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Jury Decision Validates City Hall Corruption

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Stephen Downing

On Sept. 7, 2018, the jury in the case of *Thomas Gonzales v. City of Long Beach* delivered a strong, clear message to our community – that police misconduct cannot continue and must be properly addressed.

Specifically, the jury vindicated whistle blower Thomas Gonzales, a former civilian investigator for the Citizens' Police Complaint Commission (CPCC), who was terminated after complaining that egregious acts of police misconduct were being swept under the rug.

Twelve years ago, the city manager – using the myth of independence surrounding the 11 unpaid citizen CPCC commissioners as cover – terminated Thomas Gonzales for actually investigating serious complaints of police misconduct while at the same time resisting pressure from the city manager's executive staff assigned to the CCP (as well as police brass) to classify meritorious complaints as "No Further Action" (NFA).

NFA is a determination used by the CPCC staff – working not for the 11 citizen commissioners but at the direction and authority of the city manager – to unilaterally refrain from investigating and thus avoid inclusion of citizen complaints in the official statistics reported to the City Council, the public, and the Department of Justice.

Desperate to hide their misdeeds, the city manager, his CPCC assigned executive director and police department officials engaged in a campaign to tarnish Gonzales' name and reputation by falsely alleging he violated the city's code of ethics and ensuring that he would never again become employed in a similar position.

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fought his protracted legal battle in both the trial and appellate courts.

Thomas set out to clear his name as well as prove what this column also came to see years ago as a City Hall management culture that promotes CPCC “independence” as cover to conceal police misconduct while using its fictitious shield – and the good name of uninformed citizen commissioners – as a public relations ploy to paint a false picture of city and LBPD professionalism for consumption by the people of Long Beach.

At the conclusion of a three-week trial, the jury rejected the city’s retaliatory allegations against Gonzales and awarded him \$436,000 in past economic damages and \$300,000 in emotional distress damages.

Now, the city attorney wants to spend more of our taxpayer dollars defending this continuing corruption and retaliatory behavior in the Court of Appeal, at a cost close to the amount of the verdict itself, ostensibly to continue the cover up and the corrupt pattern and practices that prompted the lawsuit in the first place – rather than accept responsibility, undertake the kind of risk management that will prevent future taxpayer-funded litigation and implement reforms to a system that was compromised 12-years ago and remains broken today.

Thomas Gonzales began working as a constitutional rights investigator for the CPCC in 1999. Throughout the first five years of his employment, his performance was impeccable.

Records show he received glowing performance appraisals in every category, which included express overtures of future promotional opportunity. He also exposed police misconduct in numerous cases, resulting in repeated instances of officer discipline.

Thomas’ investigative skills also made him unpopular with members of the Police Department, including the top brass.

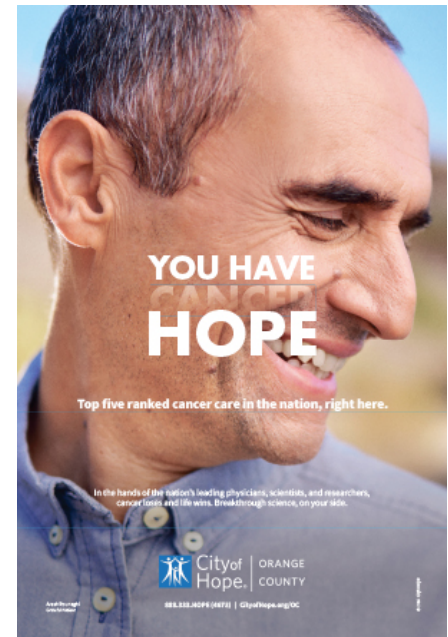
In 2004 the city manager introduced fundamental changes to the internal workings of the CPCC along with the hiring of a new executive director – a position not authorized by the CPCC charter, but one that was put in place to control what the unpaid citizen CPCC citizen commissioners would see and what they would not see.

