

Martinez, Ruben

Subject: FW: CICOPP and POP Call for Open and Transparent Process to Interview and Nominate Applicants for Community Police Oversight Commission

From: Ed Washatka <
Sent: Monday, October 19, 2020 8:59 AM
To: PublicComment-AutoResponse <publiccomment@cityofpasadena.net>
Subject: CICOPP and POP Call for Open and Transparent Process to Interview and Nominate Applicants for Community Police Oversight Commission

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October 19, 2020

CICOPP and POP Call for Open and Transparent Process to Interview and Nominate Applicants for Community Police Oversight Commission

The Coalition for Increased Civilian Oversight (CICOPP) and Pasadenans Organizing for Progress (POP) affirms our previous demands that the selection of Community Police Oversight Commission members must be a transparent process that involves individuals most impacted by police violence.

To ensure active engagement by members of the most impacted members of our community, CICOPP and POP propose the creation of a panel composed of representatives from community-based organizations who will interview and nominate the applicants for three community appointed commission members.

CICOPP and POP also propose that each candidate nominated to fill the community positions as well as each candidate nominated by the Mayor and City Council members should go through a City Council confirmation process that is entirely transparent and includes a public meeting.

At a minimum, the following criteria must be considered when assessing applicants for all eleven commissioner positions. The goal is to ensure the Community Police Oversight Commission, as a whole, adequately represents and possesses these qualities.

- Representing one or more of the following communities: Black, Indigenous, Persons of Color, immigrant, refugee, LGBTQ, youth, faith, business, and other communities reflecting the overall demographics of Pasadena residents.
- Representing or demonstrating knowledge of the experiences of limited-English speakers, persons experiencing homelessness/those of us without homes, and/or people living with mental illness and/or substance use disorders.
- Experience in law enforcement oversight; police accountability; community engagement and organizing; training or experience in organizational change and social justice; training or experience in disciplines important to the Pasadena Oversight Commission and community.
- Demonstrated experience in working effectively with diverse populations
- Demonstrated ability to develop consensus and create positive change in organizations
- Demonstrated knowledge of policing policies and procedures, including those related to searches and seizures, collection and release of information, use of force, and professional accountability
- Demonstrated experience in dealing with different aspects of the criminal justice system
- Demonstrated experience in creating--and the ability to articulate--firm ideas for creating a culture of policing that is community-based, effective, and constitutional
- Understanding of local government and how City departments function in relation to one another
- Understanding of how police officer associations impact policing, from a legal, management or employee's perspective
- Articulates the vision and role of the Community Police Oversight Commission and describes how its work might positively impact all of Pasadena's residents
- Demonstrated experience in evaluating programs and measuring outcomes
- Demonstrated leadership in the community

Individuals who have a felony or misdemeanor record should not be excluded from applying to serve on the Community Police Oversight Commission.

In addition to training prescribed in the ordinance, we recommend the following training

- Crossroads Anti Racism - www.crossroadsantiracism.org
- Live Above The Hype (Trauma Informed Training). www.crackgeneration.com

Sincerely,

Florence Annang, Kimberly Douglas, Kristen Ockershauser and Ed Washatka for Coalition for Increased Civilian Oversight of Pasadena Police (CICOPP) and Pasadenans Organizing for Progress (POP)

Contact Ed Washatka

Cell phone

Ask me about...

Martinez, Ruben

From: Conversation Live <...>
Sent: Monday, October 19, 2020 10:52 AM
To: PublicComment-AutoResponse
Cc: Bagneris, Michele; Mermell, Steve
Subject: Police Oversight Commission

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Mayor Tornek
Vice Mayor Hampton
Councilmember Gordo
Councilmember Kennedy
Councilmember Madison
Councilmember McAustin
Councilmember Wilson
Councilmember Masuda

Good afternoon Councilmembers

Thank you for collectively moving the needle forward on Police Oversight. Today, as you discuss the formation of the Commission and who will serve on it, I implore you to consider appointing a professional with experience in the disability and mental health services.

