the City Manager for final adjudication.

In August 1990, the City Council nominated and the Mayor appointed the eleven Commissioners, and on September 5, 1990, they were sworn in at their first meeting. After intensive orientation and training, they began their mission of investigating allegations of police misconduct filed against Long Beach Police employees.

The Commission's primary role is that of fact-finding; it is neither an advocate for the Complainant nor for the Police employees. The Commission's concern is that professional police conduct is maintained at all times. As this becomes a reality, allegations of police misconduct will be and have been reduced and the healing process between community and police is greatly enhanced.

The investigative process is directed toward the review of police actions. Although

the Independent Investigator 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. If a review and analysis of the Police Department investigation proves to be deficient, then an independent investigation is commenced by CPCC Staff. This has not been a significant problem and excellent cooperation from the Department has been experienced.

1994

1994 presented some interesting challenges for the Commissioners and the Staff.

Five new Commissioners were appointed in 1994, and personal and collective instructions and training were provided to these Commissioners.

Also, a full day staff training for all Commission Members was planned during 1994, but due to time constraints was delivered in the first quarter of 1995.

There was turnover in the Staff ranks, as well. Thanks to his unique qualifications and experience in related fields, the Executive Director, Erroll Southers, in August was re-assigned to head the newly developed Youth, Education and Community Services Unit. After serving as Acting Executive Director for several months, Helga Kennedy was appointed to the Executive Director position by City Manager James Hankla.

Staff developed -- with the financial support from the City Manager's Office and the extensive input of technical expertise from the Deputy City Manager -- a comprehensive and sophisticated data collection process with the assistance of the Information Services Bureau, especially with the assistance of Mr. Mike Yendrek, who devised systems for gathering, structuring and programming our statistical complaint and allegations data.

Ms. Oliva, our Staff Secretary, worked closely with Mr. Yendrek, and due to the indefatigable efforts of these dedicated employees, we now have on line a database that perhaps is the only one of its kind in existence being utilized by a citizens review commission.

These efforts will come to full fruition in 1995, when we started using the new system. For 1994, we utilized the "old" database.

Suffice it to say, the cooperation with the Long Beach Police Department has been outstanding, emanating from the Chief of the Department and extending through all levels. The fact that the Commission can sustain its independent status and yet receive the respect and cooperation of the Police Department is a true test of the professionalism of the Police Department, the Commission's Staff and the integrity of the Commission Members.

Some of the significant statistical factors of 1994 are as follows:

- ◆ In 1994, Commission Staff received 347 complaints alleging police misconduct.
- ◆ 1994 showed an increase of 106 complaints over the 241 complaints received in 1993, for a 44% increase.
- ◆ The intake of 385 complaints involved the recordation of each complaint lodged; the securing and analyzing of related reports (arrest, evidence, crime); making preliminary investigations; contacting witnesses; completion of correspondence with complainants, witnesses, Police Department; and other related functions -- an approximately 12-hour work span per complaint.
- ◆ Of the 347 complaints received for review (including administrative complaints and allegations; non-sworn personnel complaints, and those deemed frivolous), 74% or

285 complaints were processed for comprehensive investigations.

- ◆ Approximately 33.5% of the complaints we received (129) were reported directly to the CPCC; the remaining number were forwarded to CPCC from the Police Department.

Investigations

In 1994, the Commission received 385 complaints of Police employee misconduct. Of those complaints, 38 were classified as non-police complaints. 347 complaints containing 547 allegations of misconduct were received and investigated (Chart A).

35% of Complainants were Caucasians; 13% of the complaints were filed by Hispanics, 5% by Asians. 38% of the Complainants were African-American, and 9% were of unknown race (Chart B).

Males constituted 62% of the Complainants, females 38% (Chart C).

Of the 547 allegations, 33% were for Unprofessional Conduct¹; 26% were for the Improper Use of Force; 22% were for Neglect of Duty, and 19% were filed for Improper Conduct.²

¹UNPROFESSIONAL CONDUCT includes charges of discourtesy, use of profane and/or offensive language, dishonesty/untruthfulness, theft, harassment, as well as racial and sexual discrimination/harassment

²IMPROPER CONDUCT includes false arrest, improper detention, improper entry, improper search, provocation

Sustained Allegations

Of the 547 allegations, 103 were sustained (19%), 47% were determined inconclusive, 27% were classified as unfounded; in 1% of these allegations, it was found that the actions were exonerated, and 3% were deemed "Receive & File - no action taken".

