

2022 Annual Report

CITIZEN POLICE COMPLAINT COMMISSION



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Citizen Police Complaint Commission Manager Summary 2022



The Citizen Police Complaint Commission (CPCC) had an extremely busy year in 2022. The [evaluation](#) of the CPCC conducted by Polis Change Integration concluded, a ballot measure was introduced for voters to change the model of police oversight in Long Beach, and our investigators continued to work meticulously to meet the Commission's request of presenting cases at a minimum of two months before the one-year case expiration date. The CPCC remained on track to continue to serve its primary mission throughout the year.

This report reflects the work of the CPCC during the 2022 calendar year and includes key metrics such as the number of cases/complaints opened, allegations opened, cases reviewed, and allegations reviewed, and the findings rendered by the CPCC and the City Manager.

I thank Mayors Robert Garcia and Rex Richardson, and the City Council for their continued support of the CPCC. Additionally, I would like to thank the CPCC Commissioners and staff who put so much time and effort into investigating cases, preparing briefs and deliberating over cases very late into the night. Their hard work and dedication is greatly appreciated. I would also like to thank the offices of the City Manager, City Attorney, City Clerk, and the Long Beach Police Department, notably the Internal Affairs Division. The collective professionalism, courtesy, cooperation, and assistance of all involved in CPCC case review and processing is greatly appreciated.

Internal Reforms

The beginning of 2022 marked the conclusion of an independent evaluation of the CPCC, to determine if it was the best oversight model to suit the needs of the Long Beach community.. A final report was completed and presented to City Council in February 2022. As a result of the Polis-Change Integration final evaluation report and recommendations, a ballot measure (Measure E) was introduced to voters in November 2022 to change the model of police oversight in the City of Long Beach, which passed. We also continued our intern program which, allowed cohorts of college students to gain experience in police oversight investigations and exposure to the workings of Commissions meetings.

Staffing

Throughout 2022 the CPCC remained fully staffed with two investigators and one administrative staff member. The CPCC also had two cohorts of Interns for Spring and Summer internships. Both investigators continued to contribute greatly to the reduction of time it took to present open cases to the Commission.

Commissioner Additions

In 2022, three new Commissioners were appointed to the CPCC representing Council District 1, Council District 2 and one At-Large seat, to fill vacancies of termed out seats.



Patrick Weithers
Manager of the CPCC



CPCC Evaluation Conclusion

In January 2022 Polis-Change Integration concluded their evaluation of the CPCC, and the final evaluation report was completed in February 2022. A presentation of the final report was given to the City Council at the February 15, 2022 City Council meeting, where general direction was received from the City Council on recommendations to begin the process for a Charter Amendment on the new CPCC structure and initiating the meet and confer process with the employee labor organizations.

Measure E

The City Council and the Charter Amendment Committee conducted three joint public hearings to discuss a proposed Charter Amendment that would establish a Police Oversight Commission, which would replace the CPCC, and add several staff members, including a Director of Police Oversight position. These meetings were held on June 14, 2022, July 19, 2022, and August 9, 2022. On August 9, 2022, the City Council voted to place a City Charter amendment (Measure E) on the November 8, 2022, ballot for voter consideration.

On November 8, 2022, Measure E was put to the voters and at the time this memo, appears to be headed for passage with 59% of the votes cast. As a result, CPCC

staff began the process to transition to the new structure outlined in Measure E, which included an Office of Police Oversight led by a Police Oversight Director appointed by the City Council, and the establishment of a Police Oversight Commission. During the transition, the City Manager sought authorization from the Council for the CPCC to continue its work on the backlog of cases that were pending and will accepted new complaints through the end of the calendar year. Beginning January 1, 2023, new police complaints were only accepted for investigation by the Long Beach Police Department (LBPD), consistent with their primary authority for investigations as outlined in Measure E.

Staff estimated it to take between six to 12 months to stand up the new Office of Police Oversight, which included components such as establishment of the Police Oversight Commission, recruiting and staffing, operational procedures, and completion of the meet and confer process regarding staff duties that could be impacted by the new structure. The City Council considered an action at its December 6, 2022, meeting to authorize staff to initiate the transition process including, but not limited to the actions noted above.