Prior to the pandemic, it was estimated that 1 in 5 people were diagnosed with a mental health condition. Since COVID, experts now say that percentage has jumped to 60% of the population suffering from mental health diagnoses.

September 30th was the 4th year since the homicide of Mr. Reginald Thomas Jr. After reading the released "compelled officer" statement from a responding PPD, the public was provided a rare lens into the officer's thinking, behavior and use of force. Not once, did he acknowledge that Mr. Thomas was in crisis and in need of help.

Since the world is reimagining and looking at new normals. It's time Pasadena Police do the same when rolling out on calls for service involving this population. I encourage Chief Perez to consider implementing the San Antonio PD model when responding to calls for service.

The old adage "to a hammer, everything looks like a nail" style of policing needs to seriously be retooled.

Best,

James Farr
Chair, Accessibility & Disability Commission

cc: Steve Mermell, City Manager & Michelle Bagneris, City Attorney

10/19/2020
Item 25

B.R.E.A.T.H.E. JUSTICE 365

2020 OCT 19 AM 11:22

RECEIVED

October 17, 2020

Pasadena City Council

RE: DIRECT THE PREPARATION OF A RESOLUTION ESTABLISHING THE PROCESS FOR APPOINTMENT OF MEMBERS OF COMMUNITY POLICE OVERSIGHT COMMISSION

Dear Honorable Mayor and City Council Members,

Research, transparency, and careful consideration into the criteria and selection process for Community Police Oversight Commission membership are tantamount to the Commission's efficacy.

Included are our carefully researched recommendations on the subject.

We have also included a few easily accessible, online applications and ordinances for civilian oversight board membership across the nation. Most share the desire for diversity amongst board members as well as the acknowledgement that City employees and current/former police officers possess conflicts of interest.

The written application for the Community Police Oversight Commission must not be a standard application utilized for other commissions. It must be unique and actively probe applicants on their diversity, police affiliations, interest in effective police oversight, and potential biases. The Commission selection process must be transparent and conducted in full view of the public.

We ask you to please utilize our correspondence, and professional guidance from expert organizations such as the National Association for Civilian Oversight of Law Enforcement and the American Civil Liberties Union, as you establish the process for Community Police Oversight Commission member appointment.

Respectfully Submitted,

The B.R.E.A.T.H.E. Justice 365 Team

A Pasadena-based collective of physicians, attorneys, executives, educators, clergy, activists, parents and everyday citizens united for equity in policing.

Community Police Oversight Commission Membership, Qualifications, Orientation & Training Recommendations

I. Membership – Appointment and Terms (Ordinance Section 2.60.030)

A. Prioritize Commission appointment to **African Americans**, as well as **Northwest and Central Pasadena** residents

1. The 2016 “Community Perceptions of Policing in Pasadena” study by Liza Graziano, PhD found that:
 - a) “African American residents perceived police misconduct to be a problem at over **twice** the rate of Asian and White residents for all types of misconduct”
 - b) “**Northwest** residents held significantly more negative views of police effectiveness than residents in the other community service areas.”
 - c) “Over half (55%) of White residents felt the police were very responsive compared to a little over a quarter of Latinos (26%) and Asians (29%) feeling the same, while **only 16% of African Americans felt police were very responsive.**”
 - d) “While **Northwest** residents had more **negative perceptions of police misconduct** than all of the other community service areas, **Central** residents also had more negative perceptions.”
 - e) Credence can be given to these perceptions based upon the following data from the study:
 - (1) Only 7% of White residents stopped by police were also searched, while 3% experienced use of force.
 - (2) In contrast, about **25%** of both African American and Latino residents stopped by police experienced being **searched** and **use of force**.
 - (3) Residents living in Central and Northwest Pasadena were searched at significantly higher rates:
 - (a) **58%** of residents searched lived in the Northwest Service Area.
 - (b) **30%** of residents searched lived in the Central Service Area.
2. If a pinnacle goal of creating the Community Police Oversight Commission is to “enhance, develop, and strengthen community-police relations,” it follows that **those communities suffering from the worst community-police relations must comprise a majority (>50%) of Commission membership.**

B. Define “community-based organizations” (2.60.030(A)(2)).

1. The community-based organizations and the individuals they nominate for the Commission should demonstrate **interest** in and **dedication to police oversight** and strengthening police-community relations.
2. Police Unions have clear conflicts of interest, and must be explicitly excluded from the panel of community-based organizations nominating Commission members.

