



# **Citizen Police Complaint Commission (CPCC) Charter Amendment**

City Council Meeting - August 9, 2022

# Background and Timeline on CPCC Charter Amendment

## Timeline of Key Actions

- **September 2020** City Council funds independent assessment in FY 21 Budget
- **May 2021- January 2022** Polis-Change Integration conducts assessment of CPCC
- **February 15, 2022** Polis-Change Integration presents assessment findings and recommendations to City Council
- **February 15, 2022** City Council directs staff to begin Charter Amendment process: *Meet and Confer; City Attorney prepares draft Charter language*
- **June 14, 2022** Charter Amendment Committee – 1<sup>st</sup> public hearing
- **July 19, 2022** Charter Amendment Committee – 2<sup>nd</sup> public hearing
- **August 9, 2022** City Council – 3<sup>rd</sup> / Final public hearing and Referral of Charter Amendment to the ballot

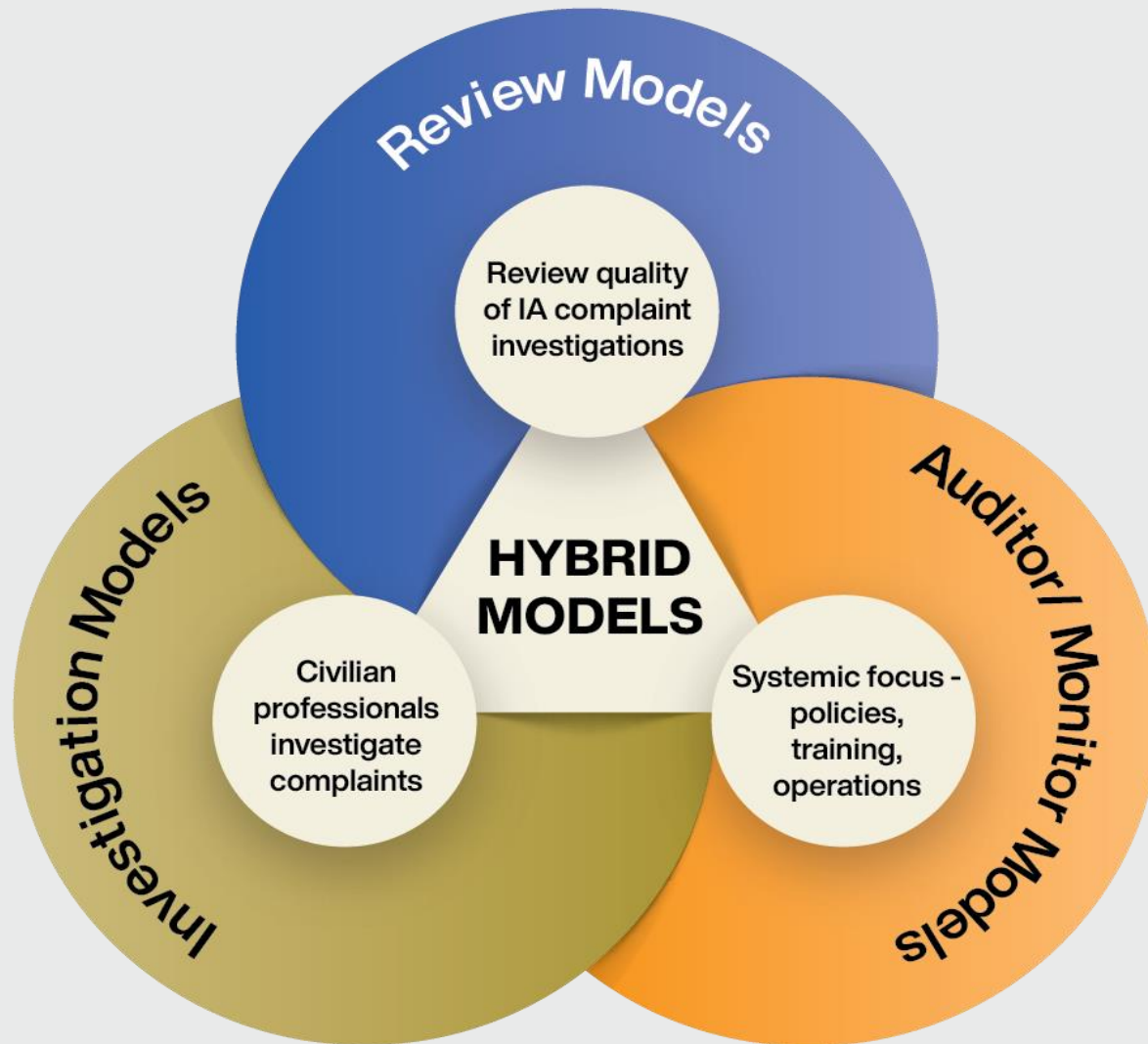
# Civilian Oversight of Law Enforcement

## Polis- Change Integration Assessment Report

**Civilian Oversight - May be defined as one or more individuals outside the sworn chain of command of a police department whose work focuses on holding that department and its officers and employees accountable.**



