

Date: December 23, 2020

To: Mayor and Members of the City Council

From: Thomas B. Modica, City Manager *TK*

Subject: **CPCC ACCESS TO OFFICER COMPELLED STATEMENTS**

On August 11, 2020, the City Council approved the Racial Equity and Reconciliation Initiative - Initial Report (Report), which contains goals and strategies to guide implementation of immediate, short-term, medium-term, and long-term actions. Providing officer compelled statements to the Citizen Police Complaint Commission (CPCC) was identified as an immediate to short-term action in the Report under Goal 3: Redesign police approach to community safety; and Strategy 2: Redesign police oversight and accountability through improved complaint and discipline practices.

As a condition of employment, the Police Department can “compel” an officer to answer questions related to an administrative investigation. These statements are part of an Internal Affairs case and, by statute, become confidential personnel records as soon as they are given. Based on a prior legal interpretation by the City Attorney’s Office of Penal Code 832.7, which protects confidential peace officer personnel records, the CPCC has not had access to officer compelled statements as part of its review of citizen complaints. Penal Code 832.7 was recently amended with the adoption of Senate Bill 1421. At the request of the Police Department, the City Attorney conducted a legal review and opined that officer compelled statements should now be accessible to the CPCC to assist with carrying out its function of reviewing citizen complaints.

Meet and confer obligations with the Police Officers Association (POA) and the International Association of Machinist and Aerospace Workers (IAM) have been satisfied. The CPCC will begin receiving compelled statements from sworn and non-sworn officers, effective January 1, 2021, along with other Police records customarily received through the investigative process.

If you have any questions, please contact Kevin Jackson, Deputy City Manager, at (562) 570-5028 or via email at Kevin.Jackson@longbeach.gov.

C: CHARLES PARKIN, CITY ATTORNEY
DOUGLAS HAUBERT, CITY PROSECUTOR
LAURA DOUD, CITY AUDITOR
LINDA F. TATUM, ASSISTANT CITY MANAGER
KEVIN J. JACKSON, DEPUTY CITY MANAGER
TERESA CHANDLER, DEPUTY CITY MANAGER
REBECCA GUZMAN GARNER, ADMINISTRATIVE DEPUTY CITY MANAGER
MONIQUE DE LA GARZA, CITY CLERK (REF. FILE #20-0751)
DEPARTMENT HEADS