II. Qualifications, Orientation & Training (Ordinance Section 2.60.040)

A. Stipulate that members must demonstrate and affirm interest in and dedication to **police oversight**, as well as strengthening community-police relations (2.60.040(B)).

1. **Prevent those against police oversight** from joining the Oversight Commission.

B. Expressly state that current and former **police department and police union employees**, their family members, representatives, appointees, and anyone acting on their behalf will be **restricted** from serving on the Oversight Commission.

1. Police influence of the Commission already exists in the form of ride-alongs, training, and police union contributions and endorsements of many council members’ campaigns. Furthermore, the Police Chief and City Manager ultimately have the final say in Police Department policies and disciplinary action.

2. Communities most impacted by police in Pasadena, unequivocally, *will not* trust an Oversight Commission comprised of police, police department employees, police union members or any of their representatives.
 3. Equitably apply the standards of Oversight Ordinance Section 2.60.040(C), which limits attorneys' ability to serve on the Oversight Commission, to police officers.
 - a) **It is inequitable to prohibit attorney conflicts of interest while ignoring police conflicts of interest.**
- C. Ensure that members receive a broad range of **training in civil liberties, civil rights and equity**, in addition to **broad scope** coverage of policing and the prison system.
1. In American society, police have been glorified through television dramas and movies. While the selfless sacrifice of police officers is to be highly commended, many Americans do not fully grasp the impact of policing on citizens and vulnerable communities.
 2. To address these disparities in the Commission:
 - a) Each police ride-along should be accompanied by a prison visit to show a portion of the impact and a contrasting viewpoint of arrests.
 - b) Each weapons training exercise or lecture should be accompanied by corresponding de-escalation training exercises or lectures to demonstrate the full breadth of options available to police.
 3. **Mandate that an organization, such as the ACLU, with expertise in the subjects, facilitate civil liberties, civil rights and equity training, not the police department (2.60.040(E)(2)).**

References

1. Liza Graziano. "Community Perceptions of Policing in Pasadena." <https://www.cityofpasadena.net/wp-content/uploads/sites/28/Survey-Results-Community-Perceptions-of-Policing-in-Pasadena.pdf?v=1597644000142> (2016).
2. Udi Ofer, Getting it Right: Building Effective Civilian Review Boards to Oversee Police, 46 Seton Hall Law Review, 1033-1062 (2016).

Examples of U.S. City/County Ordinances and Applications Defining Membership Criteria for Police Oversight Boards

- **Los Angeles County, California**

- Code of Ordinances, Title 3, Chapter 3.79 - Sheriff Civilian Oversight Commission, Section 3.79.040 - Membership.
- Website: https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodet=3ADCO CO.CH3.79SHC IOVCO
- “The Commission shall consist of nine members. Each shall be a resident of the County of Los Angeles. The members shall be selected as follows:
 - Five members shall be appointed by the Board, one nominated by each Supervisorial District.
 - Four community members shall be appointed by the Board upon recommendation by the Executive Officer of the Board of Supervisors, in consultation with County Counsel. Subsequent appointments shall follow a process set forth in the Commission’s Handbook.
- The following individuals **cannot** serve as members of the Commission:
 - A **current employee of the County of Los Angeles**;
 - A **current employee of any law enforcement agency**, including a police or prosecutorial agency for a government entity, or any individual who has been an employee of such an agency within the previous year.”

