



## Legislation Text

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Recommendation to receive and file a report on the evaluation of the City of Long Beach Citizen Police Complaint Commission (CPCC); and

Receive general direction from the City Council on the recommendations to begin the process for a Charter Amendment on a new CPCC structure and initiate the meet and confer process with employee labor organizations. (Citywide)

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 CPCC. The independent evaluation was identified as a 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. As part of the Adopted Fiscal Year (FY) 2021 Budget City Council approved \$150,000 in funding to be used to conduct a study of the CPCC and support the implementation of the study's recommendations.

On January 27, 2021, a request for proposals (RFP) process was initiated to seek a qualified firm to evaluate the CPCC. On April 15, 2021, a Notice of Intent to award a contract to Polis Solutions, Inc. (Polis), of Seattle, WA, was posted. Under this contract, Polis is working with subcontractor Change Integration, of Seattle, WA, forming the Polis-Change Integration evaluation team. The approved work plan for the evaluation was initiated in June 2021. General objectives included in the work plan were: 1) Identify ways to improve existing CPCC operations; 2) Identify options for redesign of the CPCC; 3) Identify any related legislative priorities; and 4) Produce an implementation roadmap.

This report provides a background on the CPCC as well as information on the CPCC evaluation and potential implementation.

### **History and Background of the CPCC**

On April 10, 1990, the Long Beach electorate amended the City's Charter to include Sections 1150-1155, establishing the 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.

In August 1990, the City Council nominated, and Mayor Ernie Kell appointed, the first 11 Commissioners, who were sworn in shortly afterward. These inaugural Commissioners

received orientation and extensive training to perform their duties, and their first meeting was held on September 5, 1990.

In January 1991, the Commission adopted its By-laws and Policies and Procedures for processing complaints and conducting business. This initial year was a period of adjustment to a delicate, sensitive and independent function of government in the City of Long Beach.

The CPCC is one of six chartered commissions established to provide feedback and guidance to the City Manager, Mayor, and City Council on specified matters. In California, there are currently 10 Commission oversight bodies that function like the CPCC, and 19 oversight bodies that function under a different model. Like all commissions, the CPCC provides a rewarding opportunity for Long Beach residents to be directly involved in serving our community. Commissioners provide valuable insight on the community's perception of, and experience with, the Long Beach Police Department (LBPd).

The mission of the CPCC is to promote an atmosphere of mutual trust and respect between the community and the LBPd, and to ensure that professional police services continue in Long Beach. Operationally, the CPCC is a fact-finding body, supported by administrative and investigative staff of the City Manager's Office. The CPCC is neither an advocate for the complainant nor for police personnel.

Commissioners receive extensive training on LBPd policies and practices and applicable laws and are informed of the latest court decisions and policies that affect police discipline and personnel investigations. The primary objectives of the CPCC are to conduct thorough investigations into allegations of police misconduct, improve the demeanor of LBPd sworn staff toward the public, and help maintain community trust in local law enforcement. CPCC By-Laws guide the operations of the Commission. Commissioner's meet once a month to review complaints investigated by CPCC staff and render finding recommendations on each complaint allegation.

While CPCC finding recommendations can result in the accused personnel being disciplined, trained or exonerated, it is not within the CPCC's role to recommend discipline. Additionally, while the CPCC does not set policy regarding police operations, its recommendations can result in policy changes and clarifications to best serve the community. Following its review of cases, CPCC finding recommendations are forwarded to the Deputy City Manager, who reviews both the Commission's finding recommendations and the LBPd's Internal Affairs investigation findings.

The Deputy City Manager makes a determination for a recommended final finding, which is forwarded to the City Manager, who by City Charter, makes the final determination in matters of alleged police misconduct and policy changes.

CPCC meetings begin at 5:30 p.m. on the second Thursday of every month at City Hall Civic Chambers. Complainants are notified when their cases will be reviewed by the Commission.

Community members are welcome to attend open session and can address the Commission during this time. Special meetings that include subject matter presentations, or changes in meeting times, are posted in compliance with the Brown Act to provide notification to the community. The CPCC reviews cases in closed session as required by State law.

