

**CITY OF LONG BEACH  
CITIZEN POLICE COMPLAINT  
COMMISSION AGENDA**

**THURSDAY, OCTOBER 10, 2019  
411 W. OCEAN BOULEVARD  
CIVIC CHAMBERS, 5:30 PM**

Desmond Fletcher, Chair  
Christian Cooper, Vice Chair  
James Ahumada, Commissioner  
Leonard Adams Jr., Commissioner  
Dana Buchanan, Commissioner  
Veronica Garcia, Commissioner



Porter Gilberg, Commissioner  
Dianne McNinch, Commissioner  
Justin Morgan, Commissioner  
Maria Norvell, Commissioner  
Joni Ricks-Oddie, Commissioner

Patrick Weithers, Manager of the CPCC

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**CALL TO ORDER**

**ROLL CALL**

**INTRODUCTION OF NEW COMMISSIONER**

**REGULAR AGENDA**

1. 19-061CP Recommendation to approve the minutes of the Citizen Police Complaint Commission Regular Meeting of Thursday, September 12, 2019.

**Suggested Action:** Approve recommendation.

2. 19-062CP Recommendation to receive and file City Manager's Report.

**Suggested Action:** Approve recommendation.

**PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK**

Opportunity to address the Commission (on non-agenda items) is given to the first 10 persons who submit Speaker Cards to the City Clerk prior to 5:30 p.m. Each speaker is allowed three (3) minutes to make their comments unless that time is extended by the Chair.

**MANAGER'S REPORT**

**REMARKS FROM THE CHAIR AND COMMISSIONERS**

**RECESS TO CLOSED SESSION**

Recess to Closed Session in the Council Lounge, pursuant to Section 54957 of the California Government Code, for the purpose of consideration of personnel discipline matters.

**RECONVENE FROM CLOSED SESSION**

3. 19-063CP            Recommendation to receive Commission's vote and refer findings to the City Manager.

**Suggested Action:**        Approve recommendation.

**PUBLIC COMMENT**

Opportunity is given to those members of the public who have not addressed the Commission on non-agenda items. Each speaker is limited to three (3) minutes unless extended by the Chair.

**ADJOURNMENT**

I, Kyle Smith, City Clerk Specialist, certify that the agenda was posted not less than 72 hours prior to the meeting.

NOTE: The Citizen Police Complaint Commission agenda, supporting documents and a video recording of the meeting are available on the Internet at [longbeach.legistar.com](http://longbeach.legistar.com). Agenda items may also be reviewed in the Office of the City Clerk. Persons interested in obtaining an agenda via-email should subscribe to the City of Long Beach LinkLB System at [www.longbeach.gov/linklb](http://www.longbeach.gov/linklb).

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**CITY OF LONG BEACH  
CITIZEN POLICE COMPLAINT  
COMMISSION MINUTES**

**THURSDAY, SEPTEMBER 12, 2019  
411 W. OCEAN BOULEVARD  
CIVIC CHAMBERS, 5:30 PM**

Desmond Fletcher, Chair  
Christian Cooper, Vice Chair  
Leonard Adams Jr., Commissioner  
Dana Buchanan, Commissioner  
Veronica Garcia, Commissioner



Porter Gilberg, Commissioner  
Dianne McNinch, Commissioner  
Justin Morgan, Commissioner  
Maria Norvell, Commissioner  
Joni Ricks-Oddie, Commissioner

Patrick Weithers, Acting Manager

**FINISHED AGENDA & DRAFT MINUTES**

**CALL TO ORDER (5:31 PM)**

At 5:31 PM, Chair Fletcher called the meeting to order.

