



Citizen Police Complaint Commission (CPC) Independent Evaluation Final Report

**Public Safety Committee Meeting - February 25,
2022**

- **Racial Equity and Reconciliation Initiative**

On August 11, 2020, the City Council approved the Racial Equity and Reconciliation Initiative – Initial Report, and directed City staff to engage an outside expert to evaluate the operations of the CPCC stated in the Racial Equity and Reconciliation Report as the short-term action under **Goal 3:** Redesign police approach to community safety, **Strategy 2:** Redesign police oversight and accountability through improved complaint and discipline practices

- FY 2021 allocation to support evaluation - \$150,000

Consultant Selection Process

- Initiated a Request for Proposals on January 27, 2021
- Received proposals from six firms nationwide by the March 21, 2021 deadline
- Evaluated proposals and conducted follow-up interviews on March 31, 2021
- Posted Notice of Intent to Award a contract to Polis Solutions, Inc., of Seattle, Washington partnering with Change Integration Consulting on April 15, 2021

CPCC Evaluation Plan Objectives

1. Identify ways to improve existing CPCC operations
2. Identify options for redesign of the CPCC
3. Identify any related legislative priorities
4. Produce an implementation roadmap

Polis-Change Integration Work Plan: May 2021 – January 2022

- Benchmark study of other oversight models
- Examination of CPCC case management system
- Analysis of CPCC Open and Closed Session meetings (June 2021 – January 2022)
- Reviewed 74 CPCC case investigation files presented (June 2021 – January 2022)
- Observed a Long Beach Police Department (LBPD) Case Review meeting
- Interviews with internal and external stakeholders
- Facilitated two community public listening sessions
- Developed online survey and assessed public feedback
- Conducted three public meetings to present preliminary findings

Community Participation

- 30 Interviews with internal and external stakeholders
- 31 Responses from CPCC evaluation online survey
- Two community listening sessions to gather input on CPCC reform
 - One virtual listening session – September 16, 2021
 - One in-person listening session – September 23, 2021

Met with over 100 members of the community by way of external stakeholder interviews or through listening sessions.

What We Heard From the Community

- Need of an independent oversight body
- Community needs more transparency during the CPCC process
- Need for oversight of Internal Affairs, rules and regulations
- Community has waited 30 years for a good Commission
- Community needs to be more educated about the CPCC

Preliminary CPCC Evaluation Findings Presentations

1. Public Safety Committee Meeting – December 3, 2021
2. Virtual Community Presentation on Preliminary Findings – December 14, 2021
3. CPCC Special Meetings – December 15, 2021 and December 21, 2021
 - Items for Public Comment at both meetings

A nighttime photograph of a city skyline reflected in water. The scene is illuminated by various city lights, including streetlights and building lights, creating a vibrant and colorful reflection on the water's surface. The sky is dark, and the overall atmosphere is urban and modern.

CPCC Evaluation Final Report



Evaluation of Long Beach Citizen Police Complaint Commission Final Report: Findings and Recommendations February 25, 2022

City of Long Beach Departments Involved in Complaint Investigations



CPCC

- Investigates
- Subpoena to IA
- Staff provide Commission with case brief summarizing evidence
- Commission recommends findings
- Does not have access to IA case analysis or some evidence considered in the IA case analysis

LBDP INTERNAL AFFAIRS (IA)

- Investigates
- May not have fully responded to subpoena with officer statements & other evidence at time of Commission review
- IA recommends findings
- Has access to CPCC case analysis

CITY MANAGER'S OFFICE

- Receives recommended findings from CPCC and IA
- Makes final determination on findings and discipline
- Limited feedback to CPCC if findings different than recommended

