

Citizen Police Complaint Commission

211 E. Ocean Boulevard, Suite 410

Long Beach, CA 90802

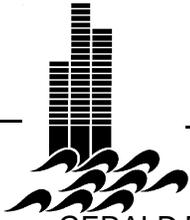
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www.longbeach.gov/cpcc



**Annual
Report
2002**

John Cross
Commission Chair
July 2002-2003



CITY OF LONG BEACH

DEPARTMENT OF OFFICE OF THE CITY MANAGER

CITIZEN POLICE COMPLAINT COMMISSION

211 E. Ocean Boulevard, Suite 410, Long Beach, CA 90802 562.570.6891 FAX 562.570.7613

GERALD R. MILLER
CITY MANAGER

WILLIAM B. WARD
EXECUTIVE DIRECTOR

November 10, 2004

Honorable Mayor and Members of the City Council:

It is my pleasure to present you with the 2002 Annual Report for the *Citizen Police Complaint Commission*. Included in the report, are the final statistics for the cases receiving Commission review within the 2002 calendar year.

In the past, only those complaints heard before the Commission have been included in the Annual Report. Beginning with calendar year 2000, to more accurately reflect the Commission's activities, the total number of cases reviewed by the CPCC has been divided into two categories. The first category enumerates those cases investigated by staff and presented to the Commission for their review. There were a total of 121 cases presented to the Commission for their review. The second category consists of those complaints classified by the Police Department as requiring *No Further Action* (NFA). NFAs are forwarded to CPCC staff for evaluation and concurrence. The criterion for an NFA classification is fully defined in the Annual Report. There were 307 complaints classified as NFA during the reporting period.

In 2002, the *Citizen Police Complaint Commission*, through public speaking engagements, conference attendance and the City's web site, continued to enjoy increased visibility within the City and the national community-policing arena. This ongoing positive recognition speaks highly of the Commission staff, Commissioners and the Commission's policy and procedures. The citizens, businesses and visitors of Long Beach have a valuable resource in the *Citizen Police Complaint Commission*. The Commission provides an opportunity for the public to voice a complaint concerning alleged police misconduct with the promise of a thorough, impartial and timely investigation.

I would like to acknowledge the Commission's executive staff and Commission support staff from the City Clerk's Office for their diligence, attentiveness and dedication. On behalf of the Commission, I wish to extend my appreciation to Gerald R. Miller, City Manager and Reginald I. Harrison, Deputy City Manager for their support, advice and guidance. To my fellow Commissioners, a special thanks for their enthusiasm, passion and commitment.

Finally, I would like to thank the people of Long Beach for placing their trust in the members of this Commission. I truly believe the City of Long Beach is well served and a better community because of the efforts of the *Citizen Police Complaint Commission* and those who support its mission.

Sincerely,

Alvin R. Austin, II, Chair
Citizen Police Complaint Commission



ANNUAL REPORT

2002

Citizen Police Complaint Commissioners

Eleanor Aguilar
Juvie Borges
Gary J. Cooper
* John Cross, Vice Chair
(Term: July 2001-July 2002)
Chris Dillon
Christopher Hicks
Harvey Keller, Chair
(Term: July 2001-July 2002)
**Val Lerch
Dan Lowenthal
***Liz Miramontes
Patrick O'Donnell
John Rose
Thomas Simcox
Vivian Tobias, Vice Chair
(Term: July 2002-July 2003)

Staff

Ronald C. Waugh, Executive Director
William Ward, Investigator
Thomas Gonzales, Investigator
Alida Grace, Executive Secretary
Marcee Siegel, Clerk Typist II
Jan Pittman, Deputy City Clerk, Minutes Clerk

Office of the City Manager

Gerald R. Miller, City Manager
Reginald I. Harrison, Deputy City Manager

~ ~ ~

Citizen Police Complaint Commission
211 West Ocean Boulevard, Suite 410
Long Beach, California 90802
Office: (562) 570-6891
Facsimile: (562) 570-7613
Internet: www.longbeach.gov/cpcc

*Elected Chair July 2002

**Resigned in July 2002 after successful run for 9th District Council seat

***Resigned in August 2002

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 428 complaints containing a total of 1,088 allegations of police misconduct. A total of 121 cases containing 318 allegations were forwarded to the Commission for its consideration. Of the 428 total complaints, 307 were classified by the police department as No Further Action (NFA) and received concurrence by the Commission's Executive Director. This is the third 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 admits to making a false allegation. A complaint may also be classified as NFA if it does not involve a police department employee or it 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's may be reopened.