Of the 103 sustained allegations, 16% were for improper use of force, 18% were for improper conduct, 22% were for unprofessional conduct, and 44% for neglect of duty.

LOOKING AHEAD

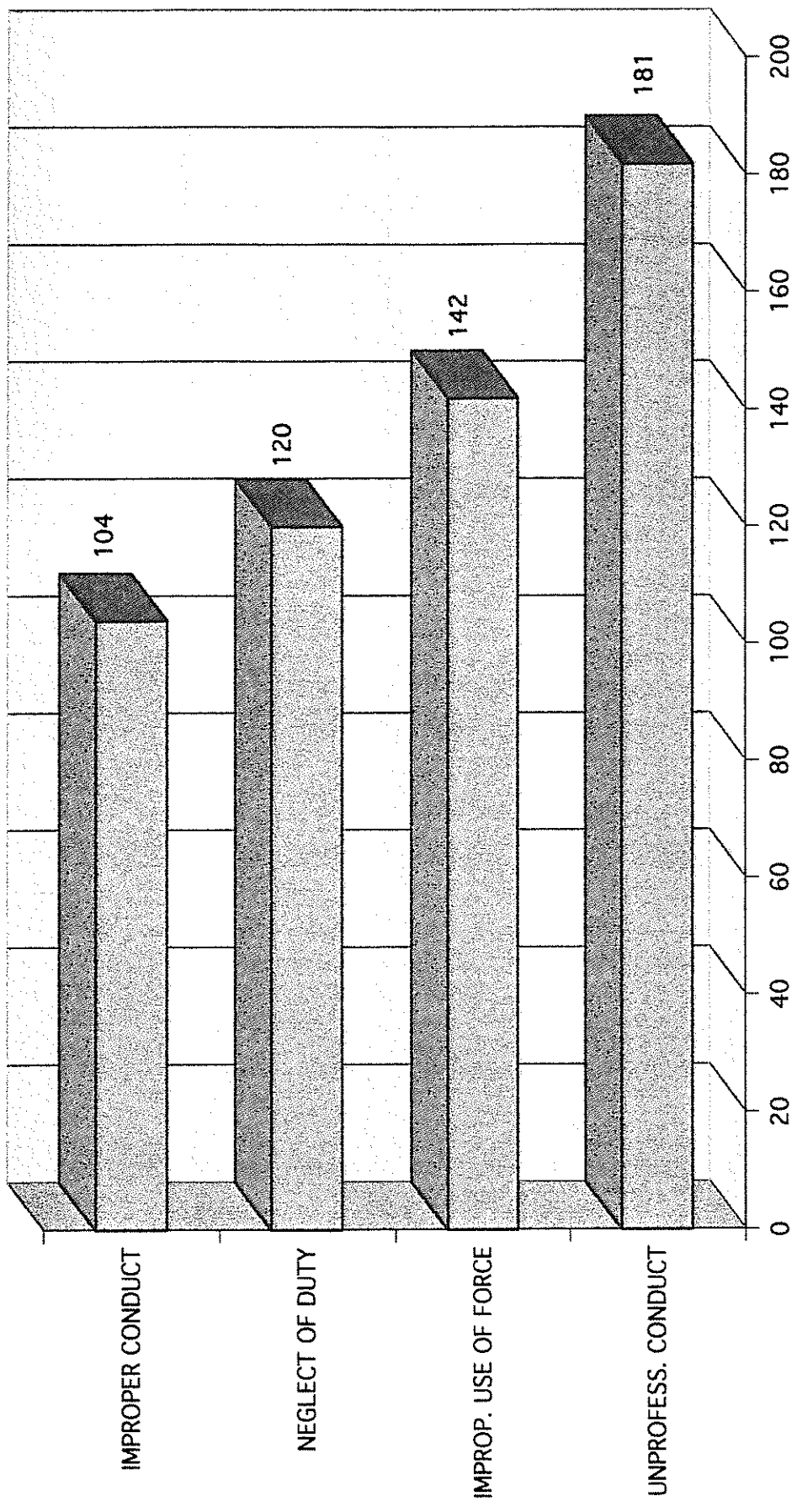
It is the feeling of the Commissioners and Staff that the Commission has worked very effectively during the past several years, and although it is difficult to pin-point the varied reasons which have caused a significant reduction in complaints of excessive force, the Police Department working with the Commission surely has contributed to this reduction.