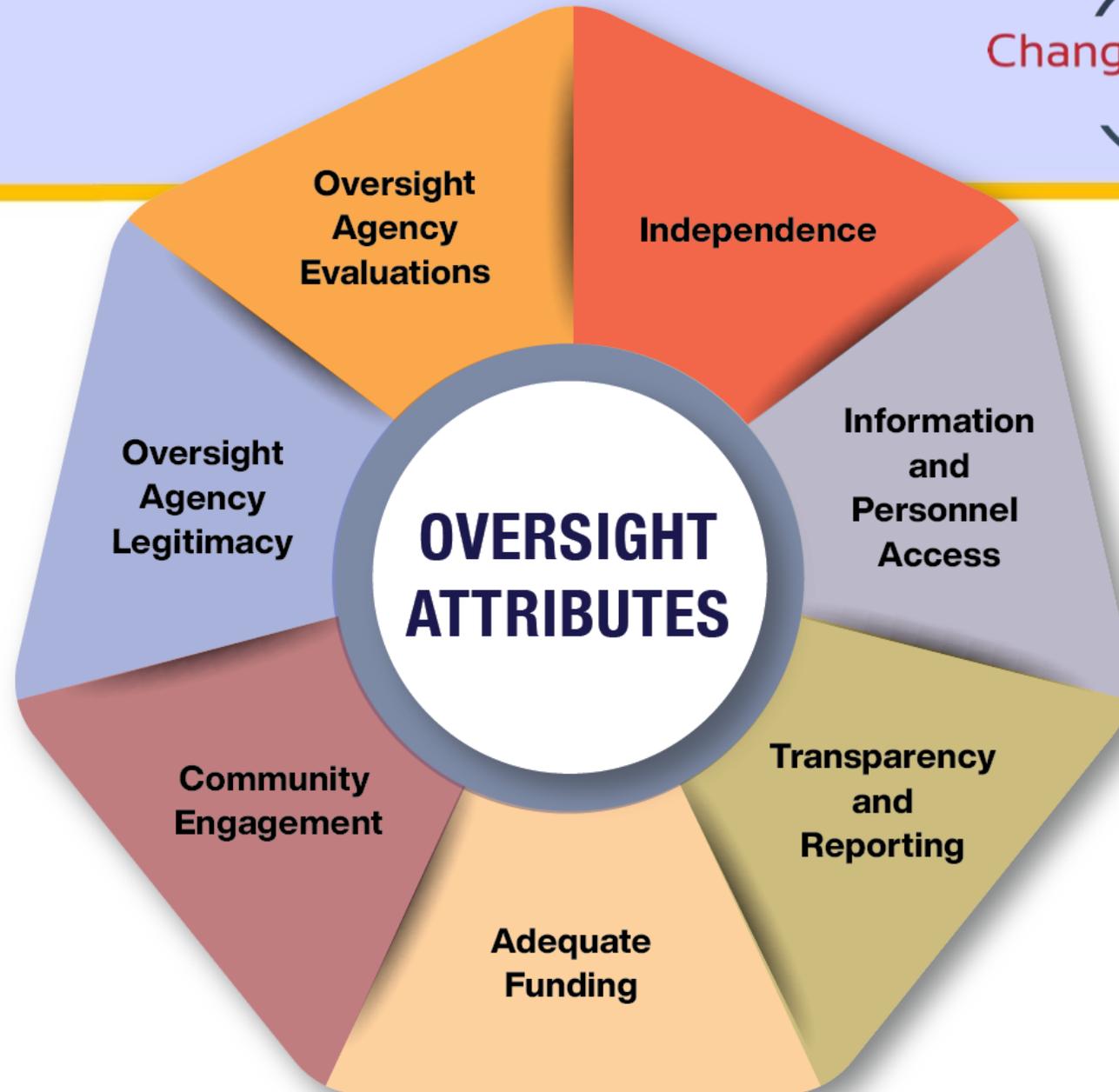
CIVIL SERVICE COMMISSION

- Officers can appeal some discipline to the Civil Service Commission

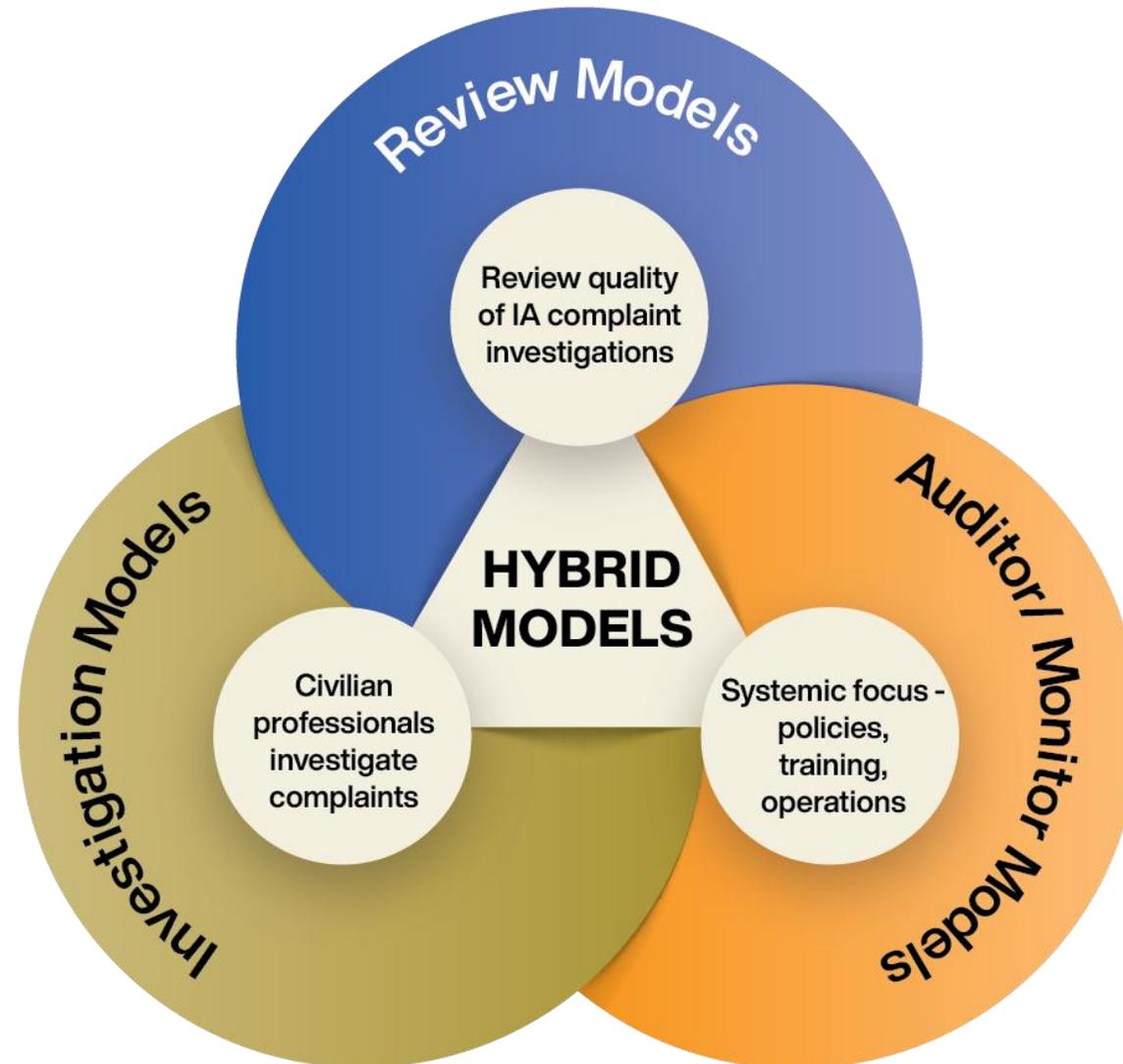
Two Important Underlying Assumptions



- 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.



Civilian Oversight Models



Comparing Oversight Models*



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

*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



- 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)

CPCC Evaluation Findings



- What works well with current CPCC model
- Inherent limitations of CPCC model
- How the Commission functions, how CPCC and IA interact, and how CPCC fits within the larger structure for determining misconduct complaint investigation findings

A New Oversight Model to Improve Transparency, Accountability, and Legitimacy



- Limitations inherent in the CPCC model undermine accountability and transparency of the LBPD.
- Concerns with how the Commission arrives at recommendations and how CPCC interfaces with Internal Affairs and within the City Manager's Office decision-making system.
- Community trust in LBPD has suffered and CPCC's legitimacy as an independent investigative body is in doubt.