CONTROVERSIAL FATAL POLICE SHOOTING

On February 5, 2002 the Commission staff received a complaint from a citizen regarding a highly controversial officer-involved shooting. This case involved a 56-year-old female Black who had armed herself with a knife. According to statements, as she raised the knife to throw it, she was simultaneously shot several times by three officers, resulting in her demise. A number of citizens and citizens' groups expressed concern and even outrage at the shooting. The fact that the CPCC, an unbiased civilian oversight group, was going to review the circumstances of

the shooting seemed to reduce the anxiety within the community. CPCC staff attended a number of community meetings, explained the role of the CPCC and advised that the total investigative process would be lengthy.

The Long Beach Police Department's Homicide Division, in conjunction with the Los Angeles County District Attorney's Office, conducted a thorough investigation of the incident. It wasn't until September 2002 that the CPCC received the completed investigation. The CPCC investigators then reviewed all relative reports, conducted a walk through of the scene, attempted to locate additional witnesses and reviewed all the tape-recorded interviews. This type of activity by CPCC investigators is typical for all officer-involved-shootings it receives by citizen complaint. This type of review process is very labor intensive, but absolutely necessary to assure the public that any and all known facts are disclosed so the Commission can make their findings and recommendations.

The Commission's investigative staff received full cooperation from the Police Department and the homicide investigators assigned to the case. All related reports were provided to the Commission including the tapes for those interviews that were recorded. During the review process, the CPCC investigators found the noted interview duration times differed from the actual running time of the tapes. For example, the documentation (start and stop times) would indicate a witness was interviewed for 20 minutes, however, the tape for that interview would contain only 10-to-15 minutes of dialog. The Commission's concerns were shared with the Police Department during an informal meeting.

The Police Department responded quickly and determined the reason for the apparent inconsistencies. It was determined that voice-activated tape recorders had been used during the investigation and while no dialog was occurring the recorder simply stopped recording. Police Department management took immediate steps to correct this issue by requiring the use of continuous-tape recordings during future officer involved shooting investigations. The quick resolution of the concerns expressed by the CPCC would not have been possible without the spirit of cooperation that has evolved between the Police Department and the CPCC.

This case was scheduled to be heard before the full Commission on January 30, 2003. Representatives from both Homicide and Internal Affairs Divisions made themselves available to answer questions. The findings and recommendations on this particular case will be detailed in the 2003 Annual Report.

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 recently adapted the Long Beach model for their review board. Mr. Waugh, Executive Director of the CPCC, assisted the City of Riverside's *Community Police Review Commission* executive staff with their complaint processing procedure, standard of operations, tracking system and coordination with the City's police department.

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 trends also are shared with the Chief of Police. The Commission has found developing trends related to police misconduct and public perception to the City Manager. As that certain 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 Lance's leadership, the Long Beach Police Department continued to work closely with the CPCC. Chief Lance continued to foster 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 Lance also started meeting 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 Commission, and/or its staff, has met with the Chief of Police and Internal Affairs offering suggestions on specific complaints while reviewing police tactics and patterns of misconduct. The Chief has openly accepted the good-faith suggestions and issues raised by the Commissioners. Following review of this information, the Chief provided feedback to the Commission on how the Department received and addressed their comments.

The Commissioners commend then Chief Lance and now 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 productive and the Commission makes every effort to continue that open and positive relationship.

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 this past year to provide their staff and clients an overview of the citizen complaint procedures. CPCC staff discussed the process 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. The CPCC believes that citizen outreach is an important aspect of their office and will, by sharing information, foster better police community relations.

MEETINGS

The Commission met eleven times in public session during 2002. By Commission policy, these meetings were convened in the City Council Chambers at 6:30 p.m. on the second Thursday of each month. 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.

