



## Legislation Text

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**File #:** 22-0929, **Version:** 1

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Recommendation to adopt resolution requesting the Registrar-Recorder/County Clerk to call, provide, and give notice of a General Municipal Election to be consolidated with the Statewide General Election to be held in the City of Long Beach (City) on Tuesday, November 8, 2022, and include the proposed Charter amendment to a vote of the qualified electors of the City to establish a Police Oversight Commission, which will replace the current Citizen Police Complaint Commission, and add a Director of Police Oversight position; directing City Attorney to prepare an impartial analysis of the Charter amendment; and, providing for the filing of primary and rebuttal arguments and setting rules for the filing of written arguments regarding a proposed Charter amendment to be submitted at said election. (Citywide)

The City Council and the Charter Amendment Committee concluded two joint public hearings to discuss a proposed Charter Amendment that would establish a Police Oversight Commission, which will replace the Citizen Police Complaint Commission ("CPCC"), and add a Director of Police Oversight position. The meetings were held on June 14, 2022 and July 19, 2022, respectively; and a third and final public meeting was noticed for August 9, 2022.

This third meeting fulfills the requirements in City Charter §1903 and California Government Code §34458 for placing a City Charter amendment on the November 8, 2022 ballot for voter consideration, therefore, it is recommended that the proposed Charter Amendment to establish a Police Oversight Commission, which will replace the CPCC, and add a Director of Police Oversight position be placed on the November 8, 2022 ballot. This action requires the City Council to adopt a Resolution that:

- Requests the Registrar-Recorder/County Clerk to call, provide and give notice of a General Municipal Election to be consolidated with the Statewide General Election to be held in the City on Tuesday, November 8, 2022 and include the proposed charter amendment to a vote of the qualified electors of the City relating to establish a Police Oversight Commission and add a Director of Police Oversight position under Article XIA;
- Directs the City Attorney to prepare an impartial analysis of the Charter amendment;
- Provides for the filing of primary and rebuttal arguments; and
- Sets rules for the filing of written arguments regarding a proposed Charter amendment to be submitted at said election.

A copy of Resolution described above, inclusive of the text of the proposed Charter Amendment, is attached (Attachment A).

If approved by voters, the City Charter Article XIA will be amended and restated, thereby

establishing a Police Oversight Commission and adding a Director of Police Oversight position, and eliminating the CPCC and related provisions in the City's Charter. This new model of police oversight will no longer have investigations conducted by the CPCC, but will have an independent Director of Police Oversight auditing and reviewing investigations completed by Internal Affairs, while focusing on more systemic issues, and having the ability to present recommendations to the City Council on changes to Long Beach Police Department's (LBPd) operations, policy, procedures and training. The new Police Oversight Commission would be able to educate and engage with the community and bring community concerns to the attention of the Police Oversight Director and the Long Beach Police Department, for the Director's consideration.

### **Timeline**

Upon adoption of proposed charter amendments, there would be a timeline of up to one year for completion of implementation of charter amendments. The current CPCC structure would remain in place until the new Director of Police Oversight and Police Complaint Commission is established.

Below are the recommended Charter changes to be made:

### **Citizen Police Complaint Commission**

All provisions related to the City's current CPCC will be eliminated from the City's Charter and replaced with the establishment of the Police Oversight Commission and Police Oversight Director.

### **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 fulfill 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.

This matter was reviewed by Deputy City Attorney Anita Lakhani on August 1, 2022 and by Budget Manager Grace H. Yoon on July 30, 2022.

City Council action is requested on August 9, 2022.

The fiscal impact of this item will become part of the City's overall November 8, 2022 ballot measure costs. It is estimated each ballot measure question will cost approximately \$100,000. The Proposed FY 23 Budget includes funds to support election and ballot measure related costs. If election and ballot measure related costs exceed proposed budgeted funds, additional funds will need to be identified. Should this Charter Amendment pass, additional budget is anticipated to be needed for staffing and supplies to conduct the functions and duties of the Director and Commission. This annual structural cost increase is estimated \$901,439 in the General Fund in the City Manager's Department. Depending upon the direction provided by the City Council and the voters, the fiscal impact of implementation may need to be updated and will be brought back to City Council for review and budget authorization. One-time funds will need to be identified for any new costs that incur in FY 23 and if not identified may require drawing down from any citywide year-end savings or the Operating Reserve. The ongoing structural costs will need to be resolved as part of the FY 24 Budget development process. The local job impact associated with this recommendation is unknown at this time.

Approve recommendation.

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THOMAS B. MODICA  
CITY MANAGER