**ROLL CALL (5:31 PM)**

**Commissioners** Leonard Adams Jr., Dana Buchanan, Veronica Garcia, Porter

**Present:** Gilberg, Dianne McNinch, Justin Morgan, Maria Norvell,  
Christian Cooper and Desmond Fletcher

**Commissioners** Joni Ricks-Oddie

**Absent:**

Also present: Patrick Weithers, Acting Manager; Terrance Pham, Special Investigator; Monica Kilaita, Deputy City Attorney; Lloyd Cox, Commander, Long Beach Police Department; Dina Zapalski, Commander, Long Beach Police Department; Jonathan Nagayama, City Clerk Specialist.

**CONSENT CALENDAR (5:31 PM)**

Passed the Consent Calendar

**A motion was made by Vice Chair Cooper, seconded by Commissioner Norvell, to approve Consent Calendar Item. The motion carried by the following vote:**

**Yes:** 8 - Leonard Adams Jr., Dana Buchanan, Veronica Garcia, Dianne McNinch, Justin Morgan, Maria Norvell, Christian Cooper and Desmond Fletcher

**Abstain:** 1 - Porter Gilberg

**Absent:** 1 - Joni Ricks-Oddie

1. 19-055CP Recommendation to receive, file and close the following cases due to lack of evidence and/or witness cooperation or staff recommendation:

<u>CPCO NO.</u>	<u>ALLEGATION(S)</u>
18-159	Failure to Investigate & Unbecoming Conduct
18-176	Failure to Take Report
18-193	Misappropriation of Property
18-174	Unbecoming Conduct

**A motion was made to approve recommendation on the Consent Calendar.**

**REGULAR AGENDA (5:32 PM)**

2. 19-056CP Recommendation to approve the minutes of the Citizen Police Complaint Commission Regular Meeting of Thursday, August 8, 2019.

**A motion was made by Commissioner McNinch, seconded by Commissioner Garcia, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - Leonard Adams Jr., Dana Buchanan, Veronica Garcia, Porter Gilberg, Dianne McNinch, Justin Morgan, Maria Norvell, Christian Cooper and Desmond Fletcher

**Absent:** 1 - Joni Ricks-Oddie

3. 19-057CP Recommendation to receive and file City Manager's Report.

Patrick Weithers, Acting Manager, spoke; and introduced Terrance Pham, Special Investigator.

Terrance Pham, Special Investigator, presented the staff report.

Commissioner Gilberg spoke.

Patrick Weithers, Acting Manager, spoke.

Commissioner Gilberg spoke.

Monica Kilaita, Deputy City Attorney, spoke.

A dialogue ensued between Commissioner Gilberg and Monica Kilaita, Deputy City Attorney.

Kevin Jackson, Deputy City Manager, spoke.

Commissioner Gilberg spoke.

A dialogue ensued between Commissioner Gilberg and Kevin Jackson, Deputy City Manager.

Vice Chair Cooper spoke.

Monica Kilaita, Deputy City Attorney, spoke.

Commissioner McNinch spoke.

Kevin Jackson, Deputy City Manager, spoke.

Commissioner Gilberg spoke.

Patrick Weithers, Acting Manager, spoke.

**A motion was made by Commissioner Norvell, seconded by Commissioner McNinch, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - Leonard Adams Jr., Dana Buchanan, Veronica Garcia, Porter Gilberg, Dianne McNinch, Justin Morgan, Maria Norvell, Christian Cooper and Desmond Fletcher

**Absent:** 1 - Joni Ricks-Oddie

4. 19-058CP Recommendation to receive and file update on Commissioners questions or recommendations.

Patrick Weithers, Acting Manager, presented the staff report.

Commissioner Gilberg spoke.

Dina Zapalski, Commander, Long Beach Police Department, spoke.

Chair Fletcher spoke.

Dina Zapalski, Commander, Long Beach Police Department, spoke.

A dialogue ensued between Chair Fletcher and Dina Zapalski, Commander, Long Beach Police Department.

**A motion was made by Commissioner McNinch, seconded by Commissioner Garcia, to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - Leonard Adams Jr., Dana Buchanan, Veronica Garcia, Porter Gilberg, Dianne McNinch, Justin Morgan, Maria Norvell, Christian Cooper and Desmond Fletcher

**Absent:** 1 - Joni Ricks-Oddie

**PUBLIC COMMENT (5:48 PM)**

No members of the public addressed the commission.

