The Long Beach Police Department (LBPD) held two public sessions this past week in which residents were invited to provide input for an independent assessment of police operations being conducted by the International Association of Chiefs of Police (IACP).

We attended the Aug. 2, meeting at Long Beach City College and congratulated the LBPD for having the courage to expose the department – and the city – to the needed reform possibilities that will hopefully come from this kind of evaluation.

We then offered our comments and recommendations in four key areas of police operations based upon personal observations and investigations that have been published in Beachcomber columns over the past five years.

They follow here:

**Use of Deadly Force Policy**

The City of Long Beach has paid out tens of millions in civil claims over use of excessive force lawsuits, especially those involving the taking of human life in officer involved shootings (OIS).

Policy statements on use of force provide the beginning, middle and end for training, tactical, administrative, and evaluative and adjudication processes associated with officer-involved shootings.

Most modern police agencies have publicly published Use of Force Policies grounded in principles that recognize a reverence for human life and state that the taking of a human life shall be at last resort.

For example, the LAPD publicly expresses its core values on this subject with the statement, “Every operation embarked upon by the department, regardless of mission, shall never compromise the indisputable pinnacle of objectives – the reverence for human life.”

The IACP’s Use of Force Model Policy states in part “officers use only the force that is reasonably necessary to effectively bring an incident under control, while protecting lives of the officer and others.”

The LBPD policy – which is not published on the department’s website – states that “officers have the duty to use firearms whenever the necessity exists to protect their lives or the lives of others” – a statement that precludes the use of tactical or less-than-lethal alternatives with no reference to reverence for the value of human life or its taking as a last resort.

It is also known that LBPD training and administrative philosophy is steeped in the discredited “junk science” preached by Dr. Bill Lewinski and his Force Science Institute.

We have commented in the past that “action versus reaction” evaluations are an important consideration when police executives evaluate the circumstances surrounding a police shooting, but the Lewinski method used by city attorneys to scam jurors in a civil trial does not have a place in the police review boardroom – or the training academy.

Further, thousands of state, county and local law enforcement agencies use IACP provided software to gain a clearer understanding of use of force trends and issues.

The software captures information of “subject force, officer force, use of force outcomes/injuries, a number of pertinent officer and suspect demographics, and related complaint data.”

Most progressive police agencies post their Use of Force Policies on a public website and provide a comparative statistical accounting of year-to-year use of force incidents. The LBPD does not.
Recommendation: It was our recommendation that the IACP assessment produces recommendations that recognize:

The LBPD Use of Force Policy should be revised and published on the department’s website.

In-depth year-to-year use of force statistical analysis of categorical and non-categorical use of force incidents – compared to other similar sized agencies – should be completed and published on the department’s website annually.

Training, investigations, review and discipline should be designed, implemented and routinely critiqued to accommodate the re-stated policy.

The Force Science influences of Dr. Lewinski’s “junk science” should be eliminated from the LBPD training academy and the department’s use of force board deliberations.

The city attorney should be advised that the trust of the people derived from full transparency should not be compromised by liability concerns.

OIS Investigations

The IACP Model Policy for Officer-Involved Shooting (OIS) investigation protocols state in part that police shootings be investigated “so as to determine whether officer actions conform with law and department policy, procedures, rules, and training….” and that “all interviews shall be audio-and videotaped in order to provide evidentiary record of statements.”

There is good reason for this investigative protocol, as any competent investigator will attest: An investigation is not an investigation unless the investigator is permitted to interview all of those involved in the incident being investigated – including the officer(s) who pulled the trigger.

We know of no police department – other than Long Beach – that does not follow this investigative protocol.

The LBPD manual specifically prohibits OIS investigators from interviewing officers involved in shootings. It states: “The involved officers are responsible for documenting their statements and are not (to be) interviewed by OIS investigators. They will not be audio or video recorded.”

The LBPD manual also states that, “The district attorney has agreed to accept the Long Beach Police Department’s reports as to the statements of the officer involved and as to the statement of any police officer witness.”

Current LBPD policy thus makes every OIS investigation in Long Beach a non-investigation – a condition that is most likely city attorney driven, as no competent police executive would support such a policy unless ordered to do so.

Recommendation: It was our recommendation that the IACP assessment produces findings that encourage:

LBPD OIS investigative protocols are revised to require recorded officer-involved interviews.

The reform OIS investigation protocols be published on the police department’s website.

Summaries of each OIS investigation, internal evaluations and policy findings (with involved officer(s) names redacted) be published on the department’s website.

The thinking, findings and actions taken by the chief of police in the review and adjudication process related to each officer involved shooting be published on the department’s website.

City attorney imposed policies that corrupt professional police administration and transparency be eliminated.

Noble Cause Corruption

In an IACP magazine publication John P. Crank and Michael Caldero defined noble cause corruption in policing as “corruption committed in the name of good ends ... the corruption of police power ... when officers do bad things because they believe that the outcomes will be good.”