CPCC Progress in 2022

2022 CPCC Annual Retreat

On October 21, 2022, the CPCC held its 2022 Annual Retreat at the Billie Jean King Library. Topics presented to the Commission included:

- Overview of CPCC Findings, Robert's Rules of Order & Brown Act
- Overview of the New Police Oversight Model
- Internal Affairs Investigation Process
- LBPD and Mental Health / Homelessness
- Long Beach Department of Health and Human Services and Mental Health / Homelessness

2022 CPCC Commissioners



DISTRICT 1
Dianne McNinch



DISTRICT 1
Rocio Torres



DISTRICT 3
Michael Soto



DISTRICT 4
Dr. Merry Taheri

DISTRICT 2
KENNETH
SHIOZA-
KI-KAWAMOTO



DISTRICT 4
Veronica Garcia



DISTRICT 6
Michael Bates



DISTRICT 7
Irma Archuleta



DISTRICT 8
Desomnd
Fletcher



DISTRICT 8
Michele
Anderson



DISTRICT 9
Brent Walmsley



AT-LARGE
Dana Buchanan



AT-LARGE
David Ochoa

*Because the 2022 Annual Report covers January-December, some Commission seats show two representatives, beginning with the commissioner who served first in that seat.

New Commissioners Appointed in 2022

Rocio Torres – Council District 1

Rocio Torres is a Council District 1 resident. Rocio is a teacher on special assignment and a former School Counselor for the Long Beach Unified School District. Rocio has been an avid volunteer and community advocate in the AOC7 Neighborhood serving on their board since 2011. Rocio holds a Bachelors in Liberal Studies Degree and a Masters Degree in School Counseling from California State University Dominguez Hills.

Kenneth Shiozaki-Kawamoto – Council District 2

Kenneth is a Council District 2 resident. He currently works as an Appraiser Specialist and Field Trainer for the Los Angeles County Assessor's Office. Kenneth holds a Master's of Public Administration, Public Sector Management and Leadership from California State University, Northridge and a Bachelor's of Art in Political Science from University of California, Irvine.

David Ochoa – At-Large

David Ochoa is a proud District 4 resident and has lived in Long Beach for 6 years. He comes from a long line of law enforcement, [which includes] including both of his parents. Mr. Ochoa serves as a Field Representative for State Senator Tom Umberg, who [represents a portion of] covers the City of Long Beach. He has a Bachelor's Degree in Political Science and History from California State University, Long Beach and is continuing his education at CSULB by pursuing a Master's Degree in Political Science.

Staff and Support Staff

OFFICE OF THE CITY MANAGER

THOMAS MODICA
City Manager

LINDA F. TATUM
Assistant City Manager

KEVIN JACKSON
Deputy City Manager

TERESA CHANDLER
Deputy City Manager

MEREDITH REYNOLDS
Deputy City Manager

JULIE LAM
Clerk Typist III
562.570.6082
Julie.Lam@longbeach.gov

PATRICK WEITHERS
Manager of the CPCC
562.570.7610
Patrick.Weithers@longbeach.gov

ANDREA DONDIEGO
Clerk Typist II
562.570.6082
Andrea.Dondiego@longbeach.gov

JULIE LAM
Clerk Typist III
562.570.6082
Julie.Lam@longbeach.gov

ANDREA DONDIEGO
Clerk Typist II
562.570.6082
Andrea.Dondiego@longbeach.gov

INVESTIGATORS

CHRIS CRISOSTOMO
Special Investigator
562.570.6486
Chris.Crisostomo@longbeach.gov

ANDREA DONDIEGO
Clerk Typist II
562.570.6082
Andrea.Dondiego@longbeach.gov

INTERNS

JOSE JUAN RODRIGUEZ ENCISO
YARELY ARGUELLO
SALLY GALVEZ
TYLER AUSTIN
JAMIE MEDINA

Staff and Support Staff

OFFICE OF THE CITY CLERK

KYLE SMITH
City Clerk Specialist

OFFICE OF THE CITY CLERK

ART SANCHEZ
Deputy City Attorney

ANITA LAKHANI
Deputy City Attorney

About the Citizen Police Complaint Commission

The CPCC was created by a vote of the people in 1990 to review the service provided by members of the LBPd and independently conduct investigations into allegations of police misconduct with an emphasis on excessive force, false arrest and complaints with racial or sexual overtones.

The mission of the CPCC is to promote an atmosphere of mutual trust and respect between the community and the LBPd, and to ensure that professional police services continue in Long Beach.

