

From: Greg Buhl <gdbuhl@gmail.com>
Sent: Thursday, June 11, 2020 7:51 PM
To: Patrick Weithers <Patrick.Weithers@longbeach.gov>
Subject: Comment for CPCC Jun 11th meeting.

Hello, I had a comment I wanted to submit for the CPCC meeting today. I had some trouble with the online portal since it only allows a 1000 characters for a comment (and counts spaces again you) I got my comment down to under 2000 characters and thought I'd submit it as a 2 partter, but the portal only allows you one comment. I sent my full comment to the city clerk thinking it would make it to the CPCC for the meeting. I'm not sure it did. I didn't notice until after the meeting that there was a note saying written comments could be submitted for you. Below is my full comment/proposal. Could you distribute it to the commission member? I'm also curious, I thought the new rules from the governor modifying the brown act allowed for telephonic comments from the public at meeting that were previously open to the public. I know that was an option at the recent city council meeting. Does that rule not apply to the CPCC?

Three-Part Proposal for Immediate Reform of the CPCC that can be Implemented at the Next City Council Meeting Without the Need for a Ballot Initiative or Change to the City Charter.

While comprehensive changes to the city charter are the ideal way to make permanent reforms to the CPCC, that process could take a year or longer. Given the immediacy of this issue and the potential harm in leaving the status quo in place while reforms are debated, I thought a stop-gap measure might be appropriate. Some or all of the actions below could be tried as experiments to see what works for Long Beach while the City Council debates permanent reforms.

Action 1 - City Council Action: Increase the CPCC budget so that the commission no longer has to close the majority of its cases without conducting an investigation and adequate public reports can be issued.

Currently, the CPCC executive director dismisses cases with a no further action finding in the majority of cases, at least according to the last CPCC annual report issued in 2015. This means only 62 cases had hearings out of 336 cases brought in 2015 or leftover from 2014. The CPCC also needs to make a concerted effort to be more transparent. The CPCC has not issued an annual report since 2015 despite the requirement to do so in its by-laws. The annual reports it does issue are not very useful. Information is obscured by breaking cases up into individual allegations so that the true outcome of cases can not be seen. Outcomes are not categorized by allegation-type which further degrades the usefulness of the data. Information regarding bias in policing could also be significantly improved in many ways.

There is also the issue of lack of transparency on how often the CPCC is overruled by the city manager. Based on reporting by the LBPost including an interview with former City Manager West the CPCC is overruled about 5% of the time. (lbpost.com/news/cpcc-overrule-police-oversight/) While that seems like a low rate a review of the four annual reports issued by the CPCC in the last decade shows that 5% is also about how often the CPCC sustains an allegation of wrongdoing. Looking at the last City Manager's report to the CPCC confirms that the City Manager overturned every single sustained allegation of misconduct voted on by the CPCC for the most recent reporting period. Eight 'sustained

allegations' and three 'exonerations' were changed to either 'other' or 'unfounded' with the way the report is compiled by the City Manager making it impossible to know exactly what was changed to what. This lack of clarity allowed the previous City Manager make claims that they did not just overturn sustained allegations of misconduct. However, if that is because some exonerations were changed to unfounded it is a pretty meaningless claim.

Due to lack of transparency, for all we know the vast majority of the CPCC's decisions sustaining an allegation are being overturned by the City Manager and it has been happening for decades. Given time I'll have a chance to go further back through the City Manager's reports, but it seems very likely that is the case. Even if the CPCC had been issuing their annual reports these last four years we still would not know since the information on when the City Manager overrules the CPCC is not included in the CPCC's annual reports.

Additional funds could also be used to increase the CPCC's community outreach to achieve more independent access to citizen complaints instead of being reliant on the police self-reporting.

Action 2 - City Attorney Action: Rescind the opinion that limits the CPCC from having subpoena power and allow past CPCC commissioners to speak about problems with the commission.

The City Charter gives subpoena power to the CPCC in section 1153(C) stating that "the Commission shall have the powers and duties ... (C) to subpoena and require the attendance of witnesses, and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses to the extent permissible by law." The City Charter is very clear on the matter and yet the CPCC has never in its 30-year history been allowed to issue a subpoena or swear-in a witness according to a current commissioner.