Examples of noble cause corruption are, planting or fabricating evidence, lying on reports or in court, and generally abusing police authority and individual rights to make a charge stick.

Statements by a high-ranking LBPD command officer recently exposed evidence that noble cause corruption may be endemic within the organizational culture of the Long Beach Police Department when he admitted in a recent deposition that it has never mattered to him what impartial fact finders (juries) determine were falsities as between LBPD officers and their victims. He stated that his department “operates from the premise that the cops always speak the truth and if a jury believes otherwise, it is of no consequence to the department.”

Besides this kind of corrupting leadership there is also the LBPD’s current practice of measuring police effectiveness.

It has been our observation that the prime measurement tool used by the LBPD is production; the numbers of tickets written and arrests made as opposed to management and supervisory programming that measure the presence or absence of crime.

An unchecked passion for numbers leads to police crime and civil rights violations as well as civil suits that cost the public millions.
It was our recommendation that the IACP assessor measure just how pervasive noble cause corruption is within the LBPD by conducting an in-depth management biopsy of the narcotic unit with specific focus upon the detective who has received several Officer of the Year awards, the last being for leading the Drug Enforcement Section in production “by writing and serving 21 search warrants and making 96 felony narcotics arrests.”

Our specific recommendations were that a management biopsy be conducted into all arrests made by the detective with specific attention to:

- A review of all search warrant affidavits with focus upon patterns, similarities and boilerplate information that is block copied and pasted into official documents.
- Reviewing, interviewing and assessing all confidential reliable informants (CIs) in file and compare those to the affidavits and CIs who are not reliable.
- Conducting integrity and drug tests upon the individual members of the narcotic unit.
- Auditing department emails associated with narcotic investigations, CI deployment with comparisons made of warrants affidavits, investigative, arrest and follow up reports.
- Determining the percentage of search warrant services in which dynamic (ram) entry was used when the officer’s stated the subject did not respond to “knock and notice.”
- Auditing the officer’s court testimony and comparing it to investigative reports and CI management.
- Auditing all lawsuits brought against members of the narcotic unit, with specific attention to depositions and cross-examination.

Internal Retaliation

A culture of internal retaliation is far-reaching in the LBPD as evidenced by numerous lawsuits that have cost the city millions in jury awards and settlements. The most notorious being “Lobstergate” in which a jury awarded the aggrieved officers a total of $4.1 million.

The most serious characteristic of Lobstergate is that the police department and city apparently failed to engage in the kind of risk management processes that would have prevented similar, future lawsuits.

Police officers who demonstrate integrity in the face of “team-related” misconduct continue to be retaliated against rather than awarded.

Recommendation: It was our recommended that the IACP assessor conduct a risk management study of all past, current and pending retaliation lawsuits brought by police officers, with the aim of providing the city and its police department with protocols for management training that awards integrity, weeds out retaliatory behavior, prevents lawsuits and retains quality officers.

We recommended – at a minimum – that the study include examination of all city and court documents involving the following cases:

**Lobstergate** – Retaliation for reporting misconduct. Price tag: $4.1 million.

**Sgt. Timothy O’Hara** – Retaliation for reporting misconduct. Price tag: $1.7 million.

**Officer Daniel Ochoa** – Retaliation for attempting to create a separate representation unit because of corruption within the POA. Price Tag: Unknown – Confidential Settlement.

**Officer Alex Lawrence** – Retaliation by a deputy chief because he stood up for established training protocols involving a probationary officer who was fearful of working in the black community. Lawsuit pending.

**Officer Albert Vargas** – Retaliation for reporting financial, timekeeping, and work ethic related misconduct and management failures. Lawsuit pending.

**Officer Eddie Sanchez** – Set up and terminated by a corrupt IAD investigator, later proven innocent, re-instated in a cover-up conspiracy with the city attorney to protect the POA supported IAD investigator who is now a police commander and who continues to promote a culture of organizational retaliation.

We concluded our presentation by providing the evaluators the full range of documentation in our possession that supports multiple areas of needed LBPD reform as well as our willingness to meet and confer.

We look forward to the results.

*Stephen Downing is a resident of Long Beach and a retired LAPD deputy chief of police.*

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**Category:**

Opinion
As said on their website the IACP is a nonprofit organization local in Alexandria, Virginia. I emphasize nonprofit and nongovernmental (federal). In other words, whatever changes the group comes up with for the LBPD, the suggested changes are nonbinding. A vicious cycle, we seen that before.

I had no way of knowing that there was a first public input session. Councilwoman Mungo made no mention of that one at the Scottish Rite Event Center, 7-31, in her latest email. I would of liked to gone to one.

Holly smokes Batman. This report will take years to complete if ever. Worse, the results if completed will go unseen by the public. I'd say LBPOA leadership (and the Mayor), needs to step up and publicly state their position to your recommendations... but they don't have to, so they won't! After all at the end of the day the POA own those sitting on the council don't they. They got them elected. So what have we got to look forward to in terms of disclosure vs coverup. Nothing, absolutely nothing!