The CPCC is a Charter Commission and has the power to issue subpoenas related to a complaint. The CPCC is neither an advocate for the Complainant nor for police personnel. CPCC findings can result in the accused personnel being disciplined, trained or exonerated. The CPCC refers policy recommendations to the City Manager, who can forward the recommendations to the LBPd for implementation.

While the Commission does not set policy, its policy recommendations have resulted in policies being changed or clarified to best serve the community.

Our Guiding Values

- ACCOUNTABILITY
- INTEGRITY
- RESPECT FOR ALL PEOPLE
- RESPECT FOR THE LAW AND THOSE WHO SERVE
- TRANSPARENCY

CPCC Meetings:

CPCC meetings begin at 5:30 pm on the second Thursday of every month at City Hall, 411 West Ocean Blvd., Long Beach, CA, in the Civic Chambers. Complainants, those who filed complaints, are notified when their cases will be reviewed by the Commission. Community members are welcome to attend the Open Session and can address the Commission during this time. Special meetings that include subject matter presentations or changes in meeting times are posted in compliance with the Brown Act to provide notification to the community.

Commission Priorities

The Commission Chair, with input from the Vice Chair, sets priorities for the CPCC during his or her term. During this reporting period, the Commission identified the following priorities:

- PROVIDE THE COMMISSION ACCESS TO COMPELLED STATEMENTS
- KEEP THE CPCC COMMISSIONERS INVOLVED IN CPCC REFORM EFFORTS
- HAVE CASES PRESENTED TO THE COMMISSION AT LEAST TWO MONTHS MINIMUM BEFORE THE ONE-YEAR CASE TIME-OUT DATE

Highest Standard of Objectivity

Commissioners are charged with and receive training to remain objective in all cases they review. Commissioners must remain open-minded and understand their role to ensure the fairest outcome in every case.

The CPCC views objectivity as decisions based on facts and without bias, not decisions solely influenced by personal feelings, interpretations, or prejudice. Commissioners consider alternative viewpoints and all available evidence when deliberating cases and are prohibited from allowing anything that happens outside the scope of the CPCC's investigation to affect their decision-making, including media reports and information on the internet.

Commissioners are held to the highest standard of confidentiality and cannot discuss cases outside the scope of their duties. They are prohibited from conducting their own research and forming opinions about a case until they have sufficiently reviewed all evidence.

Connected with the Community

- The CPCC continued to be strategic about its community presence to increase opportunities to inform the community about the CPCC as a resource, and to hear concerns and recommendations.
- The Commission formed the Community Outreach Subcommittee
- Input was taken from community members on CPCC reform during several virtual community meetings for the Racial Equality and Reconciliation Initiative
- Manager of the CPCC, Patrick Weithers, was a panelist on a San Francisco's Department of Police Accountability (DPA) community event panel about police oversight. He also spoke to DPA interns about the CPCC and police oversight as a part of their Summer 2020 Speaker Series.

CPCC Workload

Several factors contribute to the number of complaints filed each year, including public awareness of the CPCC and its function, police conduct toward the public, media focus, and community concerns.

A complaint/case can contain one or several allegations with one or several accused officers. If there is more than one officer accused in an allegation, the total number of allegations includes findings recommendations for all accused officers. For example, if three officers are accused of excessive use of force in one incident, the CPCC renders finding recommendations on each officer.

Serving on the CPCC

Before newly appointed Commissioners can review cases, they are required to complete an orientation process that consists of an overview of applicable laws and CPCC policies

and procedures. The orientation also includes discussion about the history of the CPCC, perceptions and realities about the Commission's work, and the CPCC's value to the city of Long Beach. See more orientation information in Appendix E.

Filing a Complaint

You can file a complaint if you believe that a member of the LBPd has violated your rights. Call (562) 570-6891, mail a complaint form, send an email, or file a complaint in person at the CPCC office, 411 West Ocean Boulevard, 1st Floor, Long Beach, CA, 90802. Business hours are Monday through Friday, 8:30 a.m. to 4:30 p.m. Appointments are recommended, but not required. Complaints can be made anonymously. Complaint forms are available in person and on-line <http://www.longbeach.gov/citymanager/cpcc/filing-a-complaint/> in English, Khmer, Spanish, and Tagalog.