# Civilian Oversight Models



## Current Oversight Model: Investigation

- CPMC Investigates Civilian Complaints
- LBPD Internal Affairs Investigates Complaints
- CPMC Makes Finding Recommendation to CM
- City Manager Makes Final Finding

## Proposed Auditor/Monitor (Hybrid) Model

- Director of Police Oversight (Auditor/Monitor)
- Police Oversight Commission
  - Systemic Review of IA Investigations
  - Specified Investigations
  - Access to all PD Records, Reports, Witnesses
  - Ongoing Public Feedback on Issues of Concern
  - Recommendations to City Council

# Comparing Civilian Oversight Models\*

	Investigation-Focused	Review-Focused	Auditor/Monitor-Focused
<b>Percentage &amp; Frequency (157 Oversight Agencies)</b>	18.5% (29)	61.8% (97)	19.7% (31)
<b>Primary Purpose</b>	Independent complaint investigations by civilian professionals	Quality review of Internal Affairs completed investigations	Examination of patterns in complaints, findings, and discipline; systemic review of police policies, training, and operations
<b>Some Potential Strengths</b>	<ul style="list-style-type: none"> <li>• May reduce real or perceived bias in complaint handling</li> <li>• May increase community trust in investigations</li> </ul>	<ul style="list-style-type: none"> <li>• Provides civilian input into complaint investigations</li> <li>• May increase public trust in investigation process</li> </ul>	<ul style="list-style-type: none"> <li>• Often more robust public reporting</li> <li>• May be more effective in promoting long term, systemic change in police</li> </ul>
<b>Some Potential Weaknesses</b>	<ul style="list-style-type: none"> <li>• Often procedurally complex</li> <li>• Most cost- and resource-intensive</li> <li>• Community frustration when broader change does not occur</li> </ul>	<ul style="list-style-type: none"> <li>• May have limited authority</li> <li>• If Boards/Commission volunteers provide review, less expertise in policing issues and limited time</li> <li>• May be less independent</li> </ul>	<ul style="list-style-type: none"> <li>• Community may be skeptical of systemic approach</li> <li>• Requires staff with significant expertise</li> <li>• Most make recommendations and cannot compel implementation</li> </ul>

\*Information sourced from: De Angelis, Joseph, Richard Rosenthal, and Brian Buchner. *Civilian Oversight of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models*. Washington D.C.: Office of Justice Programs. 2016.

# Benchmarking Study of Oversight Agencies

- National Association for Civilian Oversight of Law Enforcement (NACOLE) survey data + information available to consultants + research and updated information for select agencies
- 26 CA agencies (not including Long Beach CPCC)
- Focus on five CA agencies in similar sized cities
  - **Anaheim** – Hybrid (Auditor/Monitor & Review with Commission/Board)
  - **Fresno** – Hybrid (Auditor/Monitor & Review)
  - **Oakland** – Hybrid (Auditor/Monitor Commission with Investigation Agency)
  - **Riverside** – Review
  - **Sacramento** – Hybrid (Auditor/Monitor & Review with Commission)



# Civilian Oversight of Law Enforcement

## Polis – Change Integration Assessment Report - Underlying Assumptions

- Civilian oversight of police is just one piece of the police reform puzzle - not the panacea to addressing all police misconduct or organizational and operational changes required
- There is no “perfect” civilian oversight model – no single approach that has been shown to answer all community concerns or to be a good fit for all cities
- Oversight programs grounded in attributes like collaboration, transparency, and authority often have the greatest impact in affecting change

# Auditor/Monitor (Hybrid) Oversight Model - Summary

- **Independent Oversight Model**
- **Director of Police Oversight (Auditor/Monitor)**
  - Hired / Fired by City Council (*Currently no Director; Managed by City Manager*)
  - Reports to City Council (*Currently reports to City Manager*)
  - Will have access to Police Department records, data and personnel; interviews, etc.)  
(*Currently - limited access to Police Department records*)
  - Addresses systemic issues, analyzes patterns and trends, and identifies deficiencies in LBPD operations, policy, procedures, and training (*No current authority*)
- **Police Oversight Commission**
  - Seven (7) members appointed by Mayor and confirmed by City Council (*Restructured Commission*)
  - Solicit input from the community on areas / issues to be reviewed (*New authority*)
  - Provide input to the Director on auditing priorities (*New authority*)
  - Provide feedback to the Director on annual reports and recommendations (*New Authority*)