Former CPCC commissioners have been told if they speak publicly about problems with the CPCC they could be charged with Brown Act violations according to statements made to the Beachcomber by two former CPCC members. This is wrong and an impediment to reform. (See Statements by CPCC Boardmembers, <https://beachcomber.news/content/commissioners-investigator-declare-cpcc-%E2%80%98farce%E2%80%99>)

Action 3 - City Manager Action - The City manager should pledge to uphold all sustained allegations of the CPCC

As discussed above the City Manager overrules the sustained allegations of the CPCC quite frequently. This, more than any other shortcoming, is what makes the CPCC "a complete farce" to use the words of a current member in recent public comments. As things are now the CPCC can sustain a finding of misconduct, which can then be overturned by the city manager for an undisclosed reason. In some cases, the CPCC might not ever find out its decision was overturned because of how the City Manager unnecessarily obscures his actions. To make the situation truly farcical, the person who made the complaint is told that the CPCC has sustained their complaint, but is not told that the City Manager then overruled that decision. All while information about the complaint is withheld from the public to protect the privacy of the person who made the misconduct allegation, even if that person wishes that the

allegation is made public.

If public pressure is needed to extract a pledge from the City Manager, groups interested in the police reform should focus their efforts on those who appointed the city manager to add some address the veto situation. The CPCC is toothless and it is because the city pulled their teeth. Over the last four years, the City has spent almost \$30 million to settle on police-related lawsuits. That's over \$20,000 per day. This does not feel like a well-managed situation for the city.

Conclusion

Besides the financial cost, there is undoubtedly a human cost to police misconduct. How high is the human cost? It is impossible to say due to the lack of transparency I detailed.

Since so much of the CPCC's work is done in closed session and the case reports are not public record, the annual reports are one of the best ways the public has to see what the CPCC does for Long Beach. Besides supplying useful statistics, annual reports also serve as a time to reflect and make policy recommendations. Each year the annual report was skipped was a missed opportunity to improve.

If the CPCC had additional funding they could hire an outside expert to make useful reports or even just give a stipend to a CPCC member to take on the responsibility of drafting the reports. I know you are severely under-compensated for this critical job. If Long Beach can spend \$10,000 on a report to explain away the LBPd's use of the secret text messaging app TigerText a much more modest amount so the CPCC can issue its annual reports in a manner that is useful to the public seems like a reasonable use of taxpayer funds. It pales in comparison to \$20,000 per day in police-related litigation costs the city is currently spending. It really would only be a few days of work if the raw data was made available to someone. Much more useful reports than were issued in the past could be issued while still retaining confidentiality since no names or case details would be required. If a model is needed I would look to the Berkeley(CA) Police Review Commission's reports though there is room for improvement in their reports as well.

At the recent city council meeting, the City Manager was requested to report on the CPCC investigations over the past 5 years and to make recommendations for discussion of possible revisions to improve accountability and transparency in the relationship between the Police Department and the community. This is a good first step, but if past reports are any indication this report will be severely lacking in useful information. Since the CPCC has not issued an annual report in some time, a report from only the City Manager will further reduce the independence of the CPCC. It is time the Citizen Police Complaint Commission exercise more of the independence envisioned for it in the city charter. A good first step would be for the CPCC to issue its own report covering the last five years with particular attention to providing the information in a meaningful way. As more information is made public it will be easier to see the scope of the problem and for the public to make recommendations on how to improving policing in Long Beach

Even the most conservative person agrees that there are at least a few bad apples in police departments. It is a phrase you can even hear come out of the White House. But if 99% of cops are good that would still leave eight problem officers in the LBPd. The purpose of the CPCC should be expanded to include a program

to track the officers who are racking up the most complaints and make recommendations for discipline, training, and removal if necessary. The City Manager should then follow the CPCC recommendations unless he is willing to give a public explanation for his disagreement with the CPCC. The current system of secrecy and large payouts for lawsuits is not sustainable. Real reform would add more equity to the justice system while saving the city money in the long-run.

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