It is recommended that the complaint be filed soon after the incident occurs. In general, complaints can be filed directly with the CPCC within one year of the date of the incident or with the LBPd at any time.

To expedite the processing and investigation of complaints, provide as much information as possible regarding the allegations, including witness names, photos, recordings, and other physical evidence that is available.

Third party complaints will be investigated if sufficient information is available. All complaints remain on file for the statutory time period and can be considered when evaluating overall police-community relations.

The Investigative Process

Complaints/cases are assigned to an Investigator who reviews reports, video and audio recordings, interviews witnesses, and conducts field investigations to collect information relevant to the case. The complaint and the investigative data are submitted to Commissioners for review prior to the monthly meeting.

CPCC Executive Session, Second Open Session and Report on Commission's Vote

During the monthly CPCC meeting, the Commission takes a recess from Open Session and reconvenes in Executive/Closed Session to discuss the cases and to recommend findings on each allegation. The Commission then reconvenes in Open Session to report their vote on each allegation without violating confidentiality requirements. Because each complaint is a personnel matter, the public is not allowed to attend the Executive/Closed Session.

The Commission's findings recommendations are submitted to the City Manager, who reviews both the Commission's recommendations and LBPd findings. The City Manager provides the final disposition to the Complainant in writing. See Appendix F for more information.

How the CPCC Works

Filing a Complaint

- The City Charter requires that complaints against members of the LBPd be also investigated by the CPCC.
- Complaints can be filed in person or by phone, email, complaint form or letter.
- Complaint forms are available in English, Spanish, Khmer and Tagalog.

Processing the Complaint

- The CPCC and the LBPd notify each other of new cases, generally within ten days of receiving the complaint.
- A CPCC Investigator is assigned to the case.
- The Complainant receives a letter with the case number and contact information for the assigned CPCC Investigator.