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 2002 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. 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 occur after the end of the year following the reporting period.

Statistical information for the 2002 Annual Report, as with past reports, was compiled after all case-year complaints were closed. This reporting style delays 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 with case year 2003 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 of the reporting year will continue to be included.

FINDINGS AND ALLEGATIONS

During the prior reporting period, the classification of "INCONCLUSIVE" was eliminated and replaced by "NOT SUSTAINED." The classification of "NOT SUSTAINED" is now being used in order to be consistent with the classification used by the Police Department during their administrative review process.

The Commission heard 78 percent more complaints and 73 percent more allegations in 2002 compared to 2001. While the number of complaints increased, the number of Use of Force complaints decreased by 6.5 percent. There was a minor increase in the number of allegations involving Improper Arrests and Detentions. There were 35 such allegations in 2001 and 38 in 2002, representing an increase of 8 percent. The number of allegations involving Improper Racial Remarks decreased from 11-to-7, representing a decrease of 37 percent. Those allegations involving Improper Sexual Remarks/Misconduct remained unchanged at 1. The total number of allegations in these categories decreased from 372 in 2001, to 351 in 2002, a

decrease of 5.9 percent. The majority of the total 351 allegations, some 57 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.

The Commission reviewed a total of 121 complaints containing 318 specific allegations of misconduct. Of the total Use of Force allegations, 5.9 percent were classified as Exonerated, 3.3 percent were Not Sustained, 0.3 percent were Sustained and 29.8 percent were Unfounded. Of the Improper Arrest/Improper Detention allegations, 3.7 percent were classified as Exonerated and 11.1 percent were Unfounded. Of the Improper Racial Remark allegations, 57.1 percent were classified as Unfounded and 14.3 percent were classified as Other/Training. The one allegation of Sexual Remark/Misconduct was determined to require No Further Action and was therefore not presented to the Commission.

The Commissioners noted that the percentage of complaints from the African-American community decreased by approximately 7 percent, continuing an overall downward trend. 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 37.3 percent of the all the complaints received. While complaints from the African-American community decreased, complaints from Whites increased by approximately 1 percent. There were no unusual situations or incidents to explain why there is a trend with regard to there being more complaints by African-Americans. Complaints by other represented groups remained relatively unchanged with regard to percentages, except for Hispanics who showed an increase of 5.7 percent. The following represents a five-year complaint trend from 1998 to 2002.

<u>Reporting Year</u>	<u>Number of Investigated Complaints</u>	<u>+/- to Prior Year</u>
1998	119	-35.0%
1999	200	+68.0%
2000	376	+88%
2001	391	+3.7%
2002	428	+9.0%

The increase of approximately 9 percent from 2001 to 2002 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 increased from 68 in 2001, to 121 in 2002, representing an increase of approximately 78 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 2002, the Commission classified the majority of the allegations, some 19.1 percent, as "Unfounded" meaning the Commissioners found no basis or foundation in fact and there was no information or evidence to support the allegation. Allegations classified as Not Sustained

represented 3.4 percent of the total number of the allegations heard by the Commission. The finding of Not Sustained simply meant there was no evidence to support or refute the allegations. A total of 1.37 percent of the allegations were classified as Sustained. This represents an increase from the previous year.

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 the 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 2002 – 1088

<u>Categories</u>	<u>*NOA</u>	<u>Percentage of Total</u>
Discourtesy	22	2.0%
Discourteous Remark	3	0.3%
Dishonesty	12	1.1%
Failure to book evidence	1	0.1%
Failure to Investigate	31	2.8%
Failure to Care for Property	25	2.3%
Failure to Take Action	71	6.5%
Failure to Take Report	22	2.0%
Harassment	34	3.1%
Gender Bias	2	.2%
Harassment/Verbal	4	0.4%
Improper Arrests	11	1.0%
Improper Detention	27	2.5%
Improper Entry	15	1.4%
Improper Search / Personal	20	1.8%
Improper Search / Residential	15	1.4%
Improper Search / Vehicle	12	1.1%
Improper Remark	60	5.5%
Improper Use of Force	305	28.0%
Intimidation	18	1.7%
Misuse of Authority	38	3.5%
Misappropriation of Property	14	1.3%
Racial Bias	4	0.4%
Racial Profiling	21	1.9%
Profanity	46	4.2%
Racial Remark	7	0.6%
Sexual Misconduct	1	0.1%
Unbecoming Conduct	236	21.7%
Unauthorized Tactics	11	1.0%
*NOA = Number of allegations filed	TOTALS 1088	100.00%