The Commission Staff has put together a very effective team of Investigators and a database and tracking system that is unique to most municipal government agencies having oversight responsibilities.

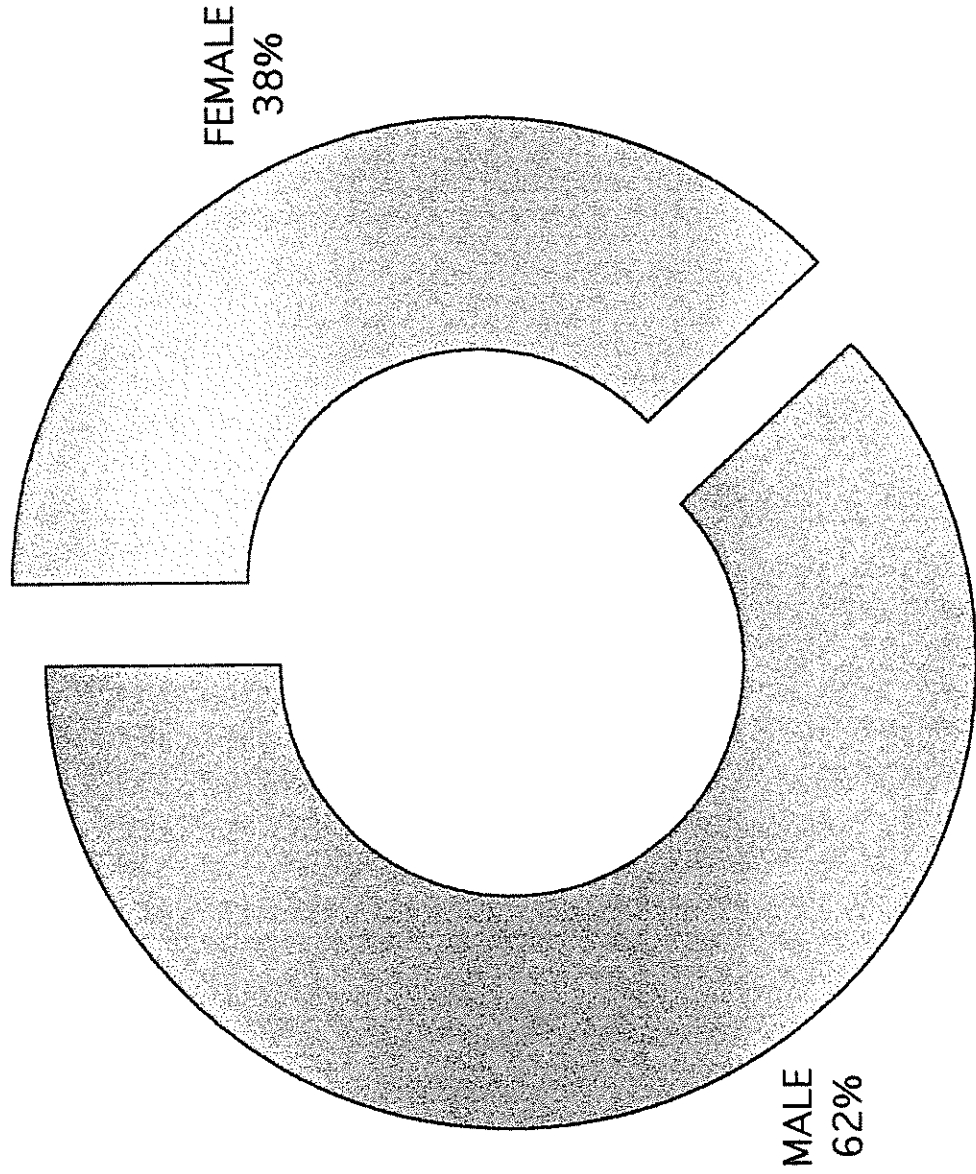
Looking into the future, the City Manager and Commission Staff as well as Commissioners are concerned that the new state law regarding police complaints, wherein all complaints must be signed in person by the Complainant and there is an admonishment which must be read and understood by the Complainant prior to the acceptance of the Complainant, will have a chilling effect. We could see a significant reduction in the numbers of complaints, which may not be truly reflective of the actual incidence of Police Officer misconduct.