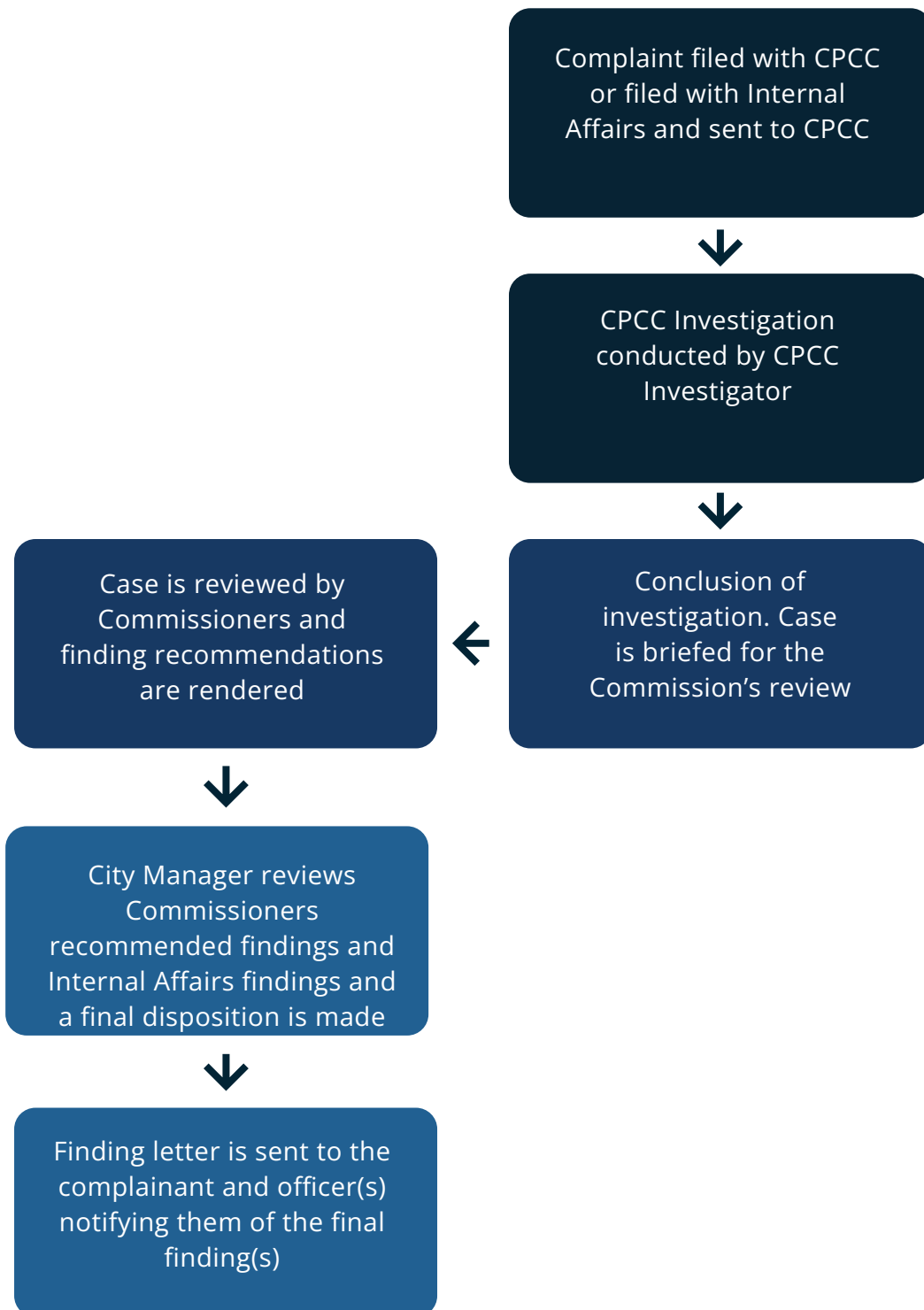
Independent Parallel Investigation

- Subpoenas are issued for relevant documents.
- The CPCC Investigator reviews reports, video, audio, interviews witnesses, collects any other relevant documentation and conducts field investigations to collect information relevant to the allegations.
- A brief is prepared for the Commissioners to review.

Cases to the Commission

- Commissioners review the brief and render findings recommendations on allegations in Closed Session.
- The City Manager reviews both the CPCC recommendations and Internal Affairs findings, and provides the final disposition to the complainant in writing.
- The City Manager can decide to forward the Commission's recommendations to the Police Chief for implementation.
- The Complainant is notified of the City Manager's findings by mail.

CPCC Investigation Workflow



2022 CPCC REPORT

Case and Allegations Summary

- 170 New Cases Opened in 2022
- 583 New Instances of Misconduct were Alleged in 2022
- 135 Cases containing 579 allegations were presented to the Commission in 2022

The most common complaint allegations for newly opened cases were Conduct Unbecoming of an Officer (Unbecoming Conduct), Use of Force, Failing to Take Action, Failing to Investigate, Improper Arrest, and Harassment.

Race / Ethnicity and Gender

Identifying one's race/ethnicity and gender are optional when filing a complaint. Because some cases have more than one complainant, the total number of people listed may differ from the total number of cases.

	Asian	Black	Hispanic	Native American	Other	Pacific Islander	Unkown	White
Female	1	28	19	0	2	0	6	14
Male	1	26	19	0	4	0	3	15
Non-binary	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	9	0

Allegation Breakdown for New Cases Opened in 2022

- | | |
|---------------------------------|--------------------------------------|
| 1. Unbecoming Conduct – 274 | 13. Vehicle Search – 7 |
| 2. Use of Force – 73 | 14. Improper Entry – 7 |
| 3. Failure to Take Action – 41 | 15. Sexual Misconduct – 6 |
| 4. Failure to Investigate – 36 | 16. Misappropriation of Property – 5 |
| 5. Improper Arrest – 21 | 17. Bias Based Policing – 5 |
| 6. Harassment – 19 | 18. Residence Search – 5 |
| 7. Improper Detention – 18 | 19. Improper Search – 3 |
| 8. Dishonesty – 13 | 20. Racial Bias – 3 |
| 9. Racial Profiling – 13 | 21. Personal Search – 3 |
| 10. Failure to Take Report – 11 | 22. Profanity – 1 |
| 11. Intimidation – 10 | |
| 12. Misuse of Authority – 9 | |

Caseloads and Case Closures

The CPCC opened 170 new cases and closed 135 cases, most of which were from the previous year. 104 cases were opened in 2021, and 31 cases were opened in 2022.

The Commission met 12 times and reviewed 135 cases containing 579 allegations. The Commission recommended sustained on 24 allegations and recommended “Other” on 19 allegations.