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 certainly taints 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 California Supreme Court recently ruled on this admonition and found that it was, in fact, constitutional. 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 since the 1999 Annual Report was published. 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. Another concern that has since been remedied was the lack of specific responses by officers to specific allegations. The Commission staff has noticed a marked improvement in this area. Because the intake process has been more thorough, the percentage of cases deemed to require No Further Action (NFA) 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.

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 2002 Fiscal Year Adopted Budget for the CPCC was \$367,898. The Actual Expenses for Personnel, Non-Personnel and Inter-Department items was over the Adopted Budget, or approximately \$467,152. 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.

The CPCC experienced a sizeable increase in their actual budget expenditures compared to what was initially adopted. This increase in expenditures is a direct result of the relocation of the CPCC office from City Hall and necessary office equipment purchases. The current off-site location is more accessible to the public and satisfies the Charter Amendment requiring a business site "outside of the Public Safety Building."

STATISTICAL COMPASIONS

COMPLAINTS FILED

1998 – 2002

<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
119	200	376	391	428

COMPLAINT SOURCES

2000 – 2002

<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
N/A	N/A	CPCC 91	CPCC 85	CPCC 58
N/A	N/A	LBDP 285	LBDP 306	LBDP 370

ALLEGATIONS OF MISCONDUCT

2000 – 2002

	2000	2001	2002
Use of Force	322	325	305
Unprofessional Conduct	389	342	481
Improper Searches & False Arrest	121	36	47
Neglect of Duty	133	193	255

