

CITY OF PASADENA
Public Safety Committee and City Council Meeting
December 7, 2015 – 5:30 P.M.
City Hall Council Chamber

SPECIAL JOINT MEETING

OPENING:

Chair Kennedy called the special joint meeting of the Public Safety Committee and City Council to order at 5:37 p.m.

The pledge of allegiance was led by Councilmember McAustin.

ROLL CALL:

Councilmembers:

Chair, Councilmember John J. Kennedy
Mayor Terry Tornek
Vice Mayor Gene Masuda
Councilmember Victor Gordo
Councilmember Tyron Hampton
Councilmember Steve Madison (Arrived at 5:42 p.m.)
Councilmember Margaret McAustin
Councilmember Andy Wilson

Staff:

City Manager Michael J. Beck
City Attorney Michele Beal Bagneris
City Clerk Mark Jomsky

Vice Mayor Masuda expressed sympathy for the victims of the recent shooting attack on December 2, 2015, in San Bernardino, CA, and asked that the meeting be adjourned in their memory. At the request of the Chair, a moment of silence was observed in memory of the individuals that lost their lives.

Councilmember Madison arrived at 5:42 p.m.

RESPONSE TO RECOMMENDATIONS FROM THE OIR GROUP'S REPORT TO THE CITY OF PASADENA CONCERNING THE OFFICER-INVOLVED SHOOTING OF KENDREC MCDADE

For details regarding the above agenda item, please refer to the attached minutes approved by the Public Safety Committee on February 2, 2016.

ADJOURNMENT

Following discussion, on order of the Public Safety Committee Chair, the meeting was adjourned at 11:38 p.m. in memory of the individuals who lost their lives in a recent shooting attack in San Bernardino, California.

Terry Tornek, Mayor
City of Pasadena

ATTEST:

City Clerk

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Chief of Police Phillip Sanchez
Recording Secretary Valerie Flores

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Chair Kennedy introduced the agenda item and provided the framework of the Special Joint Meeting of the Public Safety Committee and City Council.

Michele Bagneris, City Attorney, briefly outlined the legal processes and review of the officer-involved shooting that have occurred to date, provided the legal parameters and guidelines for conducting the special meeting, and responded to questions.

Councilmember Gordo clarified for the record that the Police Department specifically directed a review of the incident, which resulted in the receipt of the Office of Independent Review Group's (OIRG) report, and stated that this special meeting was to allow for a full discussion on the matter, as well as to allow the City Council to fulfill its oversight responsibilities of the Police Department.

Robert Miller and Michael Gennaco, Office of Independent Review Group (OIRG), provided an overview of the report's stated findings regarding the officer-involved shooting of Kendrec McDade, specifically as it relates to the "process, approach, and internal evaluative actions taken by the Police Department", as part of a PowerPoint presentation, and responded to questions.

Police Chief Phillip Sanchez provided details regarding the officer-involved shooting of Kendrec McDade, reviewed several actions taken by the Police Department following the incident, which included details on the areas examined as part of the investigative/administrative review, provided further detail on the 7 of 26 recommendations submitted by OIRG that the Police Department either only partially agreed, or disagreed to, and responded to questions.

The Public Safety Committee and the City Council questioned the OIRG and Chief Sanchez on the details of the report, which included an extensive discussion on topics involving police officer tactics, state of mind, timing of statements/interviews, administrative investigation/review processes, appropriateness of some of the OIRG's recommendations, and other report findings.

Following discussion, the Mayor noted the importance of this discussion to assure the community that the City is making an honest effort to examine the details of the officer-involved shooting and understand the lessons to be learned from the incident, which has included some policy/procedure changes, and noted there will be future discussions with regard to independent review of officer-involved shootings and how the City conducts use of force investigations and reporting in the future.

Councilmember Hampton commented on the 26 recommendations submitted by the OIRG, suggested that the Police Department agree to, and accept, all 26 recommendations, stated the need for an "independent auditor" in the Police Department, and indicated that both matters will be discussed at a future Public Safety Committee meeting.

Following discussion, the following individuals expressed several concerns regarding the OIRG report, and urged transparency in the Pasadena Police Department:

Martin A. Gordon, Pasadena Community Coalition
Michael Williams, Black Lives Matter - Pasadena
Jasmine Abdullah, Black Lives Matter - Pasadena
Paul Shirey, residence not stated
Pastor Kerwin Manning, Pasadena resident
Dale Gronemeier, Coalition for Increased Civilian Oversight of the Pasadena Police (CICOPP)
Jonathan Fuhrman, Pasadena resident
"Akili", Los Angeles Black Community Clergy and Labor Alliance
Robert Cristo, Clergy & Laity United for Economic Justice (CLUE)
Skip Hickambottom, Pasadena resident
Gary L. Moody, Gary Moody, National Association for the Advancement of Colored People (NAACP) - Pasadena
Ed Washatka, Coalition for Increased Civilian Oversight of the Pasadena Police (CICOPP)
Kris Ockershauser, Coalition for Increased Civilian Oversight of the Pasadena Police (CICOPP)
Liam Clegg, Pasadena resident
Jill Shook, Pasadena resident
Sherlie Smith, Pasadena resident
Michelle White, American Civil Liberties Union (ACLU)

The following persons expressed support for Police Chief Phillip Sanchez and the Police Department:

Nat Nehdar, Pasadena Human Relations Commission
Robin Salzar, Pasadena resident

The following individuals spoke in support of the Pasadena Police Officers, and expressed concerns regarding information contained in the OIRG report:

Bobby Crees, Pasadena Police Officers Association (PPOA)
Sam De Sylva, Pasadena Police Officers Association (PPOA)

Chair Kennedy announced that it was decided at the Public Safety Committee that all future officer-involved shootings be investigated by the Los Angeles County Sheriff's Department, with the City Manager clarifying that such action is independent of whether or not the City will decide to use an independent group (such as OIRG) to review such issues in the future, and noted that the City will continue to assess incidents based on previously developed administrative policy.

Following discussion, Councilmember Gordo stated that in his opinion the OIRG report was "deficient" given that it contained statements that were adjudicated to be privileged/protected, noted the importance of this in order to ensure that future reports to either the Public Safety Committee or the City Council contain a robust analysis of policies/procedures, but exclude information considered to be confidential, thereby allowing for full disclosure and review of policy considerations for such matters, and a complete discussion on the policies and procedures within the Police Department.

Councilmember Wilson suggested further exploration in areas such as the parallel process of the administrative/criminal review, non-prompted interviews and what information is presented early in the process, and the issue involving the need for OIRG's inclusion in the City staff's administrative review process. He also thanked the City Council, Police Department, OIRG, and the community members that were present for the open dialogue.

Councilmember Hampton voiced several concerns regarding decisions made by City staff regarding this matter.

Chair Kennedy noted for the record that Mr. Gennaco and Mr. Miller gave the Pasadena Police Department an extraordinary compliment in stating that they have lots of confidence in the Department's ability to conduct a criminal investigation, stated that he is hopeful that the community has been provided with an opportunity to speak freely on the matter, and that everyone feels that they were treated respectfully.

ADJOURNMENT

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John J. Kennedy, Councilmember
Chair, Public Safety Committee

ATTEST:

Valerie Flores, Recording Secretary