Thomas’ lead trial attorney Dustin Collier said, “Slowly but surely, tension grew over the new executive director’s apparent apathy towards the Latin-American community and his attempts to sweep meritorious citizen complaints under the rug. Thomas feared that the director’s inappropriately close relationship with the police department posed a threat to the independent mission of the CPCC, which in turn meant that lawless behavior by the LBPD would go unchecked.”

Reports prepared under the leadership of the new regime became more biased in favor of the LBPD. Thomas addressed these issues in a memo to his boss, which concluded with the statement, “We appear to be too close to the police department and not neutral enough.”

Kimberly Lind, another of Thomas’ attorneys said, “Evidence showed that an astounding number of citizen complaints against the LBPD were surreptitiously altered, eviscerated or ignored. Thomas complained about the injustices he witnessed and continued to press for justice in cases where he reasonably believed unlawful conduct had occurred.”

Lind Continued, “In response, the Executive Director commenced an unlawful



to avoid responsibility for the unlawful behavior Gonzales refused to ignore.”

At the trial, Thomas and his attorneys presented evidence that the city’s conduct was motivated by a desire to defraud the federal government out of funds for “community policing.”

The LBPB and CPCC are required to report crime and citizen complaint statistics to the Department of Justice so that the efficacy of the LBPB’s community policing efforts could be analyzed empirically.

Lind said, “By refusing to investigate certain crimes and classifying an increasing number of citizen complaints as NFA, the city could report statistics to the attorney general that did not reflect these crimes and complaints, making it appear that crime and racial profiling allegations were dropping as a result of successful community policing programs. This ensured the continued flow of federal funding for those community policing efforts, without regard for whether or not they were working.”

On March 4, 2005, Gonzales witnessed a police officer spitting on a Latino youth. He reported it. The complaint resulted in criticism from the chief of police that Thomas was “soliciting complaints” in the community.

Evidence was presented at trial that the CPCC executive director contacted the city manager and the chief of police and assured them that he would rein in Gonzales’ whistle blowing activity.

Evidence and testimony at trial also established that the executive director then deprived Thomas of the ability to investigate the scene of alleged incidents and locate witnesses of police misconduct by stripping him of working the flex schedule that had historically permitted him to accommodate the needs of specific investigations.

In April 2005, Thomas observed that a large number of complaints from Latino citizens were being unilaterally ignored or altered by the executive director.

Jurors heard evidence and saw records supporting a complaint drafted by Thomas involving a Latino boy assaulted by the LBPB that was altered to remove allegations of racial profiling.

At the trial, the executive director admitted under oath that he was the one who had removed the allegations of racial profiling, while Thomas presented evidence that this was far from an isolated occurrence.


In October 2005, a Latina mother whose son was shot 96 times by the LBPB made a CPCC complaint. Thomas attended a memorial for the boy two days after the shooting, at which point he saw the scene being altered by construction crews before any CPCC investigation could begin.

Horrified, Thomas went to his boss and urged a CPCC investigation, noting the excessive number of shots fired and the apparent destruction of evidence that followed. The executive director threw the mother’s complaint in the trash.

The executive director later sent a disciplinary memorandum to Thomas, criticizing and threatening that he was losing the city manager’s “confidence.” Thomas wrote a response, pointing out that, under the executive director’s administration, the CPCC investigators had “become virtual stenographers for the Police Department” who merely rubber-stamped their own self-serving and biased conclusions.

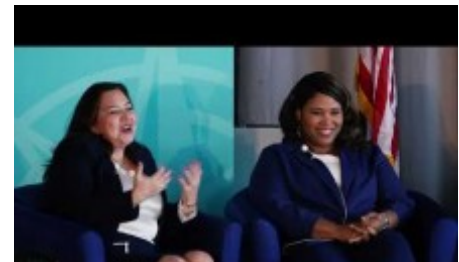
In the months that followed, the executive director complained that Thomas had

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“angered the police brass” with his whistle blowing activity.

Shortly thereafter, the executive director hired a new part-time investigator to eventually replace Thomas and slashed his hours.

Lind said, “As a result of the executive director’s new restrictions, Thomas’ ability to uncover and report unlawful conduct by the LBPD was significantly hindered.”