New oversight model recommended:

- Police Auditor/Monitor-focused + Review + Investigation (Hybrid) with
- Police Oversight Commission

Comparing CPCC to New Oversight Model



	Citizen Police Complaint Commission	Hybrid - Police Auditor/Monitor and Police Oversight Commission
Model	<ul style="list-style-type: none"> Investigation-focused Investigates civilian complaints Investigation parallel to IA investigation 	<ul style="list-style-type: none"> Hybrid - Auditor/Monitor-focused Systemic reviews Review IA complaints and major uses of force Independently investigate certain cases On scene for critical incidents
Role of Commission	<ul style="list-style-type: none"> Commission makes recommended findings on complaint investigations 	<ul style="list-style-type: none"> Community engagement Help hire Auditor/Monitor Input on audit priorities and policy/training recommendations based on community feedback Receives critical incident briefings
Independence	CPCC reports to City Manager's Office	Auditor/Monitor and Police Oversight Commission report to City Council and City Manager's Office
Information & Personnel Access	Staff and Commission have limited access to information and no direct access to personnel	<ul style="list-style-type: none"> Auditor/Monitor - unlimited access Commission – greater access via Auditor/Monitor input and LBPD critical incident briefings
Transparency & Reporting	<ul style="list-style-type: none"> Annual reports with limited analysis Commission not involved in reporting Most Commission meetings closed to public 	<ul style="list-style-type: none"> Annual and special reports with deeper analysis Auditor/Monitor collaborates with Commission Most Commission meetings open to public
Community Engagement	<ul style="list-style-type: none"> No community engagement - Community Engagement Committee developed educational outreach plan 	<ul style="list-style-type: none"> Commission process to enhance community engagement with Auditor/Monitor staff support

A New Oversight Model: Police Auditor/Monitor with Police Oversight Commission



Police Auditor/Monitor Role

- Address systemic issues through recommendations for improvement.
- Set timeline and process for LBPD to respond to Auditor/Monitor's recommendations.
- Review all major uses of force.
- Authority to be on the scene of critical incident investigation.
- Audit sample of IA investigations every month for timeliness, thoroughness, and quality.
- Review all complaints to ensure appropriate allegations are included.
- Authority to investigate specific types of issues, such as complaints against the Chief or Command Staff or an officer-involved-shooting, on request or approval of City Manager.

A New Oversight Model: Police Auditor/Monitor with Police Oversight Commission



Police Auditor/Monitor Role, continued:

- Requires broad, direct access to departmental information, databases, and personnel, with written agreement or policy specifying details.
- Hired by the City Council in transparent process that includes collaboration with the Police Oversight Commission.

A New Oversight Model: Police Auditor/Monitor with Police Oversight Commission



Police Oversight Commission Role

- Provide input to Auditor/Monitor on auditing priorities.
- Review and approve recommendations from Auditor/Monitor.
- Educate and engage the community – get input about policing concerns and feedback about improvement recommendations.
- Receive private briefings on high-profile incidents.
- Provide feedback to Auditor/Monitor on public reports.
- Hold regularly scheduled meetings open to the public.
- Plays central role in hiring the Auditor/Monitor.

Recommended Interim Changes to the CPCC



- Transparency
 - Increase transparency with complainants.
 - Increase transparency with the community.
 - Activate Commission’s Community Engagement Committee.
- Training
 - Provide additional orientation and on-going training to CPCC Commissioners.
 - Provide opportunities for CPCC staff to participate in professional development training and to network with other civilian oversight practitioners.

