




# *NO FURTHER ACTION (NFA'S)*

Overview of Citizen Police Complaint Commission  
NFA Investigative Process  
November 8, 2018



# Long Beach Municipal Charter

- On April 10, 1990 the Long Beach electorate amended the City's Charter to include [Sections 1150-1155](#), which established the Citizen Police Complaint Commission (CPCC). The amendment grants the CPCC authority to receive, administer and investigate, through an Independent Investigator, allegations of police misconduct with emphasis on excessive force, false arrest, and complaints with racial or sexual overtones.

## VI. Receiving and Processing Complaints: (Policies)

F. No Further Action: The CPCC Executive Director can close cases as "No Further Action" due to lack of witness cooperation or insufficient information. These cases shall appear on the meeting agenda's consent calendar.

## Case Review

The CPCC Investigator reviews the complaint, evidence (crime report, citation, photos, video, etc.), attempts to contact involved parties, and/or conducts field investigation.

# Disposition

Based on the facts and evidence, the Investigator could recommend No Further Action for the following reasons:

# CPCC CASE SUMMARY AND RECOMMENDED DISPOSITION

CPCC Case # \_\_\_\_\_

Select the corresponding number for *recommended* disposition of complaint

- The accused is not an employee of the Long Beach Police Department
- The complaint was deemed to have “judicial review,” such as a disputed parking citation, which does not constitute police misconduct
- The facts and information are insufficient to permit resolution or warrant further investigation
- The Complainant desired to retract the allegation(s)

# Amendments

- In 2014, the CPCC Chair convened a subcommittee to review and update the CPCC's governing documents.
- The review was extensive, including thoughtfulness about whether the Executive Director should be allowed to close cases.
- In 2016, the Commission voted to amend its policies.
- The amendment continues to allow the Executive Director to close cases NFA for lack of witness cooperation or insufficient information.



## CPCC CASE SUMMARY AND RECOMMENDED DISPOSITION

CPCC Case [REDACTED]

Date: January 23, 2018  
Investigator: Patrick Weithers  
Complainant(s): [REDACTED]  
Location of Event: [REDACTED] Shoreline Drive  
Date / Time of Event: [REDACTED] 2, 2017

### SUMMARY:

Complainant [REDACTED] alleges that Long Beach Police (LBPd) Officer [REDACTED] was verbally abusive towards him when he raised his voice and said "I'm going to give you a gigantic ticket." And yelled at him to get back in his car when [REDACTED] got out of his car to give him his identification (ID). Complainant [REDACTED] also alleges that [REDACTED] wrote him a citation as retribution for allegedly sticking up his middle finger at another officer.

### NOTES:

- There were no witnesses to the incident and no one was in the vehicle with [REDACTED]
- Upon going to the Pike Outlets Security office on May 10, 2017 to obtain surveillance footage of the incident. No footage was showing for the day of the incident. [REDACTED] the Security Manager, contacted the company that manages the surveillance cameras at [REDACTED]. He was told that the surveillance footage was stored for only two weeks at the time. They were currently in the process of changing their camera system and the retention rate changed from 90 days to two weeks once they initially began the change process a couple of months prior.
- There were no audio or video recordings of the incident.
- According to a [REDACTED] George Deukmejian Courthouse, [REDACTED] citation was dismissed in court due to the officer not being present to testify.
- Complainant [REDACTED] stated that he does not want to make any problems for [REDACTED] and just wants the incident to be "water under the bridge", if it is possible. He wants to just "let go of it" and forgive. He said that [REDACTED] got upset for whatever reason, but it is all water under the bridge now. He is putting the incident behind him and hopes the best for [REDACTED]

Based on the facts and information obtained and the fact that the complainant does not want to proceed with the complaint, it is recommended that no further action be taken on this case.

#### List of NFA Classifications

##### Select the corresponding number for recommended disposition of complaint

- |    |                                     |  |
|----|-------------------------------------|--|
| 1. | <input type="checkbox"/>            | The accused is not an employee of the Long Beach Police Department   |
| 2. | <input type="checkbox"/>            | The complaint was deemed to have "judicial review", such as a disputed parking citation, which does not constitute police misconduct |
| 3. | <input checked="" type="checkbox"/> | The facts and information are insufficient to permit resolution  |
| 4. | <input type="checkbox"/>            | Lack of witness cooperation  |
| 5. | <input checked="" type="checkbox"/> | The Complainant desired to retract the allegation(s)   |

Revised September 2, 2008



# Considerations for Agreeing with NFA

- Do the allegations align with the priority of the Charter – excessive force, false arrest, and complaints with racial or sexual overtones?
- Might there be a pattern of conduct with the accused personnel?
- Has the complainant filed multiple complaints?

## Agree with NFA?

- If the Executive Director agrees with the summary, the complaint is closed *No Further Action*, and the complainant receives a letter that explains the **opportunity to appeal** the finding to the full Commission.



**CITY OF LONG BEACH**  
OFFICE OF THE CITY MANAGER

CITIZEN POLICE COMPLAINT COMMISSION  
333 West Ocean Boulevard, 13<sup>th</sup> Floor • Long Beach, CA 90802 • (562) 570-6891 • FAX (562) 570-7613

PATRICK H. WEST  
City Manager

ANITRA DEMPSEY  
Executive Director

August 14, 2018

CPCC #

K.  
St  
Long Beach, CA 90804

Dear Ms.

The Citizen Police Complaint Commission (CPCC) received and investigated your complaint against a member of the Long Beach Police Department. The case includes your initial complaint, incident reports, evidence and/or interview statements. It has been determined that *no further action* will be taken on your complaint due to insufficient evidence and/or lack of witness cooperation.

Although your complaint will not be presented to the commission for formal findings, it will remain in our files and is considered when evaluating overall community/police relations. Should you have additional evidence, witness testimony or new information that you believe will support your claim of police misconduct, it must be submitted within one year of the date when your complaint was originally filed. Your case may be reopened for further investigation, depending on the merit of the submitted facts.

In addition, you may appeal the *No Further Action* determination to the full Commission during Public Session at the regularly scheduled monthly meeting. The CPCC meets the second Thursday of each month, at 5:30 p.m. in the Council Chamber, 333 West Ocean Boulevard, lobby level. Please contact this office if you would like information on addressing the Commission or have questions about the classification of your complaint.

I hope this information is helpful to you.

Sincerely,

ANITRA DEMPSEY  
EXECUTIVE DIRECTOR, CPCC

ADD:pw:yg  
Copied: Lloyd Cox, Commander, LBP/IA


## Does Not Agree with NFA

- If the Executive Director does not agree with the NFA finding, the case is briefed and presented to the Commission.
- It is important to note that either way, the complaint *is* investigated/appropriately reviewed, which is the job of the assigned investigator.

# How Many Cases Were Closed NFA

- 2016 – 92 cases closed NFA. There were 258 new cases this year.
- 2017 – \*147 cases closed NFA. There were 210 new cases this year.
- 2018 – 90 cases closed NFA. There have been 176 new cases this year.

It is important to remember that the closed cases come from the work load and not necessarily from the number of new cases.



Presented by

Anitra Dempsey, Executive Director

November 8, 2018