



# **CPCC Investigation Process and Update on Evaluation Services for Citizen Police Complaints**

**Public Safety Committee Meeting - July 23, 2021**

# CPCC Staff



# CPCC Case Statistics

## **Cases opened annually:**

- 180 – 200 cases

## **Cases closed/reviewed by the Commission annually:**

- 170 – 270 cases

# Complaints the CPCC Investigates

- CPCC staff Investigates external complaints with allegations of police misconduct of Long Beach Police Department(LBPD) Employees
- Complaints can be filed either directly with the CPCC or with the LBPD
- There are two concurrent investigations that take place with every complaint filed
  - CPCC Investigation
  - LBPD Internal Affairs (IA) Investigation

# Complaints Filed Directly with CPCC

There are several ways citizens can file a complaint of police misconduct with the CPCC:

- In Person
- Phone
- Email
- Mail

All citizen complaints filed directly with the CPCC are sent to LBPD IA as well for them to conduct their investigation

# Complaints Filed with the LBPD

- These are citizen complaints that are filed directly through the LBPD, and IA investigates them
- IA sends every citizen complaint filed with the LBPD to the CPCC for investigation as well
- Both IA and the CPCC investigate all citizen complaints filed alleging police misconduct

# Case Creation

- Upon receipt of a citizen complaint, a case is created in the CPCC's case management system and assigned a case number
- All initial evidence, documentation, complainant information, witness information and accused officer information provided by the complainant is linked to the case file in the case management system
- Acknowledgement letter is sent to the complainant
- CPCC staff sends a subpoena duces tecum to LBPD IA requesting full and complete documents and evidence, including all attachments, supplemental reports, photos, audio and video recordings, and compelled statements related to a case



# CPCC Investigation

- CPCC Investigators contact complainant(s) to interview them
- CPCC Investigators gather witness information, if any, and any evidence the complainant may have regarding the incident they were involved in
- CPCC Investigators go in the field as necessary to obtain evidence (surveillance footage, etc.) and canvass for possible witnesses
- CPCC receives requested files, body worn camera (BWC) footage, compelled statements (IA officer interviews), etc. from IA
- CPCC Investigators prepare case briefs for CPCC review



## California Department of Justice, Office of the Attorney General

### California Law Enforcement Telecommunications System (CLETS) Policies, Practices and Procedures (and Statutes)

#### Section 1.6.4 - Confidentiality of Information from the CLETS:

- Only authorized law enforcement, criminal justice personnel or their lawfully authorized designees may use a CLETS terminal. Any information from the CLETS is confidential and for official use only. Access is defined as the ability to hear or view any information provided through the CLETS.
- It is required that each employee/volunteer sign an employee statement form prior to operating or having access to CLETS terminals, equipment or information. This form addresses confidentiality, release and misuse of information from the CLETS.
  - A. Information from the CLETS is on a “right-to-know” and “need-to-know” basis.
  - B. Authorized personnel shall not inquire into their own record or have someone inquire for them.
  - C. Accessing and/or releasing information from the CLETS for non-law enforcement purposes is prohibited, unless otherwise mandated, and is subject to administrative action and/or criminal prosecution.

# Commission Finding Recommendations

- Commissioner's deliberate over cases in closed session and make a finding recommendation
- Finding recommendations are made based on **an act or omission that, if true, violates Long Beach Police Department policy or training**
- Commissioners must make an objective, systematic, good-faith determination of credibility based on a reasonably thorough investigation and the information available at the time.
- Commissioners can send recommendations/concerns regarding a particular incident to the City Manager and the LBPD
  - LBPD policy recommendations
  - Concerns about officer's actions
  - Discipline recommendations
- Commissioners can subpoena additional evidence from LBPD
- Commissioners can vote to have a hearing

# Definition of Findings and Order of Dispositions

## **SUSTAINED**

The investigation indicates the alleged act more likely than not occurred and constitutes misconduct

- This finding recommends discipline for the accused
- Discipline can be a letter of reprimand, suspension, demotion or termination

## **OTHER**

The alleged act, although *more likely than not* occurred, was not misconduct and could be most appropriately handled by training or other means.

## **EXONERATED**

The investigation indicates the alleged act did occur, but the action(s) taken were lawful, proper and justified.

# Definition of Findings and Order of Dispositions

## **UNFOUNDED**

The investigation indicates the alleged act did not occur. Examples: There is no information or evidence that supports the allegation; there is evidence that the alleged act did not occur; or, the individual named in the complaint was not involved.

## **RECEIVE & FILE**

The information received is submitted past the statute of limitations for disciplinary actions; or, the information received does not, on its face, establish misconduct. A case may be reopened if further information or evidence is submitted within the statute of limitations period.

## **NOT SUSTAINED**

The investigation fails to disclose sufficient evidence to prove the alleged act.

## **RE-INVESTIGATE**

When new information comes to the attention of the Commission or when the Commission requests clarification or additional information that could reasonably be obtained.

# Deputy City Manager Review of Cases and City Manager Final Finding

- Once the CPCC makes finding recommendations, those recommendations will be reviewed by the Deputy City Manager (DCM)
- The DCM will look at the CPCC investigation, the CPCC Commissioners' deliberation, the Commissioners' recommended finding and outcome of the IA investigation
- DCM will recommend a final finding to the City Manager (CM) after review of everything above
- CM makes final finding

# Findings Letters

- Final findings letters are mailed or emailed to complainants containing the final finding(s) of their case
- Final findings letters are sent to accused officers advising them of the final finding(s) made against them





# CPCC Evaluation Update



# Kick-Off and Project Work Plan

- On May 24, 2021, the Kick-off meeting was conducted with City staff and the Polis-Change Integration team
- Project work plan was finalized early June 2021

Estimated period of performance: May 1, 2021 - December 31, 2021	Evaluation Services for Citizen Police Complaints Project Schedule							
	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Month								
Task								
Pre-launch Legal Research								
Launch: Meeting with City to Refine Work Plan								
Preliminary Interviews with Key Stakeholders								
Document Request								
Develop Stakeholder Listening Session Schedule								
Document Review								
Stakeholder Listening Sessions								
Interviews with Commissioners, CPCC Staff, IA Staff, and Others								
Review Case Files and Case Management System								
Outline Opportunities to Improve Existing CPCC Operations								
Civilian Oversight Benchmarking Study and Research Update								
Outline Gap Analysis between CPCC Operational Practices and Alternative Oversight Approaches								
Conduct process mapping of the citizen complaint process from intake to appeal - for both CPCC and Internal Affairs								
Synthesis of all Information Gathered								
Draft Final Report, with Recommendations and Roadmap								
Review Recommendations and Roadmap with Key Stakeholders, including the City of Long Beach								
Consider Stakeholder Feedback and Finalize Report, including Recommendations & Roadmap								
Presentation of the Final Report to City Council								
Ongoing Legal Research								

# Status of Evaluation Work

- The Polis-Change Integration Team:
  - Introduced in public open session during the June 10, 2021 CPCC meeting
  - Observed both open and closed session of the June and July 2021 CPCC meetings
- Document review and legal research began in June 2021
- Conducting internal and external stakeholder interviews throughout July – August 2021
- In-person and virtual public listening sessions will be conducted during the month of August 2021

A nighttime photograph of the Long Beach skyline. The city lights, including several tall buildings and palm trees, are reflected in the calm water in the foreground. A semi-transparent white rectangular box is overlaid on the left side of the image, containing the text "Thank you!".

Thank you!