

# Agenda Report

July 27, 2020

**TO:** CITY COUNCIL

**FROM:** PUBLIC SAFETY COMMITTEE

**SUBJECT:** CREATION OF A COMMUNITY POLICE OVERSIGHT COMMISSION

## **RECOMMENDATION:**

It is recommended that the City Council consider whether to direct the City Attorney to prepare an amendment to the Pasadena Municipal Code, within 30 days, establishing a Community Police Oversight Commission as described in the Background section of this report.

## **EXECUTIVE SUMMARY:**

At a special meeting of July 22<sup>nd</sup> the Public Safety Committee considered a recommendation by Mayor Tornek and Chair Kennedy to recommend to the City Council the establishment of a Community Police Oversight Commission, the work of which would be supported by an Independent Police Auditor provided through the City Manager's Office. After considerable discussion, a majority of the Committee voted in favor of bringing the item forward for consideration by the full City Council, but without a recommendation.

## **BACKGROUND:**

Across the United States, at the federal, state and local level, debate is underway regarding law enforcement. This broad conversation ranges from the role of the police in our society, funding levels for law enforcement relative to social services, the laws, policies and procedures governing police departments and the appropriate level of civilian oversight.

Here in Pasadena, there have been renewed calls for enhanced civilian oversight of the Police Department as a means of creating both more trust between the Department and all segments of the community that it serves and a formal mechanism to obtain community input into policing issues.

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On June 24, the Public Safety Committee considered the issue of civilian police oversight. In addition to receiving public comment on the subject, the Committee reviewed an Analysis of Police Oversight Models that was previously presented at a Joint Public Safety-City Council meeting in the spring of 2016. As part of the discussion, a series of questions were posed to the City Attorney's Office including questions about police review boards that are already provided for in the Municipal Code, although currently not in operation.

On July 8, the Public Safety Committee received a written response from the City Attorney's Office that (a) examined the structure, roles and responsibility of the existing police review boards; and (b) offered possible amendments in the event the City Council sought to re-convene them. The report also examined the limits placed on police oversight by virtue of the Council-Manager form of government set forth in the City Charter.

Concurrent with discussions by the Public Safety Committee, there has been robust public dialogue on the subject of police oversight, despite the challenges of community engagement during the COVID-19 pandemic. An online survey soliciting public input was launched by City staff on July 7. As of July 20<sup>th</sup> approximately 600 individual comments have been shared. Also, members of the Public Safety Committee have held discussions with various community stakeholders.

Based on the information provided by the City Attorney's Office, Public Safety Committee discussions, suggestions by community groups and other concerned individuals, the following is a proposed structure for enhanced community oversight of the Pasadena Police Department. This proposal would not require an amendment to the City Charter. It does not alter the fundamental relationship between the City Council, the City Manager, the Chief of Police and Police Department staff in the manner some have suggested. A more comprehensive formulation would require an amendment to the City Charter and would have to be fully developed and acted upon by City Council no later than August 7<sup>th</sup> in order to be considered by voters this November.

### ***Proposed Structure***

The proposed structure is that of a Police Commission coupled with an Independent Police Auditor.

The Community Police Oversight Commission would consist of 13 members appointed by the City Council, and nominated as follows: one by each member of the City Council, including the Mayor; one by the City Manager; one by the Chief of Police; three by community groups with specified qualifications.

The purpose of the Commission would be, through public meetings, to review and make recommendations to the Chief of Police, City Manager and City Council regarding the ongoing operations of the Police Department; receive community feedback and complaints and refer them for further review; monitor and receive reports on hiring and training; monitor and publish statistics on uses of force, complaints and outcomes;

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provide input on policy recommendations prior to adoption; receive reports from the Independent Police Auditor regarding critical incidents, policies, and other matters; and produce a publicly available annual report.

Each member of the Commission would be required to complete at least 30 hours of training in relevant subject matter. Furthermore, the Commission would be charged with reporting back to the City Council with sufficient time prior to the 2022 general election, on any proposed changes to the oversight structure that would necessitate a Charter amendment.

Modifications of the responsibilities of the City Council Public Safety Committee will be required so as to eliminate duplication of effort.

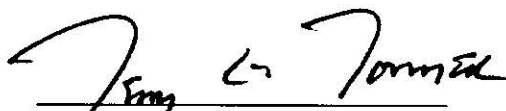
To assist the Community Police Oversight Commission in the furtherance of its mission, the City would engage an Independent Police Auditor (IPA), through the Office of the City Manager. The IPA would have the following responsibilities:

- Serve as a best-practices advisor to the Commission;
- Review investigations of all uses of deadly force and in-custody deaths to determine if the investigations were complete, thorough, objective, and fair;
- Review investigations of personnel complaints of bias-based policing;
- In conjunction with the Commission, recommend changes and additions to Police Department policies, procedures, and officer training;
- Perform related duties.

The proposed structure of a commission coupled with an Independent Police Auditor is similar to that recommended by the 2016 Analysis, and currently present in the City of Anaheim.

If adopted by the City Council, this proposal is intended to be implemented immediately. It is a positive and measured step toward civilian police oversight within the confines of the existing City Charter. The new structure will help the community assess whether further measures are required, even some that may require amending the City Charter.

Respectfully submitted,

  
Terry Tornek, Mayor

  
John J. Kennedy, Chair  
Public Safety Committee

### Attachments:

A – Analysis of Police Oversight Models

B – Review of Relevant Laws Governing Pasadena Police Department Review Boards