STATISTICAL INFORMATION FOR 2002 ONLY

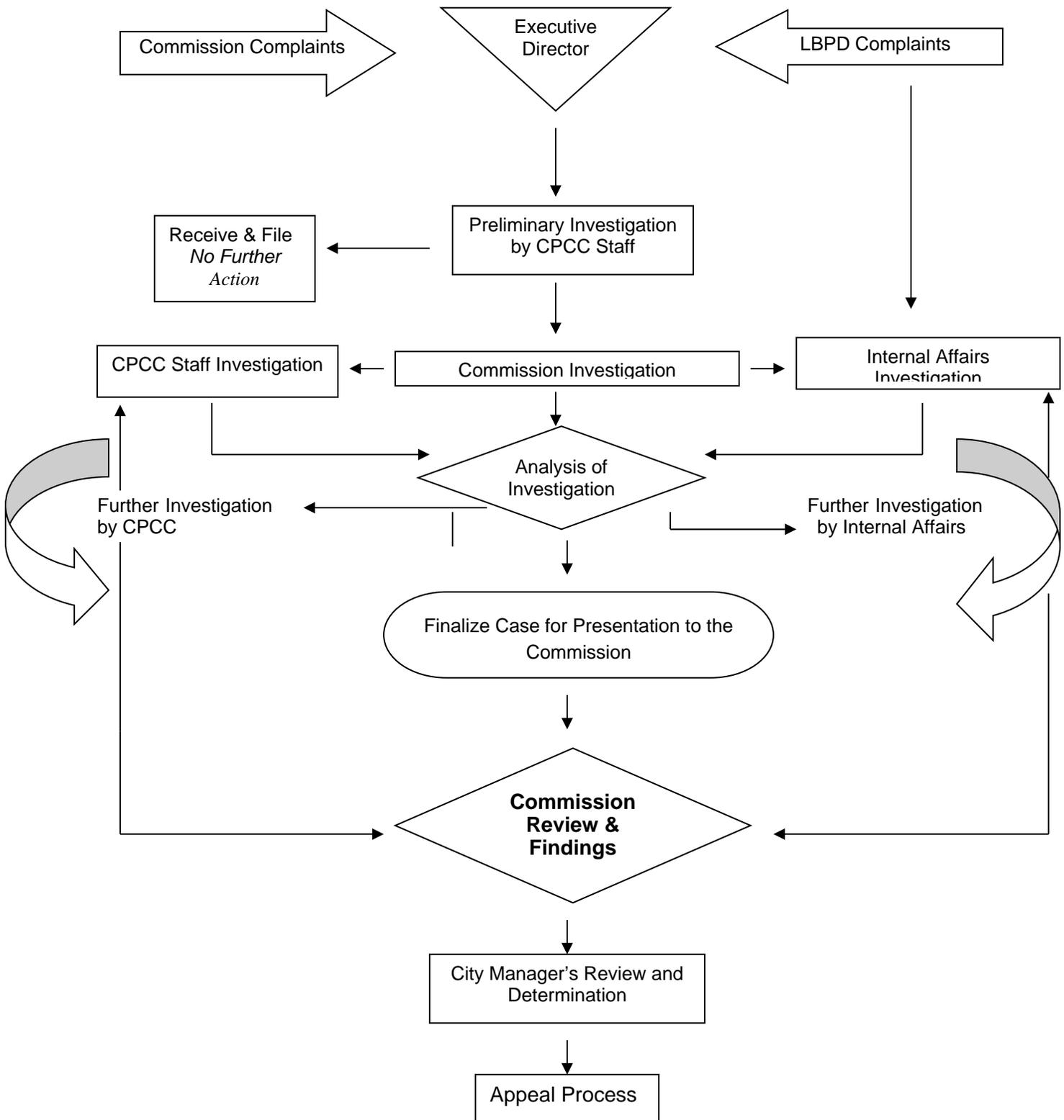
ARREST / INJURED REPORT

Arrested and Injured	16.97%
Arrested but NOT Injured	9.63%
NOT Arrested but Injured	12.16%
NOT Arrested and NOT Injured	61.24%
TOTAL	100.00%

PERCENT OF ALL COMPLAINTS FILED BY ETHNICITY

African Americans	American Indian	Asians	Hispanic	Mid-easterner	Other	White
37.3%	.2%	1.4%	24.7%	.5%	7.8%	28.1%
TOTAL 100.00%						

Complaint and Investigation Process





Attendance Record for 2002

Citizen Police Complaint Commission

TERM: July 2001 thru July 2002 Harvey Keller, Chair
 TERM: July 2002 thru July 2003 John Cross, Chair

John Cross, Vice-Chair
 Vivian Tobias, Vice-Chair

Commissioner	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Aguilar, Eleanor	P	P	P	P	P	EX	P	P	P	P	P	Dark
Cooper, Gary	P	P	Ex	Ex	P	P						
Cross, John	P	P	P	P	P	P	P	P	P	P	P	Dark
Dillon, Chris	P	P	P	P	P	P	P	P	P	P	P	Dark
Keller, Harvey	P	P	P	P	P	P	EX	P	P	P	P	Dark
Lerch, Val	P	P	P	P	P	P	R**					
Lowenthal, Dan	P	P	P	P	Ex	EX	P/ Late	EX	P	P/ Abstain	P	Dark
Tobias, Vivian	P	P	P	P	Ex	P	P	EX	P	P	P	Dark
Miramontes, Liz	EX	P	Ex	P	P	EX	A	R	R	R	R	R
O'Donnell, Patrick	EX	P	P	P	P	P	EX	P	P	P	P	Dark
Rose, John	P	EX	P	P	Ex	P	P	P	P	EX	P	Dark
Simcox, Thomas							P	EX	P	P	P	Dark
Hicks, Christopher							P	P	P	EX	P	Dark
Borges, Juvie*												Dark

NOTE: *Appointed 12/17/02 (District 3)

** Resigned to assume position of 9th District Councilmember

KEY:

P = Present
 A = Absent
 Ex = Excused Absence
 Dark = No Meeting

R = Resigned
 * = Early Departure
 [Grey Box] = Non-Commission

