



Legislation Text

File #: 22-0658, Version: 1

Recommendation to receive and file comments from the community, receive and file supporting documentation into the record, and move to a second public hearing on the proposed amendment to the Long Beach City Charter to establish a Police Oversight Commission and add a Director of Police Oversight position by amending and restating Article XIA. (Citywide)

On February 15, 2022, the City Council received a presentation of the evaluation final report and directed City staff and the City Attorney to begin the process for a City Charter amendment and to initiate the meet and confer process with relevant employee labor organization(s).

On May 24, 2022, the Long Beach City Council voted to convene the Charter Amendment Committee of the City Council to consider placing a City Charter amendment before voters to amend and restate Article XIA of the Long Beach City Charter (Citizen Police Complaint Commission) to establish a Police Oversight Commission and add a Director of Police Oversight position. A copy of the Council letter associated with that vote is attached hereto (Attachment A). Below are the recommended Charter changes to be made:

Police Oversight Commission

Proposed powers and duties of the Commission include:

- Solicit input from the community on recommendations under consideration;
- Provide feedback to Police Oversight Director on annual reports with a focus on statistical trends and special reports on matters addressed by the Police Oversight Director;
- Educate and engage with the community and bring community concerns to the attention of the Police Oversight Director and the Long Beach Police Department; and
- Receive briefings on high-profile incidents and keep confidential such information to the maximum extent permitted by law.

Police Oversight Director

The Police Oversight Director will be the chief administrative officer of the Police Oversight Commission. The Police Oversight Director will be appointed by the City Council, subject to a veto by the Mayor and City Council override by a vote of two-thirds (2/3) of its members.

Proposed authority of the Police Oversight Director includes the following:

- Audit completed investigations for timeliness, thoroughness and quality;
- Review Internal Affairs' intake of complaints to ensure the appropriate allegations have been included for investigation;
- Investigate issues, such as complaints against the Chief or Command Staff, an officer-involved-shooting, an in-custody death, or other critical incident, as defined in California Government Code Section 6254(f)(4)(C), upon request of the City Manager or designee;
- Review all major use of force incidents, which shall be defined as incidents in which the use of force by any peace, custodial or public officer, as defined in California Penal Code Section(s) 830.33(d), 831(a) and 836.5(a), against a person, resulted in death or in great bodily injury;
- Have access to the scene of critical incidents to observe Long Beach Police Department's handling of the incident investigation;
- Prepare an Annual Report with a focus on Statistical trends and special reports;
- Make recommendations and prepare reports to the Commission relating to Long Beach Police Department operations, policy, procedures and training;
- Have access to all relevant Police Department records and data, with the authority to question witnesses, including Police Department personnel, in order to fulfil the duties stated herein; and
- Required to preserve the privacy of Long Beach Police Department employees, including personnel files, and keep confidential all Long Beach Police Department files and other data to the maximum extent permitted by law.

More detailed information on the recommended Charter amendment language for Article XIA are detailed in Attachment B.

Under State law, a majority of Long Beach voters must approve any City Charter Amendment. The next available date to place this Charter amendment on the ballot will be November 8, 2022.

To consider this amendment for the November 8, 2022 election, State law requires there be three public hearings/meetings over the next 60 days. At each of these hearings/meetings there will be opportunities for discussion, receiving community input, and making changes to the Charter amendment language.

The hearing/meeting dates are as follows:

- June 14, 2022 - First public hearing: Receive staff presentation, hear public comment, direct staff to gather any further information or implement changes.
- July 19, 2022 - Second public hearing: Receive any updated information, hear public comment, direct staff to gather any information or make amendment changes.
- August 9, 2022 - Final meeting: Receive any updated information, hear public comment, make any final amendment changes, and if the City Council so chooses, adopt the required resolutions to place the Charter amendment on the November 8, 2022 General Election ballot.

Charter Committee Action is requested on June 14, 2022.

Discussion of proposed amendments has no fiscal impact.

Approve recommendation.

THOMAS B. MODICA
CITY MANAGER