

May 24, 2022

NB-39

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Request the Mayor to convene the Charter Amendment Committee of the City Council within 30 days to discuss placing a City Charter amendment before the voters to amend and restate Article XIA of the City Charter to establish a Police Oversight Commission and add a Director of Police Oversight position. (Citywide)

DISCUSSION

As a part of the City of Long Beach (City) Racial Equity and Reconciliation Initiative, the City Council provided direction to engage an outside expert to evaluate the operations of the Citizen Police Complaint Commission (CPCC). Between May 2021 – February 2022 the independent evaluation of the CPCC was conducted. At the conclusion of the evaluation, a final report was drafted outlining recommendations for a new police oversight body.

The independent evaluation was identified as a short-term action under the evaluation to redesign both the police approach to community safety and the police oversight and accountability through improved complaint and discipline practices. As part of the Adopted Fiscal Year (FY) 2021 Budget, the City Council approved \$150,000 of funding to be used to conduct a study of the CPCC and support the implementation of the study's recommendations.

On February 15, 2022, the City Council received a presentation of the evaluation final report and directed City staff and the City Attorney to begin the process for a City Charter amendment and to initiate the meet and confer process with relevant employee labor organizations. Below are the recommended changes to the City Charter:

Police Oversight Commission (Commission)

Proposed powers and duties of the Commission include:

- Solicit input from the community on recommendations under consideration;
- Provide feedback to Police Oversight Director on annual reports with a focus on statistical trends and special reports on matters addressed by the Police Oversight Director;
- Educate and engage the community and bring their concerns to the attention of the Police Oversight Director and the Long Beach Police Department; and,
- Receive briefings on high-profile incidents and keep such information confidential to the maximum extent permitted by law.

Police Oversight Director

The Police Oversight Director will be the chief administrative officer of the Police Oversight Commission. The Police Oversight Director will be appointed by the City Council, subject to a veto by the Mayor and City Council override by a vote of two-thirds (2/3) of its members. Proposed authority of the Police Oversight Director includes the following:

- Audit completed investigations for timeliness, thoroughness and quality;
- Review Internal Affairs' intake of complaints to ensure the appropriate allegations have been included for investigation;
- Investigate issues, such as complaints against the Chief or Command Staff, an officer-involved-shooting, an in-custody death, or other critical incident, as defined in California Government Code Section 6254(f)(4)(C), upon request of the City Manager or designee;
- Review all major use of force incidents, which shall be defined as incidents in which the use of force by any peace, custodial or public officer, as defined in California Penal Code Section(s) 830.33(d), 831(a) and 836.5(a), against a person, resulted in death or in great bodily injury;
- Have access to the scene of critical incidents to observe Long Beach Police Department's handling of the incident investigation;
- Prepare an Annual Report with a focus on statistical trends and special reports;
- Make recommendations and prepare reports to the Commission relating to Long Beach Police Department operations, policy, procedures and training;
- Have access to all relevant Police Department records and data, with the authority to question witnesses, including Police Department personnel, in order to fulfil the duties stated herein; and,
- 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.

More detailed information on the recommended Charter amendment language for Article XIA is attached (Attachment).

This matter was reviewed by Deputy City Attorney Anita Lakhani on May 2, 2022 and by Budget Operations and Development Officer Rhutu Amin Gharib on May 3, 2022.

TIMING CONSIDERATIONS

City Council action is requested on May 24, 2022 to refer this item to the Charter Amendment Committee for discussion and consideration on the November 2022 ballot.

FISCAL IMPACT

This recommendation is to convene the Charter Amendment Committee of the City Council to discuss placing a City Charter amendment to amend and restate Article XIA of the City Charter to add a Police Oversight Commission and add a Director of Police Oversight position. The recommendation to convene the City Charter Amendment Committee has no staffing impact beyond the normal budgeted scope of duties and is consistent with City Council Priorities.

Should the voters pass the Charter Amendment, the City will establish the new Office of Police Oversight and Police Oversight Commission and will return to Council to discuss the fiscal impact of implementation. Offsets for implementing these changes have not been identified and may require the use of one-time sources in FY 23 and permanent funding in later years.

There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



THOMAS B. MODICA
CITY MANAGER

ATTACHMENT

ARTICLE XIA - POLICE OVERSIGHT COMMISSION AND POLICE OVERSIGHT DIRECTOR

Section 1150. CREATION OF POLICE OVERSIGHT COMMISSION.

There is hereby created a Police Oversight Commission.

Section 1151. MEMBERSHIP AND TERM OF POLICE OVERSIGHT COMMISSION.