- **City of Madison, Wisconsin**

- Code of Ordinances, Chapter 5 - Police Department and Police Regulations, Section 5.20 - Police Civilian Oversight Board.
- Website: https://library.municode.com/wi/madison/codes/code_of_ordinances?nodet=CD_ORD_MADISON_WISCONSIN_VOLUME_1_CHAPTERS_1--10_CH5PODEPOR E.5.20POC IOVBO
- “[Madison General Ordinances] 5.20 requires that the Civilian Oversight Board have a **diverse composition** in the following intersectional areas of lived experience and identities:
 - Homelessness
 - Mental health
 - Substance abuse and/or arrest or conviction records
 - Racial and ethnic diversity, including: African American; Asian; Latinx; Native American
 - Members of the LGBTQ community; and affiliation with an organization in the field of: Mental Health; Youth Advocacy; and AODA. The Council and Mayor will also consider the following additional lived experiences and identities when making appointments: age, socioeconomic status, gender, geographic residence, and work experience. Individual members may represent more than one of the categories listed above.
- Civilian Oversight Board members must be Madison residents when they are appointed, and **may not have ever been employed by the [Madison Police Department], be an immediate family member of current or former MPD employees, or worked as a law enforcement officer within the State of Wisconsin in the ten (10) years prior to becoming a Member of the Board.** For purposes of this ordinance “immediate family” means an individual’s spouse or designated family or registered partner or an individual’s relative by marriage, lineal descent or adoption.”
- City of Madison Police Oversight Board Application
 - <https://www.cityofmadison.com/council/documents/COBApplication-Fields.pdf>

- **St. Louis, Missouri**
 - Code of Ordinances, Title 3 - Administration, Chapter 3.140 - Civilian Oversight Board, Section 3.140.030 - Membership, qualifications, appointment, terms, etc.
 - Website: https://library.municode.com/mo/st._louis/codes/code_of_ordinances?nodeld=RECOSALO2020AN_TIT3AD_CH3.140CIOVBO_3.140.010ES
 - “Qualifications. To qualify for nomination, confirmation, and continued service on the COB, an individual must satisfy all of the following qualifications:
 - The individual must be a resident of the City of St. Louis.
 - The individual must have reached the age of eighteen (18) by the date that they will take office as a member of the COB.
 - The individual **must not hold any public office** within the State of Missouri.
 - The individual **must not be an employee of the City of St. Louis or of the State of Missouri.**
 - The individual **may not have an immediate family member who is currently employed by the Police Department.**
 - The individual must not have been convicted of any state or federal criminal offense constituting a felony. A conviction includes a finding of guilt by the trier of fact, a guilty plea, an Alford plea and/or any acknowledgment of guilt (suspended execution).”
 - City of St. Louis Civilian Oversight Board Application
 - <https://www.stlouis-mo.gov/government/departments/public-safety/civilian-oversight-board/documents/upload/120-COB-Application-Civilian-Oversight-Board.pdf>
- **Albuquerque, New Mexico**
 - Code of Ordinances, Part 1: Civilian Police Oversight Agency, Section 9-4-1-5 - The CPOA Police Oversight Board.
 - Website: <https://www.cabq.gov/cpoa/documents/ordinance-3-2-20.pdf>
 - “Composition. The Board shall be composed of nine at-large members who broadly represent the **diversity** and demographics of the city by way of, including but not limited to, **cultural, gender and geographic diversity**; and who are **representative of the stakeholders of the police oversight process**, and who reside within the City of Albuquerque.
 - Qualifications. In addition to the composition standards set forth above, the following are the minimum qualifications for members of the Board:
 - **Have not been employed by law enforcement for one year prior to appointment;** and
 - Successfully pass a background check; and
 - Personal history lacking any pattern of unsubstantiated complaints against APD; and
 - A demonstrated ability to engage in mature, impartial decision making; and
 - A commitment to transparency and impartial decision making; and
 - Residency within the City of Albuquerque”
 - Albuquerque Civilian Police Oversight Agency Board Application
 - <https://www.cabq.gov/council/albuquerque-police-oversight-board-application/albuquerque-police-oversight-board-application>