

December 6, 2022

R-45

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager to implement the provisions of the voter-approved Measure E for a phased transition of oversight of the Citizen Police Complaint Commission including: effective January 1, 2023, authorizing new police complaints to be filed with the Internal Affairs Division of the Long Beach Police Department, and authorize the City Manager's continued oversight of the Citizen Police Complaint Commission in their current role investigating police complaints until the new Office of Police Oversight is established and a Director of Police Oversight is recruited and onboarded;

Increase appropriations in the General Fund Group in the City Manager Department by \$191,336 for Fiscal Year 2023 (FY 23) costs related to recruiting and onboarding a Director of Police Oversight pursuant to Measure E, offset by funds previously allocated for implementation of the Healthcare Worker Minimum Wage Ordinance; and,

Decrease appropriation in the General Fund Group in the Financial Management Department by \$191,336 originally allocated to implement the Healthcare Worker Minimum Wage Ordinance to offset the FY 23 costs related to Measure E. (Citywide)

DISCUSSION

On February 15, 2022, the City Council considered a presentation on the Independent Evaluation Final Report (Polis Report) on the Citizen Police Complaint Commission (CPCC) by staff and the consultant team of Polis Solutions and Change Integration. After hearing this item, the City Council directed staff to initiate the charter amendment process to establish a new CPCC structure. Subsequently, the Charter Amendment Committee jointly with the City Council, held three public hearings to discuss a proposed Charter Amendment that would establish a hybrid model of police oversight comprised of an Office of Police Oversight led by a Director of Police Oversight and a new restructured Police Oversight Commission to provide greater transparency and accountability. These joint hearings were held on June 14, 2022, July 19, 2022, and August 9, 2022. On August 9, 2022, the City Council voted to place a City Charter amendment (Measure E) on the November 8, 2022 ballot for voter consideration.

On November 8, 2022, Measure E was put to the voters and at the time this staff report was prepared, appeared to be headed for passage with a majority of the votes cast at 59.75 percent. Staff have begun the process to implement the provisions of Measure E which includes an Office of Police Oversight led by a Police Oversight Director appointed by the City Council, and

the establishment of a new Police Oversight Commission. To facilitate this transition, the City Manager is requesting an appropriation increase to cover the FY 23 costs related to the recruiting and onboarding a Director of Police Oversight who will be hired by the Mayor and City Council.

Authorization is also requested from the City Council for the current CPCC to continue its work on the backlog of cases currently being investigated and to accept new complaints through the end of the 2022 calendar year. Beginning January 1, 2023, new police complaints will only be accepted for investigation by the Long Beach Police Department (LBPB), consistent with their primary authority for investigations as outlined in Measure E. Staff will prepare and widely distribute public notice consistent with language access policy regarding this deadline for transitioning complaint investigations from CPCC to the LBPB Internal Affairs Division.

Staff estimate that it will take from 6 to 12 months to stand up the new Office of Police Oversight which includes tasks such as recruitment and staffing, operational procedures, completion of a meet and confer process regarding staff duties that may be impacted by the new structure, and the appointment of a new Police Oversight Commission as called for in Measure E. While the new oversight structure is being established, the current CPCC will continue its work to complete investigation of cases filed through December 31, 2022.

This matter was reviewed by Deputy City Attorney Anita Lakhani and Budget Manager Grace H. Yoon on November 22, 2022.

TIMING CONSIDERATIONS

City Council action is requested on December 6, 2022 to begin the process of establishing the new Office of Police Oversight and Police Oversight Commission, while allowing the current CPCC to complete investigation of cases filed through December 31, 2022.

FISCAL IMPACT

The fiscal impact of this action in FY 23 is \$191,336 which is made up of \$156,336 for the cost a Police Oversight Director in FY 23 prorated to account for the savings related to the time to hire, and \$35,000 of one-time costs for a recruiter. The full annual ongoing cost is estimated at \$312,671 based on FY 23 figures and the position will be included on an ongoing structural basis as part of the FY 24 budget development process. The FY 23 cost and the ongoing, structural cost in FY 24 and beyond will be offset by funds originally allocated as part of the Adopted FY 23 Budget to implement the Healthcare Worker Minimum Wage Ordinance (Ordinance). Due to the Long Beach Minimum Wage for Healthcare Workers Referendum that was filed with the Office of the City Clerk on September 21, 2022, the Ordinance was suspended, and funding previously allocated to implement wage enforcement for the program can be reallocated towards this recommendation. To implement this recommendation, an appropriation increase in the amount of \$191,336 is requested in the General Fund Group in the City Manager Department, offset by funds previously allocated for implementation of the Healthcare Worker Minimum Wage Ordinance. In addition, an appropriation decrease in the amount of \$191,336 is requested in the General Fund in the Financial Management Department.

Establishment of the Police Oversight Director position is pursuant to the voter-approved Measure E, a charter amendment that established a new hybrid model for police oversight replacing the current CPCC. As part of the FY 23 Budget, the City Council authorized funding for three new positions to support the existing staff (three positions) for the new independent Office of Police Oversight. With the addition of the additional Director position, there will be a total of seven positions in the new Office of Police Oversight, which will be reflected as a new City Department as part of the FY 24 budget development process. There may be additional clerical support needed for the new Department, but this is being evaluated and as necessary will be discussed as part of the FY 24 budget development process. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation and refer to the Charter Amendment Committee.

Respectfully submitted,



THOMAS B. MODICA
CITY MANAGER