



Agenda Report

August 3, 2020

TO: Honorable Mayor and City Council

FROM: Vice Mayor Tyron Hampton

SUBJECT: ADOPTION OF RESOLUTIONS RELATED TO THE SUBMITTING OF A POLICE OVERSIGHT MEASURE TO VOTERS AT THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed action is not a project subject to California Environmental Quality Act (CEQA) as defined in Section 21065 and Section 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for the project;
2. Adopt a resolution of the City Council of the City of Pasadena calling a General Municipal Election of the City of Pasadena on Tuesday, November 3, 2020, for the submission of a Police Oversight Measure;
3. Adopt a resolution of the City Council of the City of Pasadena setting priorities for the filing of written arguments pertaining to the Police Oversight Measure; and directing the City Attorney to prepare an impartial analysis; and
4. Adopt a resolution of the City Council of the City of Pasadena providing for the filing of rebuttal arguments.

BACKGROUND:

This proposed Charter amendment reflects the outline of the proposal that was discussed at the July 27 City Council meeting, with a further refinement in some aspects. Of note, this proposed Charter amendment provides for the establishment of a Community Police Oversight Commission and a Council-appointed position of an Independent Police Auditor.

Two significant features of this Charter amendment are the ability of both the Auditor and the Commission to participate in personnel matters involving PPD sworn and non-

sworn employees, by playing an advisory role, by recommending personnel investigations be instituted and/or making recommendations to the Chief of Police regarding a personnel investigation, such as whether a PPD employee acted within policy and/or the level of discipline, if warranted. Since the Chief of Police can choose whether to accept or reject the recommendations, this proposed Charter amendment does not vest the Commission with the ability to (a) make personnel decisions regarding PPD employees; and/or (b) impose policies on PPD.

The Commission is proposed to be composed of nine members, with each Councilmember nominating one member, and the Mayor nominating one at-large member, with the Commission having the following substantive functions related to the Police Department:

- Review and make recommendations regarding the ongoing operations of the Police Department;
- Receive community feedback and complaints and refer them for further review and/or referral by the independent police auditor;
- Monitor items such as hiring, training, promotions, police uses of force, personnel complaints, and outcomes;
- Provide input on policy recommendations prior to adoption;
- Receive reports from the Auditor regarding critical incidents, policies, and other matters;
- Through the Auditor, make recommendations to the Chief of Police on subject matters that include, but are not limited to, pending and completed personnel investigations, which could include advising whether PPD employees acted within policy and/or the level of discipline, if warranted; and
- Exercise subpoena power (by individual Commissioners) to accomplish the above-mentioned functions.

The Auditor is proposed to be appointed by the City Council, to receive a budget independent of the City Manager, and to have the following substantive functions related to the Police Department:

- Serve as a best-practices advisor to the Commission;
- Have unimpeded access to all PPD personnel complaints and investigations thereon, for advisory, auditing, and reporting purposes, and, upon request, be permitted to observe deliberations of PPD command staff on personnel matters including, but not limited to, use of force reviews, administrative reviews, and internal affairs reviews;
- Review all categorical uses of force by PPD personnel to assess whether (1) the use of force should be referred for further investigation; and/or (2) the investigation into a use of force was complete, thorough, objective, and fair;
- Review investigations of personnel complaints of bias-based policing;
- Recommend changes and additions to PPD policies, procedures, and officer training;
- Issue public reports and give public presentations to the Commission regarding

- PPD operations, to the extent permissible under applicable law;
- Provide recommendations to the Chief of Police relating to pending and completed personnel investigations (which could include advising whether PPD employees acted within policy and/or the level of discipline, if warranted), as well as progress in hiring, training, and promotions; and
- Subpoena power to accomplish the Auditor's functions.

Both the Commission and Auditor would be required to conduct their business in a manner that respects legal privacy and confidentiality considerations, such as confidentiality over personnel records for both sworn PPD employees and non-sworn employees.

FISCAL IMPACT:

The fiscal impact of this measure is unknown, as it depends on the budget and staffing allocated to the Auditor by the City Council, the Auditor's workplan, and the nature of Police Department participation in personnel and operational matters reviewed by the Commission.

Respectfully submitted,

/s/ Tyrone Hampton

TYRONE HAMPTON

Vice Mayor

Resolutions:

Calling and Consolidating Election

Setting Priorities for the Filing of Written Arguments and Impartial Analysis

Providing for the Filing of Rebuttal Arguments