

Long Beach CA

ARTICLE XIA. CITIZEN POLICE COMPLAINT COMMISSION

Section 1151. MEMBERSHIP AND TERMS OF CITIZEN POLICE COMPLAINT COMMISSION.
The Citizen Police Complaint Commission shall be composed of eleven (11) members who are broadly representative of the racial, ethnic, religious, labor, business, age, gender, sexual orientation, and disabled members of the general public, and who reside in the City of Long Beach.

Section 1152. INDEPENDENT INVESTIGATOR.

The City Manager shall appoint an Independent Investigator, as needed, who shall serve at the pleasure of the City Manager. The investigator shall have the authority to receive, administer and investigate, at the direction of the Commission, allegations of police misconduct, with emphasis on excessive force, false arrest and complaints with racial or sexual overtones. The investigator shall thereafter report the results of said investigations to the Commission.

The office of the investigator shall be located outside of the Public Safety Building.

Section 1153. POWERS AND DUTIES OF THE COMMISSION.

The Commission shall have the following powers and duties:

- A. To receive, and in its discretion to administer and investigate, through the Independent Investigator, allegations of police misconduct, with emphasis on excessive force, false arrest, and complaints with racial or sexual overtones.
- B. To conduct a hearing into allegations of police misconduct, when such hearing, in the discretion of the Commission, will facilitate the fact-finding process
- C. To subpoena and require the attendance of witnesses, and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses to the extent permissible by law.
- D. To thereafter make recommendations concerning allegations of misconduct to the City Manager, who shall have final disciplinary authority.

**ARTICLE II
AUTHORITY, POWERS, DUTIES**

**ARTICLE III
COMMISSIONERS**

*Section 1.	Eleven (11) Commissioners shall be selected as follows: A. Each of the nine City Councilpersons shall nominate to the City Mayor one (1) resident from his or her district to serve in the district Commissioner positions; B. The City Mayor shall appoint one nominee from each Council district to serve
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	<p>in district Commissioner positions and two residents to serve in at-large Commissioner positions;</p> <p>C. All appointees shall be confirmed by a majority vote of the City Council;</p> <p>D. The Commission shall be broadly representative of the population of the City in terms of race, ethnicity, age, gender, sexual orientation, religion, labor or business affiliation, and physical disability.</p>
Section 4.	All meetings of the Commission shall be open to the public and, whenever possible, shall be held in a City-owned facility. Notice shall be given to the public prior to convening of any meeting, in accordance with the Brown Act, Section 54950 et seq. of the California Government Code.
*Section 12.	Special Commissioner training meetings shall be conducted at sites to be determined. No business other than training shall be conducted at such meetings. Appropriate notices shall be posted in accordance with the Brown Act.
*Section 13.	Commissioners shall attend at least one training day every year and one Long Beach Police Department ride-along in their first 60 days of City Council approval as a Commissioner.
*Section 14.	New Commissioners shall attend an orientation meeting prior to their participation in their first Commission meeting.

INVESTIGATIONS AND HEARINGS

Section 1.	Investigations and hearings shall be conducted in accordance with the Policies and Procedures for processing complaints against police officers adopted by the Commission.
Section 2.	The hearing process shall be open to the public to the extent legally possible and insofar as it does not conflict with state or federal law, as required by Section 1153 of the City Charter.
Section 3.	Investigations and hearings shall be conducted solely to determine facts and to make recommendations to the City Manager.
Section 4.	Hearings shall be scheduled as needed.

I. Purpose:

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

II. Scope:

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. Executive 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 a 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.

VI. Receiving and Processing Complaints:

- A. Where to File:
- B. How to File:
- C. Time Element:
- D. Complaint Investigation: All complaints shall be conducted in a fair, ethical, and objective manner. The investigator is a finder of fact. Personal opinion 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
- F. No Further Action: The CPCC Executive Director can close causes 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 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 of 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.

FINDINGS

Citizen Police Complaint Commission (CPC)
Definition of Findings and Order of Dispositions