Recommended Interim Changes to the CPCC



- Improved functioning
 - Increase CPCC staffing, establish written agreement about information sharing between CPCC and Internal Affairs.
 - Establish a standard operating procedure for the CPCC Office.
 - Promptly share City Manager case outcomes, including rationale if Commission's recommended finding not adopted.
 - Provide CPCC with all relevant evidence considered by Internal Affairs.

Recommended Interim Changes to the CPCC



- Improved functioning (cont.)
 - Address timeliness issues for CPCC and IA complaint investigations, seeking subpoena enforcement with the City Attorney Office if necessary.
 - Include a witness/evidence matrix and written analysis of each case as part of Commissioners' case packets.
 - Conduct case fact finding presentations for Commissioners.
 - Clarify communication protocols for the CPCC Staff, Deputy City Attorney, and IA during Commission meetings.

Recommended Interim Changes to the CPCC



- Improved functioning (cont.)
 - Consider alternative approaches to handling the No Further Action cases.
 - Consider restructuring investigation finding categories, particularly the “other/training” finding.
 - Create a new finding category of “policy/training” as way to capture Department-wide recommendations.
 - Track the status of policy/training recommendations made by the Commission.

Recommended Interim Changes to the CPCC



- Improved functioning (cont.)
 - Establish guidelines and protocols for the City Manager’s timeline and procedures for reviewing and issuing final findings.
 - Consider the disadvantages of including the complainant’s criminal history and officer’s complaint history in the case packet.