Allegation Totals Presented to the Commission by Type During the 2022 CPCC Meetings

- | | |
|--------------------------------|--------------------------------------|
| 1. Unbecoming Conduct – 228 | 13. Vehicle Search – 12 |
| 2. Use of Force – 82 | 14. Failure to Take Report – 11 |
| 3. Failure to Take Action – 49 | 15. Intimidation – 10 |
| 4. Harassment – 28 | 16. Bias Based Policing – 8 |
| 5. Improper Arrest – 21 | 17. Misappropriation of Property – 7 |
| 6. Improper Entry – 18 | 18. Personal Search – 5 |
| 7. Failure to Investigate – 16 | 19. Residence Search – 5 |
| 8. Improper Search – 16 | 20. Racial Bias – 3 |
| 9. Improper Detention – 14 | 21. Profanity – 3 |
| 10. Racial Profiling – 14 | 22. Sexual Misconduct – 2 |
| 11. Misuse of Authority – 13 | 23. Failure to Care for Property – 1 |
| 12. Dishonesty – 13 | |

Commission Finding Recommendations

- | | |
|--------------------|--------------------------|
| 1. Sustained – 24 | 5. Receive and File – 40 |
| 2. Other – 19 | 6. Not Sustained – 296 |
| 3. Exonerated – 64 | 7. Re-Investigate – 18 |
| 4. Unfounded – 136 | |

The Commission recommended Sustained for 4% of the allegations they reviewed.

Sustained Commission Allegations

- | | |
|-------------------------------|-----------------------|
| 1. Unbecoming Conduct – 13 | 6. Improper Entry – 2 |
| 2. Use of Force – 2 | 7. Vehicle Search – 2 |
| 3. Improper Search – 2 | |
| 4. Failure to Take Action – 2 | |
| 5. Improper Detention – 1 | |

“Other” Commission Allegations

- | | |
|-------------------------------|-----------------------|
| 1. Unbecoming Conduct – 9 | 4. Vehicle Search – 2 |
| 2. Failure to Take Action – 4 | 5. Harassment – 2 |
| 3. Dishonesty – 2 | |

City Manager Findings*

- | | |
|--------------------|--------------------------|
| 1. Sustained – 18 | 5. Receive and File – 35 |
| 2. Other – 0 | 6. Not Sustained – 127 |
| 3. Exonerated – 59 | 7. Re-Investigate – 2 |
| 4. Unfounded – 319 | |

***Tolling**

A tolled case occurs when a special condition extends the legal deadline for finishing an investigation. A common example of this is when an officer is on medical leave and as a result, unavailable for questioning.

230 of the Commission’s 579 recommended findings ultimately resulted in a different final finding.

Sustained City Manager Allegations

- | | |
|-------------------------------|-------------------|
| 1. Unbecoming Conduct – 10 | 4. Profanity – 1 |
| 2. Use of Force – 3 | 5. Dishonesty – 1 |
| 3. Failure To Take Action – 3 | |



APPENDIX A

Citizen Police Complaint Commission Definitions

Allegation: A claim or assertion that an LBPDP employee has done something illegal or wrong.

Brief: The compilation of information to a complaint, including statements, photos, reports and other evidence.

Case: A complaint requiring investigation or action.

Closed or Executive Session: As part of a regular or special meeting, the restricted and/or confidential deliberation on allegations of misconduct concerning LBPDP employees.

Complaint: An allegation against an LBPDP employee.

Complainant: Person who files a complaint.

Commission: The Long Beach community members appointed to serve on the CPCC.

CPCC: Commissioners and staff.

Disposition: The final finding for a case.

Findings: The determination of each allegation.

Open or Public Session: Part of a regular or special meeting where the Commission conducts business that is not restricted from being openly discussed.

APPENDIX B

Definitions for Findings and Dispositions

SUSTAINED: The investigation indicates the alleged act more likely than not occurred and constitutes misconduct

- This finding recommends discipline for the accused
- Discipline can be a letter of reprimand, suspension, demotion or termination

OTHER: The alleged act, although more likely than not occurred, was not misconduct and could be most appropriately handled by training or other means.

EXONERATED: The investigation indicates the alleged act did occur, but the action(s) taken were lawful, proper and justified.


UNFOUNDED: The investigation indicates the alleged act did not occur. Examples: There is no information or evidence that supports the allegation; there is evidence that the alleged act did not occur; or, the individual named in the complaint was not involved.