**MANAGER'S REPORT (5:48 PM)**

Patrick Weithers, Acting Manager, announced the hiring process for the full-time investigator position has been completed and a candidate has been chosen; reminded the Commissioners about the upcoming Annual Training on October 25, 2019; responded to Commissioners questions from the August 8, 2019 meeting; and acknowledged and thanked



Commander Lloyd Cox who will be retiring from the Long Beach Police Department.

Lloyd Cox, Commander, Long Beach Police Department, spoke.

Dina Zapalski, Commander, Long Beach Police Department, spoke.

Commissioner Norvell spoke.

Vice Chair Cooper spoke.

Commissioner McNinch spoke.

Commissioner Adams Jr. spoke.

Chair Fletcher spoke.

**REMARKS FROM THE CHAIR AND COMMISSIONERS (5:59 PM)**

There were no remarks from the Chair or Commissioners.

**RECESS TO CLOSED SESSION (6:00 PM)**

At 6:00 PM, there being no objection, Chair Fletcher recessed the meeting to Closed Session.

**RECONVENE FROM CLOSED SESSION (11:01 PM)**

At 11:01 PM, Chair Fletcher reconvened the meeting.

**ROLL CALL (11:01 PM)**

**Commissioners** Leonard Adams Jr., Dana Buchanan, Veronica Garcia, Porter

**Present:** Gilberg, Dianne McNinch, Justin Morgan, Maria Norvell,  
Christian Cooper and Desmond Fletcher

**Commissioners** Joni Ricks-Oddie

**Absent:**

5. 19-059CP Recommendation to receive Commission's vote and refer findings to the City Manager.

Chair Fletcher reported out from Closed Session the following actions taken:

- [1] Case No. 18-191 Commissioners voted 8-1 on Allegation No. 1 - Unbecoming Conduct and 7-2 on Allegation No. 2 - Bias Based Policing for Officer accused;
- [2] Case No. 18-173 Commissioners voted 8-0 on Allegation No. 1 - Use of Force for Officer accused;
- [3] Case No. 18-150 Commissioners voted 7-2 on Allegation No. 1 - Unbecoming Conduct for Officer accused;
- [4] Case No. 18-175 Commissioners voted 8-1 on Allegation No. 1 - Failure to Take Action and 7-2 on Allegation No. 2 - Failure to Take Action for First and Second Officers accused;
- [5] Case No. 18-172 Commissioners voted 9-0 on Allegation Nos. 1 - Use of Force and 3 - Unbecoming Conduct for Officer accused, and Allegation No. 2 - Unbecoming Conduct for First and Second Officers accused;
- [6] Case No. 18-167 Commissioners voted 9-0 on Allegation Nos. 1 - Unbecoming Conduct and 2 - Improper Arrest for First, Second, Third, and Fourth Officers accused;
- [7] Case No. 18-170 Commissioners voted 9-0 on Allegation No. 1 - Personal Search and 3 - Bias Based Policing, and 6-3 on Allegation No. 2 - Sexual Misconduct for Officer accused;
- [8] Case No. 18-157 Case No. 18-194 Commissioners voted 9-0 on Allegation Nos. 1 - Use of Force, 2 - Unbecoming Conduct, 3 - Use of Force, and 5 - Unbecoming Conduct, and 7-2 on Allegation No. 4 - Unbecoming Conduct for Officer accused;
- [9] Case No. 18-190 Commissioners voted 9-0 on Allegation Nos. 1 - Unbecoming Conduct for First and Second Officers accused, 2 - Failure to Care for Property for Officer accused, and 3 - Use of Force for First, Second, Third, and Fourth Officers accused;
- [10] Case No. 18-151 Commissioners voted 9-0 on Allegation Nos. 1 -