Since 2015, the CPCC City staff team has consisted of a manager, one full-time investigator and one part-time investigator. Over the past five years, the CPCC has gone through several transitions from being fully staffed, to being understaffed for an extended period, and back to being fully staffed. This has included not only the investigators, but also several part-time, unbudgeted contract temporary administrative staff.

## **CPCC Evaluation Methodology**

Consistent with the RFP requirements and the approved work plan, Polis-Change Integration completed the following activities during the evaluation process: interviews with internal and external stakeholders; two public listening sessions; a benchmarking study of other oversight models; a review of the CPCC case management system, review of City Charter requirements, City policies, procedures and training protocols, and a sample of complaint investigation files. Polis-Change Integration has also observed several CPCC meetings and an Internal Affairs case review meeting and assessed public feedback on the CPCC evaluation via an online survey on the CPCC evaluation webpage, which remained active through December 10, 2021. With completion of these activities, Polis-Change Integration identified preliminary findings and recommendations for additional feedback. Preliminary recommendations included suggestions for improving current CPCC operations and structural changes to the CPCC. Throughout the month of December 2021, Polis-Change Integration conducted presentations to the Public Safety Committee, the community, and the CPCC Commissioners on its preliminary findings and recommendations.

Additional input on the initial recommendations was obtained from the groups and Polis-Change Integration finalized the evaluation. A comprehensive Final Report (Attachment) was completed for the City Council to provide additional input on next steps. Any substantial structural changes to the CPCC would require a City Charter amendment and an extensive meet and confer process with impacted labor organizations, per State law.

## **CPCC Evaluation Recommendation**

The recommendation from the Polis-Change Integration team is for the City to adopt a new oversight model. The recommended approach is one grounded on the principles of the auditor/monitor focused law enforcement oversight model and includes attributes of both the investigation-focused model and the review-focused model, along with the Police Oversight Commission.

The proposed Police Auditor/Monitor would have authority to:

- Address systemic issues, analyze patterns and trends, and identify deficiencies in LBPD operations, policy, procedures, and training
- Audit a sample of completed investigations, including both internal and external complaints, every month for timeliness, thoroughness, and quality
- Review Internal Affairs intake of complaints to ensure the appropriate allegations have been included for investigation
- Investigate specific types of issues, such as complaints against the Chief or Command Staff, complaints involving a conflict with Internal Affairs, an officer-involved-shooting, an in-custody death, or other critical incident, when requested or approved by the City Manager's Office
- Review all major uses of force; visit the scene of critical incidents.

Polis-Change Integration also recommends that the Commission under the Police Auditor/Monitor model should be repurposed to assume a different role than the current CPCC where the Police Oversight Commission's authority would have the ability to:

- Provide input to Police Auditor/Monitor on setting auditing priorities and to review and approve recommendations from the Police Auditor/Monitor
- Solicit input from the community on recommendations under consideration, with each Commissioner bringing input from their respective District and the Commissioners appointed at large bringing input from affinity or other groups that cut across the entire City
- Provide feedback to Police Auditor/Monitor on annual reports with a focus on statistical trends and special reports on matters addressed by the Police Auditor/Monitor
- Educate and engage with the community and bring community concerns to the attention of the Police Auditor/Monitor and the LBPD
- Receive private briefings on high-profile incidents

To implement this new Auditor/Monitor model, additional staff and changes to staff structure are recommended by the Study. At a minimum, it is anticipated that the staffing structure needed would have a total of six to seven full time employees (FTE).

### **Current and Recommended Staffing Costs - Financial Analysis**

The CPCC is currently staffed by 2.5 FTEs (a Manager of the CPCC and 1.5 Investigator positions) and 11 commissioners who receive a monetary stipend each meeting. The FY 22 CPCC budget is a total of \$533,497, which includes staffing costs of \$359,927 for staff,

\$150,000 for study implementation, \$11,430 for materials and services, and \$12,140 for internal service costs. The CPCC is fully funded from the General Fund Group in the City Manager's Department. Table 1 provides the breakdown of the FY 22 Adopted CPCC Budget.