RECEIVE AND FILE: The information received is submitted past the statute of limitations for disciplinary actions; or, the information received does not, on its face, establish misconduct. A case may be reopened if further information or evidence is submitted within the statute of limitations period.

NOT SUSTAINED: The investigation fails to disclose sufficient evidence to prove the alleged act.

RE-INVESTIGATE: When new information comes to the attention of the Commission or when the Commission requests clarification or additional information that could reasonably be obtained.

CPCC Complaint Forms

FORMA PARA EL CONTROL DE LAS QUEJAS Comisión de Ciudadanos para las Quejas Contra la Policía Long Beach, CA									
									
FAVOR DE ESCRIBIR EN LETRA DE MOLDE O A MÁQUINA - LLENAR TODA LA INFORMACIÓN POSIBLE									
NOMBRE COMPLETO				DIRECCION DE RESIDENCIA (INCLUYA LA CIUDAD, EDO. Y CÓDIGO POSTAL)					
TELÉFONO DE SU CASA/CELULAR				TELÉFONO DEL TRABAJO					
LUGAR DONDE OCURRIÓ				FECHA Y HORA EN QUE OCURRIÓ			¿TACHA HORA QUE LO REPORTÓ		
FECHA DE NACIMIENTO (Opcional)				SEXO		ORIGEN NACIONAL/ÉTNICO (Opcional)			
¿FUE UO. ARRESTADO?		FECHA/HORA		¿ALGUIEN SALIÓ LESIONADO?		¿LESIONES VISIBLES?		¿TOMARON FOTOS?	
SI NO		SI NO		SI NO		SI NO		SI NO	
AGENTE(S) IMPLICADO(S) NO. 1				DESCRIPCION DE AGENTE DE POLICIA					
NO. 2				NO. DE PLACA DE POLICIA					
NO. 3									
TESTIGO(S) (Favor dar nombre(s) completo(s), direcciones del trabajo y de casa, nos. de teléfono de casa/celular, relación: Amigo, pariente, otra parte.) NO. 1 NO. 2 NO. 3									
DESCRIPCION DEL INCIDENTE: Escriba un breve párrafo que describa las circunstancias del incidente. Facilite también una copia de cualquier documento/fotos/grabaciones que usted pudiera tener en apoyo de su queja.									
FIRMA							FECHA EN QUE SE FIRMA		

Big ng CPOC/Interbidguler		FORM NG KONTROL NG REKLAMO KOMISYON NG REKLAMO SA PULIS NG MAMAMAYAN Long Beach, California		Big ng LBDO ng Parokho ng Gawan	
Pangalan ng File ng Kaso		Address ng Trahan (Isang ang Longport, Kibaho, Zip)			
Telepono sa Trahan	Telepono sa Nagisyo	Un ng Reklamo			
Lokasyon					
Pagpapangay ng Kapatagan		Petax/Ora ng Kapatagan	Petax/Ora ng Pag-uulat	Isulat re	
				CPOC [] Sulat []	
Pangalan ng Cross Reference		Petax ng Kapataganan (RGT)	Kasamang	LBDO [] Telepono []	
			Lahat/Parangang Pagsusuri (RGT)	Isa pa []	
Naisulat?		Ora/Petax	Mga pinatula sa anumang Mga Parokho?	Pangalan ng Pabalikpapa-ugnayin []	
Oo [] Hindi []			Oo [] Hindi []	Mga Namuhang Pinalat [] Mga Namuhang Layan []	
Kung Naisulat, Isulat ang mga pinatula					
(Mga) Empleyadong Dagit		Tawag ng ID		Pagpapangay	
Big 1					
Big 2					
Mga Saksi (Mga Suporta Pangalan, Address, Numero ng Telepono (Itatratihabalo))					
Big 1					
Big 2					
Tingnapang ang Reklamo Iti		Petax ng Komisyon		Mga Nagpapalamang ng Komisyon	



City of Long Beach
411 W. Ocean Blvd.
Long Beach, CA 90802

Visit us at www.longbeach.gov

   @LongBeachCity

To request this information in an alternative format or to request a reasonable accommodation, please contact City Manager's Office at Patrick.Weithers@longbeach.gov or (562) 570-6711. A minimum of three (3) business days is requested to ensure availability. Reasonable attempts will be made to accommodate request made within less than three (3) business days.