Recommended Interim Changes to the CPCC

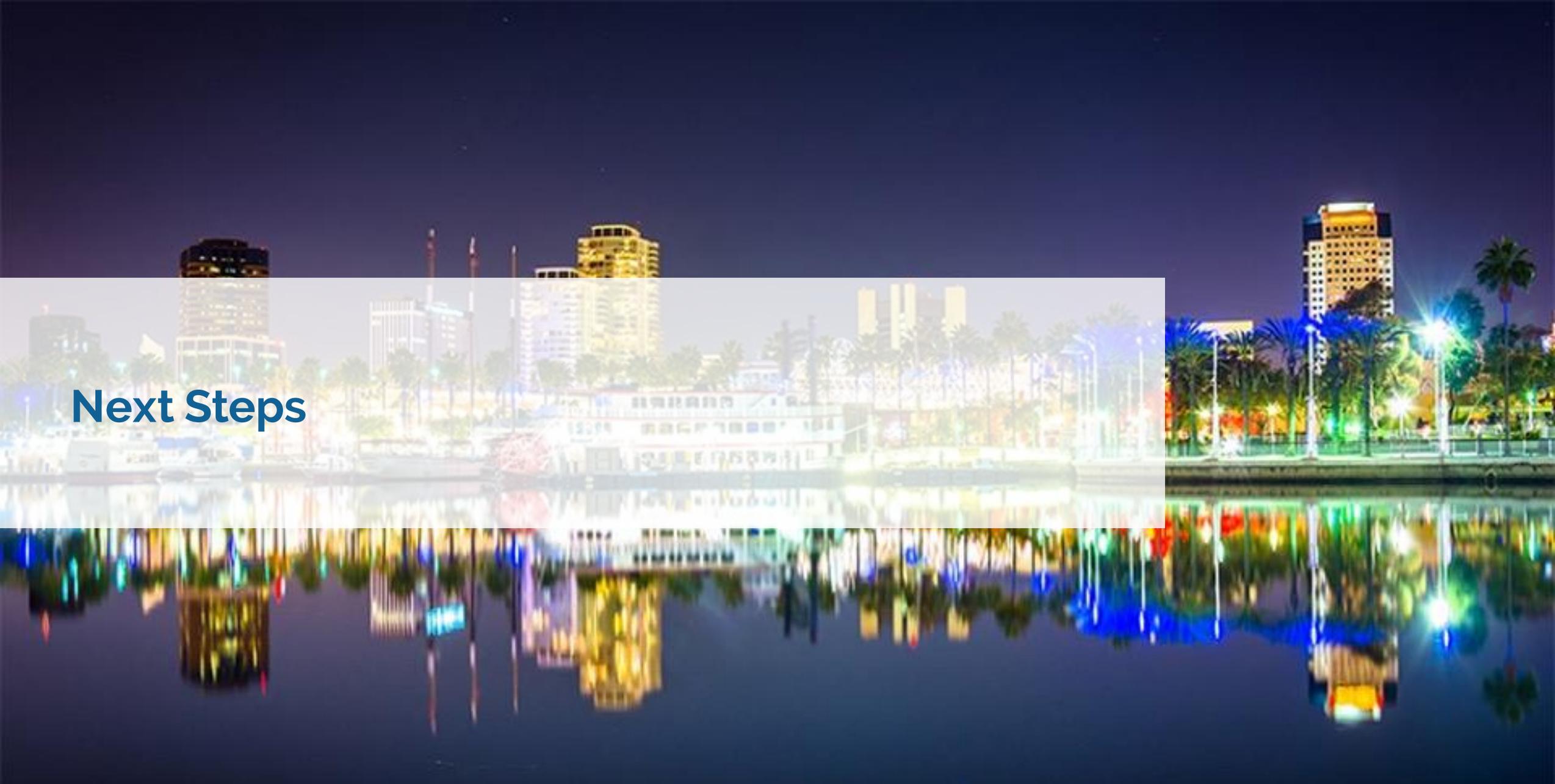


- Perceived or actual conflicts of interest
 - Assign the CPCC its own Deputy City Attorney to serve as legal representative (change has been made).
 - Mitigate the potential for perceived or actual conflicts of interest by improving the City Manager’s process for conducting final reviews of cases.

Recommended Interim Changes to the CPCC



- Commission structure and name
 - Commissioners should be representative of the Long Beach community and the community should be involved with their appointment/selection.
 - Consider renaming the ‘Citizen Police Complaint Commission’ to the ‘Civilian Police Complaint Commission.’ (may require Charter Amendment).
- ADR program
 - CPCC, Internal Affairs, and the City Manager’s Office should collaborate on an alternative dispute resolution program.



Next Steps

Estimated Budget

Table 1: FY 22 Adopted CPCC Budget

Personnel	<u>Impact</u>
Manager – Citizen Police Complaint Commission	176,382
Investigator – City Manager	159,545
Commissioner Stipends	24,000
Total Personnel (2.50 FTE’s)	359,927
Materials and Support	173,570
TOTAL	533,497

Table 2: Polis-Change Integration Recommended CPCC Staffing

Personnel	<u>Impact</u>
Inspector General	308,112
Manager - Audit	176,841
Manager – Critical Incidents	176,841
2 Investigators	318,274
Communications Officer	137,530
Executive Assistant	119,768
Commissioner Stipends	24,000
Total Personnel (7.00 FTE’s)	1,261,366
Materials and Support	173,570
TOTAL	1,434,936

Table 3: Budgetary Impact of Implementing Polis-Change Integration Staffing Changes

	Current Budget	Proposed Budget	Net Budget Impact
Total Budget	533,497	1,434,936	901,439

Timeline

Task	Date
City Council provides recommendation regarding Charter Amendment	February 15, 2022
City Attorney Office to begin preparation of Charter Amendment following Council direction	
Human Resources begins discussions with relevant employee labor organization(s) (timeline for placing the Charter Amendment on the ballot will be contingent on the meet and confer process)	February 2022
Deadline for City Clerk to post notice of First Public Hearing for CPCC ballot item in newspaper and three public places (Gov. Code § 34458)	May 24, 2022
Three Public Hearings	June 14, July 19, August 9, 2022
Last day to submit direct arguments and impartial analysis (L.B.M.C. 1.24.030)	August 19, 2022
Last day to submit rebuttals to City Clerk (Elections Code § 9285)	August 30, 2022
Mailing of sample ballots	September 29, 2022
Election Day	November 8, 2022

Recommendation

Recommendations:

- Receive and file the CPCC Evaluation Report
- Provide City staff direction on recommendation to begin the process for a Charter Amendment and initiate the meet and confer process with relevant employee labor organization(s)

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Thank you!