# Why the Auditor/Monitor (Hybrid) Model?

- **Systemic change and reform occurs primarily through community and police collaboration**
- **Auditor/Monitor (Hybrid) Model addresses community feedback during the evaluation process**
  - Need for an independent oversight body
  - Community needs more transparency during the CPCC process
  - Need for oversight of Internal Affairs, rules and regulations
  - Community needs to be more educated about the CPCC

# Proposed Oversight Model – Director of Police Oversight

## Director of Police Oversight (Auditor/Monitor)

- Address systemic issues through review of complaints and recommendations for improvement (***New authority to review all PD Internal Affairs investigations***)
- Set timeline and process for LBPD to respond to Auditor/Monitor's recommendations (***New authority to ensure timeliness and quality of Internal Affairs investigations***)
- May investigate major uses of force resulting in great bodily injury, upon request of the City Manager (***New authority***)
- Right to be on the scene of critical incident investigations (***New authority***)
- Review all complaints to ensure appropriate allegations are included (***New authority***)
- Required to investigate specific types of incidents such as complaints against the Chief or Command Staff or officer-involved-shooting, on request of City Manager (***New authority***)
- Provide an Annual Report to City Council

# Proposed Oversight Model – Oversight Commission

## Strengthened Police Oversight Commission Role

- Provide input to the Director on auditing priorities
- Review and approve recommendations from the Director to City Council
- Solicit input from the community on issues of concern to inform Director's priorities
- Regularly engage with the community to educate them on Oversight accomplishments
- Receive briefings by the Director and LBPD on high profile incidents
- Provides feedback to the Director on annual reports and special reports of interest to the community through the investigation review process
- Plays a role in hiring the Oversight Director

# Director and Police Oversight Commission

## How the Director Works with the Police Oversight Commission

- Commission will provide input to the Director on information important to include in published reports and can share the reports with the community to educate the public about the work of the Director
- As input from the community is gathered and shared along with that from Commissioners, the Commission can use the information in recommending areas on which the Director might focus  
**Example:** *if several Commissioners reported that residents complained about open air drug markets in areas that were not regularly patrolled by the LBPD, this information could result in the Director planning a review of the process by which the Department selects areas of the city for emphasis patrols.*

# Director's Reviews and Recommendations

## Systemic Reviews

- The primary work of the Director will be to conduct systemic reviews of LBPD operations, policy, procedures, and training. Working with the Police Oversight Commission, auditing priorities will be developed in response to community concerns or other indicators that a matter should be systemically reviewed
  - *Examples: the Director might review a specialized unit's compliance with policy and procedure, focus on police response to specific calls of concern, consider the LBPD's early intervention policy and its impacts, or analyze police traffic stops for a set period*
- Once systemic reviews are completed, if recommendations for policy or practice changes are made, those recommendations will be presented to City Council. The LBPD will have a certain number of days to provide an initial response to the proposed recommendations, unless the Director and City Manager explicitly agree to an extension of time, with a plan and timeline for moving the recommendation forward or an explanation as to why it does not accept the recommendation

# CPCC vs. Police Oversight Director and Commission

	CPCC	Oversight Director / Police Oversight Commission
Model	<ul style="list-style-type: none"> <li>Investigation Model of Civilian Oversight</li> </ul>	<ul style="list-style-type: none"> <li>Hybrid Model: Police Auditor/Monitor-focused + Review + Investigation with Police Oversight Commission</li> </ul>
Powers / Duties	<ul style="list-style-type: none"> <li>Investigates only external complaints of police misconduct</li> <li>Both the CPCC and Internal Affairs conduct concurrent investigations on the same external complaints</li> <li>CPCC staff cannot respond to any type of incident investigation scene</li> </ul>	<ul style="list-style-type: none"> <li>Director can review both internal and external complaints for thoroughness while Internal Affairs investigations are in progress and audit investigations once completed</li> <li>Can independently investigate certain cases</li> <li>A certain number of completed investigations will be audited monthly for thoroughness, timeliness, and quality</li> <li>Can respond to the scene of critical incident investigations</li> </ul>
Reviews and Recommendations	<ul style="list-style-type: none"> <li>Commission can make recommendations to the LBPD. LBPD does not have a requirement to respond to recommendations within a certain amount of time</li> <li>Commission makes finding recommendations on allegations of police misconduct</li> <li>City Manager makes final findings on allegations of police misconduct</li> </ul>	<ul style="list-style-type: none"> <li>Can present recommendations to City Council for changes in LBPD policy and/or practice. LBPD would have a set number of days to respond to the recommendations made</li> <li>The Commission can set auditing priorities for the Director to audit certain types of completed investigations, based on community feedback</li> <li>Addresses systemic issues and analyzes patterns and trends. Findings will be included in annual reports</li> </ul>