Misuse of Authority and 2 - Unbecoming Conduct for First and Second Officers accused;

[11] Case No. 18-160 Commissioners voted 9-0 on Allegation Nos. 1 - Use of Force and 2 - Use of Force for First and Second Officers accused;

[12] Case No. 18-200 Commissioners voted 9-0 on Allegation Nos. 1 - Improper Arrest and 2 - Misappropriation of Property for First, Second, and Third Officers accused; and

[13] Case No. 18-168 Commissioners voted 9-0 on Allegation Nos. 1 - Bias Based Policing and 2 - Use of Force for First and Second Officers accused, 5 - Use of Force, 6 - Use of Force, and 7 - Use of Force for Officer accused, 3 - Use of Force, 8 - Use of Force, and 9 - Unbecoming Conduct for First, Second, Third and Fourth Officers accused, and 6-3 on Allegation No. 4 - Use of Force for Officer accused.

**A motion was made by Commissioner Buchanan, seconded by Commissioner Adams Jr., to approve recommendation. The motion carried by the following vote:**

**Yes:** 9 - Leonard Adams Jr., Dana Buchanan, Veronica Garcia, Porter Gilberg, Dianne McNinch, Justin Morgan, Maria Norvell, Christian Cooper and Desmond Fletcher

**Absent:** 1 - Joni Ricks-Oddie

**PUBLIC COMMENT (11:08 PM)**

No members of the public addressed the commission.

**ADJOURNMENT (11:08 PM)**

At 11:08 PM, there being no objection, Chair Fletcher declared the meeting adjourned.

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CITY OF  
**LONG BEACH**  
*Citizen Police Complaint Commission*  
**City Manager Report**

Reported October 2019 Regarding the August 2019 Meeting

All peace officer personnel records, including information relating to specific deliberations of the Citizen Police Complaint Commission and findings by the City Manager, shall be kept confidential to the extent required by law. In order to comply with this requirement, certain information may have been withheld in this report.

After its **August 8, 2019** meeting, the Citizen Police Complaint Commission submitted recommendations to the City Manager.

The Commission’s recommendations and the City Manager’s findings for some allegations considered during the **August 8, 2019** meeting are:

**COMMISSION**

- Sustained – 8 allegations
- Not Sustained – 10 allegations
- Exonerated - 3 allegations
- Unfounded – 11 allegations

**CITY MANAGER**

- Sustained– 0 allegations
- Not Sustained – 11 allegations
- Exonerated – 1 allegation
- Unfounded – 20 allegations

The Commission submitted a request for the Long Beach Police Department to look into how calls involving custody issues could be addressed when the minor opposes to go from one parent to the other. And, if there could be designated or alternate personnel within the department to handle custody transitions when these situations arise.

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Veronica Garcia, Commissioner



Porter Gilberg, Commissioner  
Dianne McNinch, Commissioner  
Justin Morgan, Commissioner  
Maria Norvell, Commissioner  
Joni Ricks-Oddie, Commissioner

Patrick Weithers, Manager of the CPCC

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**CLOSED SESSION**

Closed Session pursuant to Section 54957 of the California Government Code for the purpose of consideration of personnel discipline matters.

1. 19-064CP	<u>CPCC NO.</u>	<u>ALLEGATION(S)</u>
	18-210	Unbecoming Conduct
	18-208	Unbecoming Conduct
	18-180	Bias Based Policing & Unbecoming Conduct
	18-198	Use of Force
	18-211	Use of Force
	18-212	Use of Force, Unbecoming Conduct, Profanity & Improper Arrest
	18-207	Unbecoming Conduct
	18-185	Unbecoming Conduct
	18-219	Use of Force & Personal Search
	18-205	Improper Arrest, Unbecoming Conduct & Use of Force
	18-216	Use of Force
	18-206	Personal Search, Vehicle Search, Unbecoming Conduct & Use of Force
	18-204	Use of Force, Unbecoming Conduct & Profanity

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