

**City of Long Beach  
Citizen Police Complaint Commission  
Policies and Procedures**

**AUTHORITY:** Article VII §§ 8 and 9; City of Long Beach Citizen Police Complaint Commission By-Laws.

**I. Purpose:**

To establish guidelines for the receipt and processing of allegations of City of Long Beach police employee misconduct as set forth in Sections 1150 and 1155 of the Long Beach City Charter.

**II. Scope:**

These guidelines are applicable in addressing allegations of misconduct by employees of the Long Beach Police Department filed on or after April 11, 1990.

**III. Amendment:**

These Policies and Procedures may be amended at any regular meeting of the Commission by a majority vote of the Commissioners present, provided that notice of such amendment shall have been given at the previous regular meeting and complies with any and all applicable laws.

**IV. Definitions:**

In addition to the terms already defined in the Commission's By-Laws, the following terms shall have the stated meaning:

- A. Complaint:** Allegation(s) of misconduct against an employee(s) of the Long Beach Police Department.
- B. Complainant:** The person filing the complaint.
- C. Complaints with Racial Overtones:** Any allegation that is based upon a real or perceived adverse action(s) taken against a person(s) based on his or her race, ethnic background or minority group.
- D. Complaints with Sexual Overtones:** Any allegation that is based upon a real or perceived adverse action(s) taken against a person(s) based upon his or her sex, gender, gender identity or sexual orientation.

- E. **Employee of the Long Beach Police Department:** Any employee in the Long Beach Police Department who is a sworn peace officer or an employee who provides customer service, including the arrest, detention, search, transportation, or incarceration of any person.
- F. **Excessive Force:** Unreasonable or unnecessary force used by an employee of the Long Beach Police Department against a person(s) without legal or moral justification.
- G. **False Arrest:** An arrest that is not made in compliance with California Penal Code § 836.
- H. **Force:** Any action to control a person or to overcome resistance through the use of physical strength, weaponless defense techniques, pain compliance techniques, defensive weapons, or a combination thereof.
- I. **Misconduct:** An allegation against an employee of the Long Beach Police Department, which, if true, may constitute a violation of law, rule, regulation, or policy.
- J. **Probable Cause:** A condition where facts and circumstances known to the officer warrant a reasonable person to believe that a particular person has committed a crime.
- K. **Respondent:** An employee of the Long Beach Police Department against whom a complaint is filed.
- L. **Witness:** Any person who has information relevant to the complaint.

V. **Receiving and Processing Complaints:**

- A. **Where to File:** Allegations of police employee misconduct can be filed with the CPCC Office, or with any appropriate agency.
- B. **How to File:** All allegations of police employee misconduct may be made telephonically, in writing, or in person. Complaints may be made anonymously or by a person not directly involved in the incident.
- C. **Time Element:** Complaints filed directly with the CPCC must be filed within one year of the date of the alleged police employee misconduct.

- D. Complaint Investigation:** All complaints shall be conducted in a fair, ethical, and objective manner. The investigator is a finder of fact. Personal opinions shall not be contained in the investigator's report.
1. The Independent Investigator should strive to complete any investigation within 90 days of assignment.
  2. Interviews
    - a. The Independent Investigator may interview any person the investigator determines may have information related to the allegation(s) of misconduct, including but not limited to Complainant, Respondent(s), and Witness(es).
    - b. Any statements obtained by the investigator should be summarized by the investigator, and whenever possible, agreed to by the person being interviewed.
    - c. The investigator shall collect all relevant information including all documentation available relative to the allegation(s).
  3. The investigator shall compile all information and evidence into a written report.
- E. Commission Review, Findings and Recommendations:**
1. The CPCC shall review the complaint with the stated allegations of misconduct and the investigative data.
  2. The CPCC shall conduct its review in closed session in accordance with applicable laws and regulations.
  3. For each allegation of misconduct, the CPCC shall render one of the following findings by majority vote:
    - a. Receive & File
    - b. Unfounded
    - c. Exonerated
    - d. Not Sustained
    - e. Sustained
    - f. Other/Training
    - g. Re-Investigate
  4. The CPCC shall forward its findings to the City Manager for final disposition.
  5. The Independent Investigator shall be present to respond to investigatory questions from members of the Commission.
  6. The Long Beach Police Department Internal Affairs Commander, or his or her designee not below the rank of Lieutenant, may be present to respond to Police Department policy questions from the Commission.

- 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.
- G. Post-Commission Process:**
1. The City Manager shall notify the complainant of the final disposition of any allegations of misconduct.
- H. Hearings:**
1. The Commission, by majority vote of those present, may hold a public hearing on any matter within its jurisdiction.
  2. Hearings will be conducted by the Commission.
  3. The Commission may request or subpoena the complaining parties, witnesses, and involved Police Department employees to appear before it to answer questions or provide information.
  4. Hearings shall be open to the extent permissible by law.
  5. The Commission shall follow an informal hearing procedure in conducting its investigation of individual complaints.
  6. Citizen or Police Department employee witnesses shall be questioned by the Commission or staff only.
  7. There shall be no cross-examination by Police Department employees, citizen witnesses, the Complainant, or their respective counsel.
  8. All records relating to the investigation pertinent to the complaint shall be made available to the Commission to the extent permissible by applicable federal, state, and local law, and applicable contractual agreements.
  9. Subpoenas shall be authorized by a majority vote of the full Commission present and shall be issued by the Executive Director and served by the Independent Investigator or their designee.
  10. The CPCC shall make no findings during the hearing. At the conclusion of the hearing, the Clerk shall make a record available to the CPCC for consideration in closed session.

## **VI. Complaint File**

The Commission shall maintain a confidential central register of all complaints filed with the CPCC. All files, documents, and related materials shall be kept and preserved for five years after the completion of the case by the CPCC, and after the recommendation has been reviewed by the City Manager. In the event the investigation is suspended, all evidence relevant to the complaint shall be preserved and maintained while such investigation is suspended.

**VII. Confidentiality:**

- A. The Executive Director, Independent Investigator, and Commissioners shall keep confidential all information received in the process of receiving, investigating, and reviewing a complaint to the extent required by law.
- B. Failure to comply with this policy shall be grounds for removing a Commissioner from the Commission.
- C. Only the City Manager can make public the disposition of a complaint investigated by the CPCC.

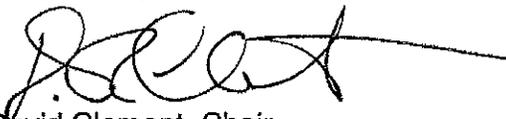
**VIII. Ancillary Matter:**

If in the course of Commission deliberations, the Commission finds that consideration should be addressed to policy, training, supervision, or other issues, the Commission may refer such suggestions to the City Manager.

**Chronology of Amendments and Adoptions:**

January 2, 1991	Original Adoption
July 3, 1991	Adoption Amended
March 4, 1992	Adoption Amended
June 10, 1999	Amendment Adopted
December 14, 2000	Amendment Adopted
August 9, 2001	Amendment Adopted
March 10, 2016	Amendment Adopted

Respectfully submitted:



David Clement, Chair  
Citizen Police Complaint Commission