The City Manager has spoken to Staff about this concern and is working with Staff to develop policy to meet this challenge.

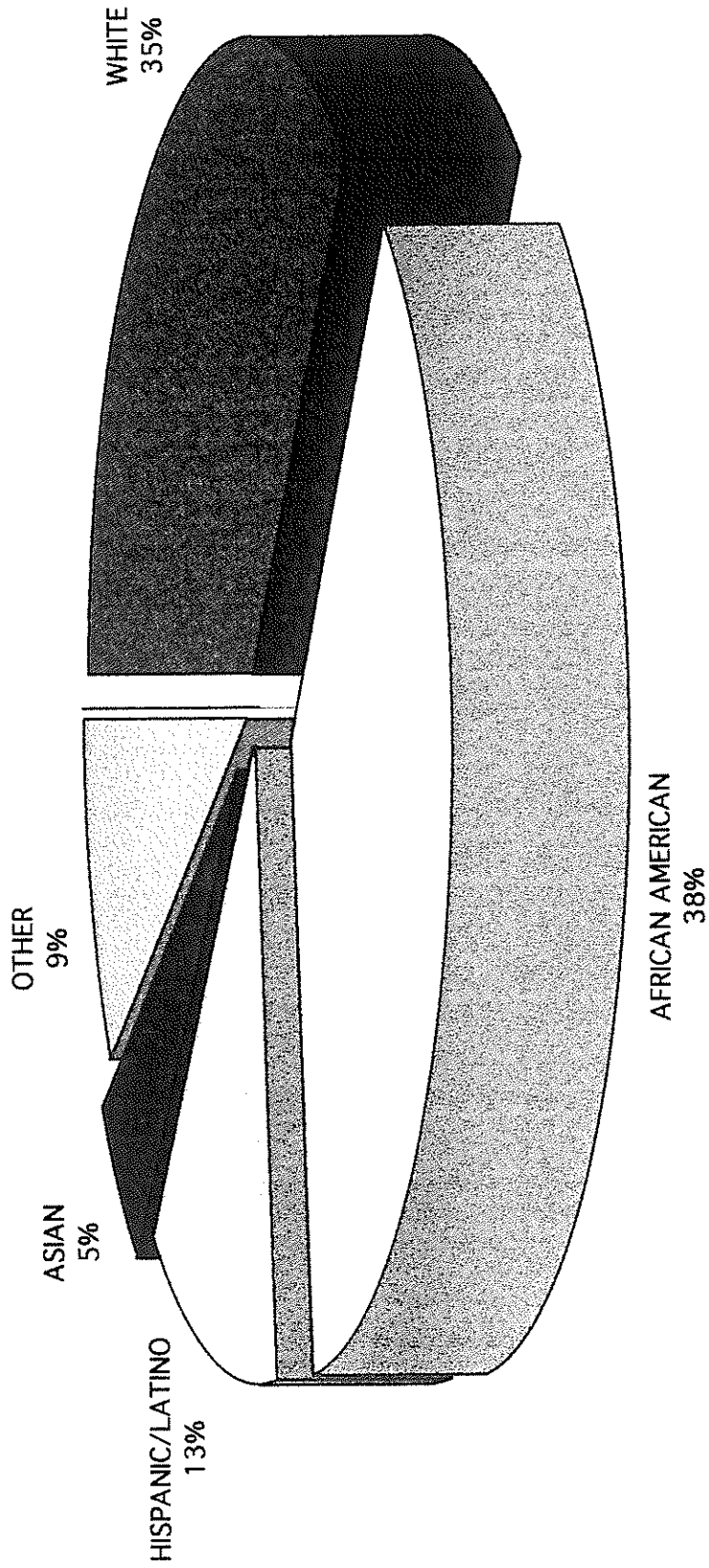
547 ALLEGATIONS FILED



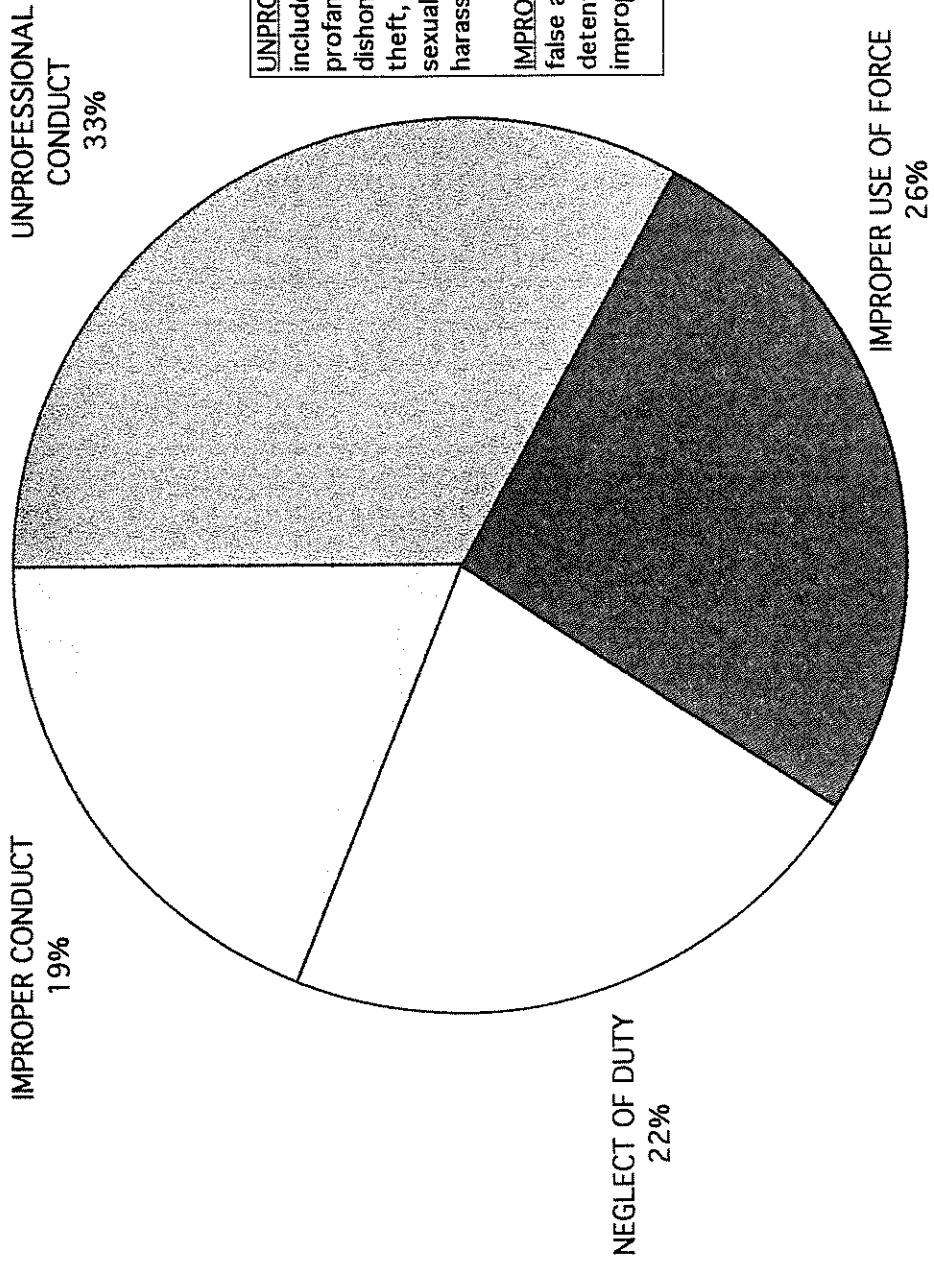