# CPCC vs. Police Oversight Director and Commission

	CPCC	Oversight Director / Police Oversight Commission
Subpoena Powers	<ul style="list-style-type: none"> <li>• CPCC staff does not have direct access to LBPD databases</li> <li>• Can send an administrative subpoena requesting documents, files, compelled statements etc. from the LBPD</li> <li>• Commission can request a hearing of accused officers, but officers do not have a requirement to show for the hearing</li> </ul>	<ul style="list-style-type: none"> <li>• No need for subpoena power due to the Director and their staff having direct access to LBPD databases, records and data with the authority to question witnesses, including Police Department personnel</li> <li>• Required to preserve the privacy of Long Beach Police Department employees, including personnel files, and keep confidential all Long Beach Police Department files and other data to the maximum extent permitted by law</li> </ul>
Community Engagement	<ul style="list-style-type: none"> <li>• No community engagement - Community Engagement Committee developed educational outreach plan</li> </ul>	<ul style="list-style-type: none"> <li>• Input gathered from the community by Commissioners. The Commission can use that information in recommending areas on which the Director might focus</li> <li>• Commission will provide input to the Director on information important to include in published reports and can share the reports with the community to educate the public about the work of the Director</li> <li>• Solicits input from the community on recommendations under consideration</li> </ul>



# Director of Police Oversight – Scenario #1

## Director Authority in a Use of Force Incident: Great bodily Injury

- Respond to the scene and observe how the investigation is being handled
- Review the complaint before it is investigated to ensure all appropriate allegations are included for investigation
- Audit case to ensure thoroughness, timeliness and quality
- Based on findings from the investigation, the Director can present recommendations for LBPD policy or practice changes to the City Council
- Director has the authority to investigate the use of force incident, resulting in great bodily injury, if requested by the City Manager

# Director of Police Oversight – Scenario #2

## Director/Commission Authority in an Officer Involved Shooting

- Ability to respond to the scene and observe how the investigation is being handled
- Rely on their own observations of the scene when considering evidence collected and witnesses interviewed
- Commission can receive a briefing from LBPD and Director on the incident to understanding how the event will be reviewed and processed by the Department
- Director may review the investigation for thoroughness, timeliness and quality
- Based on findings from investigation review, the Director can present recommendations for Department policy or practice changes to the City Council
- If an officer involved shooting occurs, the Director has the authority to investigate, if requested by the City Manager

# Director of Police Oversight – Scenario #3

## Complaint against the Chief of Police or Command Staff

- The Director has the authority to investigate, if requested by the City Manager
- Director conducts the investigation and provides a report to the City Council on findings
- Director has access to all Department records, reports, personnel to conduct a thorough investigation

# Recommended Interim Changes to the CPCC

## Polis- Change Integration Final Report - Recommendations to Improve Current CPCC Operations

- Transparency
- Training
- Operations

# Timeline For Charter Amendment Process

## Recap of Community Engagement

- **September 16, 2021** Virtual public listening session
- **September 23, 2021** In-person public listening session
- **December 3, 2021** Public Safety Committee – Presentation on evaluation preliminary findings
- **December 14, 2021** Community presentation on evaluation preliminary findings
- **December 15 & 21, 2021** CPCC Meetings – Presentation on preliminary findings
- **February 15, 2022** City Council – Presentation on the final Polis report
- **June 14, 2022** Charter Amendment Committee – 1<sup>st</sup> public hearing
- **July 19, 2022** Charter Amendment Committee – 2<sup>nd</sup> public hearing
- **August 9, 2022** City Council – 3<sup>rd</sup> public hearing and Referral of Charter Amendment to the ballot

***Any change to the proposed Charter Amendment language will require Meet and Confer with affected labor groups resulting in the deferral of the proposed amendment to the 2024 Election cycle***

# Modern Model of Oversight

## Staff Recommendation

**That the Charter Amendment for Auditor/Monitor (Hybrid) Model for police oversight be placed on the November 2022 ballot:**

- Is a stronger, superior, modern approach to police oversight
- Is responsive to public feedback and concerns to address transparency, accountability and independence
- Provides the greatest potential for systemic change and reform

A nighttime photograph of a city skyline reflected in water. The scene is illuminated by various city lights, including streetlights and building lights. The water in the foreground is dark, creating a clear reflection of the lights and buildings above. The sky is dark, and the overall atmosphere is vibrant and urban.

**Thank you!**