The recommended staffing presented by the Polis-Change Integration team restructures and adds to the existing staffing support as part of the proposed oversight model. The recommendation proposes a total of 7.0 FTEs, including an Auditor/Monitor, one FTE focused on assisting with audit, one FTE responsible primarily for review of use-of-force and other critical incidents, two FTEs to handle the investigation allegation review function and monthly sampling of closed investigations, one FTE overseeing community engagement, and one administrative assistant supporting the staff and Commission.

This recommended structure is estimated to require a total ongoing structural cost of \$1,434,936 for the CPCC, of which the estimated cost for 7.0 FTEs and commissioner stipends is \$1,261,366. The proposal also recommends additional training for staff, which could be funded through the \$150,000 currently budgeted for study implementation. If the City Council does not wish to fund additional staffing, previously allocated \$150,000 could go towards funding the unbudgeted cost of this proposal. Table 2 provides the breakdown of the total budget needed to implement the recommended staffing model by Polis-Change Integration.

The Polis-Change Integration recommended model, increases budgeted personnel by 4.5 FTE at an additional cost of \$901,439 over the FY 22 budget. Table 3 shows the budgetary and staff impact of the proposed model.

There is no funding currently identified to cover the cost of implementing the proposed CPCC model. If the City Council places a charter amendment on the ballot, and the voters approve the amendment, then the costs would likely start incurring in FY 23. The City is currently in the budget development process for FY 23 and staff recommends that these structural cost additions not be added to the FY 23 budget unless and until (i) the City Council puts the item on the ballot; and (ii) the voters approve the ballot measure in November 2022. If both of those events occur, then one-time funds will need to be identified to fund the partial-year costs for FY 23, and the ongoing structural costs would be incorporated into the FY 24 Budget projections a year from now.

### **Next Steps**

The next steps in adopting a new oversight model are presented in the table below. The other steps are meet and confer with the organizations, per State law; drafting of a Charter Amendment following Council direction, and the required public hearings for proposed Charter Amendment ballot measures. The exact duration of the meet and confer process is unknown and will depend upon the complexity of issues discussed with employee

organizations at the table. The schedule below outlines a feasible schedule to complete the process in time for a Charter Amendment in November 2022, but actual implementation may vary based on the requirements of meet and confer in State law if agreement is not reached.

Task	Date
City Council provides recommendation regarding Charter Amendment	February 15, 2022
City Attorney Office begins preparation of Charter Amendment following the City Council's direction	February 15, 2022
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 the 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
First Public Hearing	June 14, 2022
Second Public Hearing	July 19, 2022
Third Public Hearing and last day for the City Council to order election	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 the City Clerk (Elections Code § 9285)	August 30, 2022
Mailing of Sample Ballots	September 29, 2022
Election Day	November 8, 2022

This matter was reviewed by Deputy City Attorney Anita Lakhani on January 27, 2022 and by Budget Operations and Management Officer Rhutu Amin Gharib on January 28, 2022.

City Council action is requested on February 15, 2022 to proceed with next steps in CPCC evaluation implementation.

The fiscal impact of implementing the personnel and material budget changes recommended by Polis-Change Integration's evaluation and recommended model updates is an estimated annual structural cost increase of \$901,439 in the General Fund Group in the City Manager's Department. Dependent upon the direction provided by the City Council and the voters, the fiscal impact of implementing the study's recommendation may need to be updated. Funding for the study's recommendations has not been identified and may require the use of one-time

sources in FY 23 and permanent funding in later years. The recommendations to improve the current CPCC without a Charter change are expected to have a minimal to moderate financial impact and can be further studied if directed by the City Council or a ballot measure is not implemented. The recommendation to receive and file has no staffing impact beyond the budgeted scope of duties and is consistent with City Council priorities.

Approve recommendation.

THOMAS B. MODICA  
CITY MANAGER