COMPLAINANTS BY GENDER 1994



RACE OF COMPLAINANTS 1994



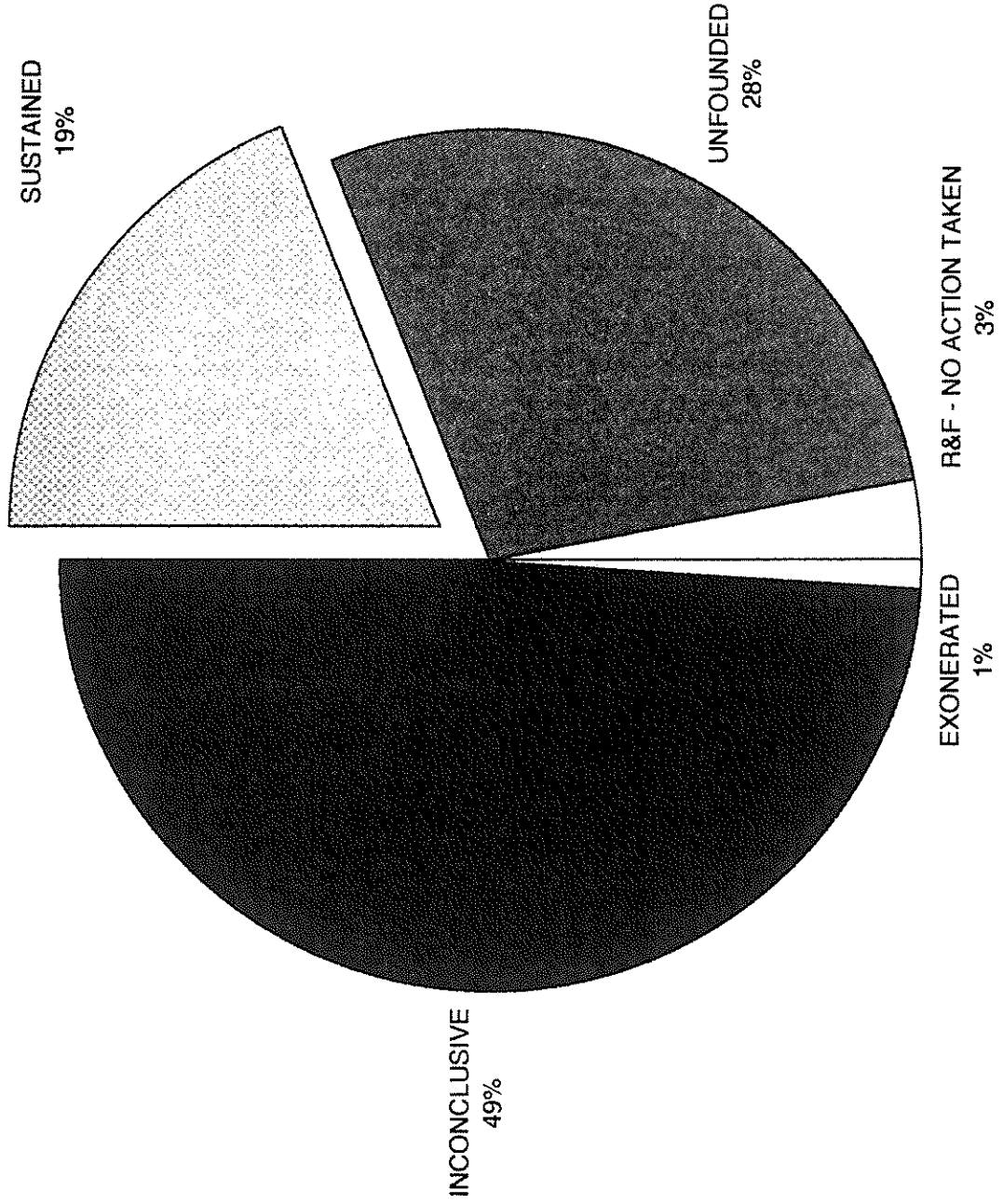
BREAKDOWN OF 547 ALLEGATIONS BY CATEGORY



UNPROFESSIONAL CONDUCT
includes discourtesy, use of profane/offensive language, dishonesty/untruthfulness, theft, harassment, racial/sexual discrimination/harassment.

IMPROPER CONDUCT includes false arrest, improper detention, improper entry, improper search, provocation

FINDINGS BY CATEGORY



SUSTAINED FINDINGS BY CATEGORY