Yet Gonzales persisted, continuing to investigate and report police misconduct despite management’s roadblocks. In email correspondence between the CPCC’s executive director and other city officials presented at the trial it was made clear to the jury that the city manager and police officials were frustrated and that merely hobbling Gonzales’ investigative ability had failed to silence his whistle blowing activity.

Court documents and testimony established that city officials began searching for some excuse – any excuse – to terminate Thomas’ employment and silence him permanently. Their solution was to employ an outside “independent” investigative agency to do the job.

The outside “consultants” went through the motions of conducting an investigation and then issued a skewed report concluding that Thomas had violated the city’s Code of Ethics due to an alleged conflict of interest.

Thomas presented evidence at trial that the investigation was a retaliatory response to his whistle blowing, that the investigators had a transparent conflict of interest, and that the city conveniently “lost” tape-recorded interviews of key witnesses, including the interview of Thomas himself.

When the jury returned its verdict, it expressly rejected the city’s contention that the sham ethics investigation provided a “legitimate, independent” reason to terminate Gonzales. Instead, the jury found that the termination was retaliatory and awarded \$736,000 in damages to Thomas.

A recent Public Records Request (PRA) made by the *Beachcomber* to the City of Long Beach produced responsive documents that convincingly establish nothing has changed in the management of CPCC affairs over the timeframe of the 12-year ordeal experienced by Thomas Gonzales. The fraud upon the federal government and the people of Long Beach continues.

From January 2014 to date the current CPCC executive director – independent of any review by our citizen commissioners – has made the unilateral decision to classify 490 citizen complaints as “No Further Action.”

**** Buried as Item 4 in the City Council Consent Calendar for Tuesday, Oct. 9, City Attorney Charles Parkin has requested the City Council to authorize the city manager to execute an amendment to an existing contract with an outside law firm for an additional \$200,000, for a total not to exceed \$500,000, so the city can appeal the jury’s verdict and continue to defend the indefensible 12-year ordeal that a corrupted organizational culture has imposed on a now wheelchair-bound Thomas Gonzalez, all so the cover-up and status quo can continue.**

Our city council members have an opportunity to change course. They can deny the city attorney’s request, stop the pursuit of another appeal to conceal systemic misconduct, save the taxpayers another \$500,000 and begin a new era of reform to change the corrupt pattern and practices of the city manager and his CPCC staff.

[Editor's Note: Pablo Rubio of the city clerk office stated that at the beginning of the council meeting on Oct. 9 the vice mayor announced that Item 4 on the consent calendar had been withdrawn..]**

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

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Gary Wallace

It all starts at the top. City Manager

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Jill (not verified)

Mon, 10/08/2018 - 11:58pm

How tragic! Now that they're cleared financially #money2burn to appeal, doesn't there need to be uhmmm... substantial evidence for grounds to appeal? #layman

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Fanny Bixby Spencer (not verified)

Tue, 10/09/2018 - 2:22am

Hey, good citizen of Long Beach, ask yourself: If you witnessed police misconduct, what would you do about it? Do you even know that the CPCC exists? Do you know how to file an official complaint with the CPCC? Do you have time to write a complaint, and follow up with investigators?

To file a complaint, it takes some work. You have to look stuff up and explain what you witnessed, knowing that whatever you say has the potential to make you a target of police retaliation. If you were to file a complaint, it would probably be about something important, such as an abuse of power, or a betrayal of public trust. Would you ever dream of filing a frivolous complaint? Probably not.

On the path, in the next 58 months, the director of the CPCC decided to

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month, every month -- two complaints per week, every week. All of these complaints were swept under the rug. Hidden from you and your fellow taxpaying citizens. Why?

Why does the director of the CPCC have the magic power to keep you and members of the CPCC in the dark about 460 complaints? Looks like the city is doing some shady stuff with your money and in your name. Are you OK with it?

City council must reject the city attorney's shameful request for MORE of your taxpayer dollars to persecute a whistleblower. City council should be demanding a public review of all 460 suppressed complaints, not publicly financing a demented crusade against a guy in a wheelchair.

