



# Agenda Report

July 27, 2020

**TO:** CITY COUNCIL

**FROM:** Tyron Hampton, Vice-Mayor

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

## **RECOMMENDATION:**

It is recommended that the City Council direct the City Attorney to prepare an city initiative for a vote by the people of the City of Pasadena, within seven (7) days, upon amending the City Charter to establishing and empower a Community Police Oversight Commission, as described in the Background section of this report.

## **BACKGROUND:**

Based on the information provided by the City Attorney's Office, Public Safety Committee discussions, suggestions by community groups and other concerned individuals, and the work of Mayor Terry Tornek and Chair John Kennedy, of the Public Safety Committee, the following is a proposed structure for enhanced community oversight of the Pasadena Police Department.

The proposed structure is that of a Community Police Oversight Commission ("Commission") coupled with an Independent Police Auditor ("Auditor"). This proposal will require an amendment to the City Charter, to ensure proper community input.

### ***Independent Police Auditor***

To assist the Commission in the furtherance of its mission, the City will engage an Auditor. The Auditor, who will be selected by and report to the City Council, will maintain an office with a budget provided for and approved by City Council – so as to be truly independent.

With respect to responsibilities, the Auditor will have the following responsibilities, as in the Public Safety Committee's proposal:

- 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; and,
- Perform related duties.

In addition to the Public Safety Committee's proposal, the Auditor will be empowered with the necessary access to personnel files to:

- Issue public reports and gives public presentations to the Commission, regarding Police Department operations, to the extent permissible under rules governing confidentiality of police officer personnel records in public reports.
  - To ensure that the Auditor's work is public and available for review by members of our community.
- Serve in an advisory role to the Chief of Police in the personnel selection, promotion, and discipline processes;
  - To ensure that the Auditor's role has sufficient authority to make a true and meaningful impact.
- Review all Police Department personnel uses of force; and,
  - Beyond the limitations of the Public Safety Committee's proposal, the Auditor should be able to review all uses of force by police, not just those resulting in death.
- Review investigations of all complaints of bias-based policing.
  - Beyond the limitations of the Public Safety Committee's proposal, the Auditor should be able to review all complaints of bias-based policing by

### ***Community Police Oversight Commission***

The Commission will also be selected by the City Council and will consist of nine (9) members, appointed by the City Council, and nominated as follows: one representative of each District, appointed by each member of the City Council; one representative of the Mayor, appointed by the Mayor; and, one At-Large representative, also appointed by the Mayor.

With respect to responsibilities, the Commission will have the following responsibilities, as in the Public Safety Committee's proposal:

- 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;
- Provide input on policy recommendations prior to adoption;
- Receive reports from the Auditor regarding critical incidents, policies, and other matters; and,
- Produce a publicly available annual report.

In addition to the Public Safety Committee's proposal, the Commission will be empowered with the necessary access to personnel files to:

- Direct the Auditor's work; and,
  - Subject to the City Council's ultimate authority over the Auditor.
- Serve an advisory role to the Chief of Police in personnel selection, promotion, and discipline processes.
  - Allowing for appropriate community involvement in the Department's personnel processes.

Each member of the Commission will be:

- A Pasadena Resident;
- Required to complete at least 30 hours of training in a relevant subject matter; and,
- Appointed to serve for a term of three (3) years, eligible for reappointment to a second term.

Modifications of the responsibilities of the City Council Public Safety Committee will be required to align with the support of the Commission and the reporting responsibilities of the Auditor.

If adopted by the City Council, this proposal will result in positive and measured steps to fulfill the promises made of civilian police oversight and will help the community achieve the promised opportunities for involvement.