A. Members. The Police Oversight Commission shall be composed of seven (7) members who are broadly representative of the racial, ethnic, religious, age, gender, sexual identity, and disabled members of the general public, and who reside in the City of Long Beach. Each member shall be appointed by the Mayor, subject to confirmation by the City Council.

B. Term of Office. The term of office for members of the Commission shall be four (4) years. No member shall be appointed for more than two (2) consecutive terms. Notwithstanding the provisions of this Section, the three (3) members first appointed by the Mayor to this Police Oversight Commission shall serve for an initial two (2) year term. Members serving an initial two (2) year term shall be eligible for re-appointment to one (1) additional four (4) year term.

C. Vacancies. Appointments to fill vacancies on the Commission shall be made within sixty (60) days of the position becoming vacant. Appointments to fill vacancies shall be for the unexpired term of the member whom the appointee succeeds. Serving any portion of an unexpired term shall not be counted as service of one term. A vacancy or vacancies shall not impair the right of the remaining members to exercise the powers of the Commission.

D. Quorum. A majority of members of the Commission shall constitute a quorum, and the affirmative vote of at least a majority of members shall be required to take any action.

Section 1152. APPOINTMENT OF POLICE OVERSIGHT DIRECTOR

The City Council shall appoint a Police Oversight Director who shall be the chief administrative officer of the Police Oversight Commission. The City Council, subject to veto by the Mayor and City Council override by a vote of two-thirds (2/3) of its members, shall appoint the person deemed best qualified on the basis of executive and administrative capabilities, with special reference to experience in, and knowledge of, accepted practices with respect to the duties of the office as set forth in this Charter. The Police Oversight Director shall be appointed for an indefinite period and cannot be removed from office except by a vote of five (5) members of the City Council, subject to

veto by the Mayor and City Council override by a vote of two-thirds (2/3) of its members. The Director shall have the following authority:

- A. Audit completed investigations for timeliness, thoroughness and quality;
- B. Review Internal Affairs' intake of complaints to ensure the appropriate allegations have been included for investigation;
- C. Investigate issues, such as complaints against the Chief or Command Staff, an officer-involved-shooting, an in-custody death, or other critical incident, as defined in California Government Code Section 6254(f)(4)(C), upon request of the City Manager or designee;
- D. Review all major use of force incidents, which shall be defined as incidents in which the use of force by any peace, custodial or public officer, as defined in California Penal Code Section(s) 830.33(d), 831(a) and 836.5(a), against a person, resulted in death or in great bodily injury;
- E. Have access to the scene of critical incidents to observe Long Beach Police Department's handling of the incident investigation;
- F. Prepare an Annual Report with a focus on Statistical trends and special reports;
- G. Make recommendations and prepare reports to the Commission relating to Long Beach Police Department operations, policy, procedures and training;
- H. Have access to all relevant Police Department records and data, with the authority to question witnesses, including Police Department personnel, in order to fulfil the duties stated herein; and
- I. 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.

Section 1153. POWERS AND DUTIES OF THE COMMISSION.

The Commission shall have the following powers and duties:

- A. Provide input to Police Oversight Director on setting auditing priorities and to review and approve recommendations from the Police Oversight Director;
- B. Solicit input from the community on recommendations under consideration;

- C. Provide feedback to Police Oversight Director on annual reports with a focus on statistical trends and special reports on matters addressed by the Police Oversight Director;
- D. Educate and engage with the community and bring community concerns to the attention of the Police Oversight Director and the Long Beach Police Department; and
- E. Receive briefings on high-profile incidents and keep confidential such information to the maximum extent permitted by law.

Section 1154. CONFIDENTIALITY

The Commission's meetings shall be open to the public to the extent legally possible and insofar as it does not conflict with state or federal law.

Section 1155. STAFF ASSISTANCE AND BUDGET

Staffing for administrative and management functions of the Commission will be addressed in the Municipal Code. The Commission will have a budget, as determined by the City Council, sufficient to conduct the Commission's mission and business.

REQUEST TO ADD AGENDA ITEM

Date: May 20, 2022

To: Monique De La Garza, City Clerk

From: Thomas B. Modica, City Manager 

Subject: Request to Add Agenda Item to Council Agenda of May 24, 2022

Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

Request the Mayor to convene the Charter Amendment Committee of the City Council within 30 days to discuss placing a City Charter amendment before the voters to amend and restate Article XIA of the City Charter to establish a Police Oversight Commission and add a Director of Police Oversight position. (Citywide)

Council District	Authorizing Councilmember	Signed by
2	Cindy Allen	(Digital – attached email)
8	Al Austin	(Digital – attached email)
6	Suely Saro	(Digital – attached email)

Attachment: Staff Report dated May 24, 2022