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Tom Crowe (not verified)

Thu, 10/18/2018 - 12:44pm

And then they lose the "complaints", or they say, "oh didn't we tell you we decided - "NFA".

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Me (not verified)

Tue, 10/09/2018 - 7:33am

That poor Latino kid.... shot 96 times after shooting at police and killing a K9. I call it even.

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Tubby (not verified)

Mon, 10/22/2018 - 7:44pm

The police said he shot at them and the kid shot the dog. The dog was under the house close to the kid when the police let loose a barrage that struck the kid and most likely the dog. The record proves the police lied numerous times. They destroyed evidence when they immediately changed the scene before an investigation. He had run from his house after police threatened him. Contrary to police, he was not on parole. His older brother was. He had no reason to shoot at them. Story heavily fabricated. Should have been researched by media before publishing original post.

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Rudy Padilla (not verified)

Tue, 09/10/2019 - 1:50am

Get your facts straight. It was the police who said the boy shot at them. There was never any evidence. The K9 was shot by police while under the house with the boy. Part of 96 shots by police. It was reported by witnesses that the boy was begging for his life well before they began shooting. All because he refused to open his front

and true. No investigation.

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Courtney Baron (not verified)

Tue, 10/09/2018 - 10:17am

It's unsettling to hear that the ones that are suppose to protect us are corrupt and not taking complaints and crimes seriously. I'm glad there are people out there willing fighting for us and the city.

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Leo (not verified)

Tue, 10/09/2018 - 10:31am

This is not about politics. It is about throwing good tax payer dollars after bad (corrupt) policy agenda. How in good faith can city council approve bad faith investments. There is nothing to appeal here. The city attorney knows that based on the trial transcripts. Each council person's vote must be assessed for transparency and for a determination on the fairness of this assembly. The mayor should make the appropriate appeal to the council and put this behind the city and to revamp the CPCC. Anything less is a cover up of wrong doing by CPCC in violation of the City Charter and of the people's trust.

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Nooshin (not verified)

Tue, 10/09/2018 - 7:18pm

True justice will be when there is an end to corrupt police culture and misconduct and when our tax dollars are being properly used to protect and not abuse the most vulnerable individuals of Long Beach.

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LBcitizen first (not verified)

Tue, 10/09/2018 - 11:48pm

What is it going to take to fire the corrupt city manager, police chief and city attorney who instead of helping stop misconduct by police helps them hide it and cover it up. Its time to bring in the federal government anti-corruption unit. A good place to start in the dirty Police Chief Luna and then this good for nothing mayor.

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Jorge (not verified)

Mon, 10/15/2018 - 4:22pm

Somebody should calculate how much the City of L.B. has paid out in jury awards or settlements in police misconduct cases in the last 5 years.

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Sat, 10/20/2018 - 12:07pm

While serving as President of the Belmont Shore Residents Association (BSRA), I submitted 3 different complaints of police misconduct to the CPCC on behalf of residents who came to me seeking help after having experienced misconduct by Long Beach Police. The CPCC confirmed they had received the complaints. However, neither the residents nor myself ever heard back from the CPCC. The complaints were dropped without even interviewing the residents.

I was contacted by LBPD Commander Cynthia Renaud regarding one of the complaints submitted. She requested I meet with her and her staff over a cup of coffee to discuss the complaint. I accepted her invitation, but her staff called me the next day to say the meeting was cancelled (not postponed) because "something had come up." I am still curious why this meeting had been arranged and why the LBPD and not the CPCC was involved in the complaint.

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Brian (not verified)

Sun, 10/21/2018 - 3:35am

LB was a shit hole for years. LBPD needs to function like storm troopers because of the trash that lives here. LB is finally starting to get better, we can't stop now.

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Rudy (not verified)

Thu, 09/12/2019 - 1:48am

Ridiculous. Absurd reasoning. Yes there are bad people out there, just as there are good police. But saying they must act as storm troopers is calling police corrupt. It is the city managers who are to blame. This includes the city council who oversees the cpcc.

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