

Jomsky, Mark

From: cindy clark-schnuelle <clarkschnuelle@me.com>
Sent: Saturday, September 12, 2020 2:22 PM
To: PublicComment-AutoResponse
Subject: Comments for the City Council | September 14th Meeting

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Honorable Mayor Tornek and City Council Members,

The tragic shooting of Anthony McClain a month ago, has prompted me to write to you.

I urge you to thoughtfully consider citizens' comments on the matter of a police oversight commission/committee. Our city needs a mechanism for civilian oversight of the police when misconduct by police officers occurs.

These are my comments and questions:

*Where currently do police complaints go?

*Consider redistributing a portion of the current budget for our police department to hire more social service and mental health professionals on PPD. How extensive are police trained to identify and handle persons displaying mental issues? Using tax payer funds to settle law suits could be better spent on de-escalation training.

*Respect and trust is a 2-way street. How often do members of the police department go into the community without a uniform or gun and speak to residents? Particularly residents of Northwest Pasadena.

*An independent auditor is only needed when egregious behavior occurs. As tragic as each police shooting is, they do not occur monthly or even yearly. Thank God!! A full-time independent auditor is not needed.

*What will the new police oversight commission do for the city between tragic shooting incidents? At what financial cost? Will members be required to attend the Citizen Police Academy and do a police ride-a-long?

*The City of Pasadena already has the Northwest Commission whose members represent all Pasadena districts. Given the infrequent need for the police oversight commission, why not consider revising the charter for this commission which already has a history of service to the community and fold in police oversight functions rather than spend the time and money to bring another commission/committee online?

*When an officer is involved in any incident and is shown NOT to have his or her camera on, I feel they should be immediately suspended for 3-days and be docked one day's pay. After three such offenses, an officer should be suspended without pay for 2-weeks and a disciplinary letter put in their personnel file. What disciplinary actions are taken currently?

Sincerely,

09/14/2020
Item 17

Cindy Schnuelle

Resident of Northwest Pasadena

Please enter my following comments in the City Council's September 14, 2020 meeting record under "PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA."

On August 15, 2020, Anthony McClain was shot and killed by a member of the Pasadena Police Department (PPD). A video of the incident (Incident Video) was released by PPD (<https://www.cityofpasadena.net/police/critical-incident-briefings/critical-incident-ois-20008867-august-15-2020/>) that shows Police dash camera video, surveillance video and a still photo of a gun (Gun Photo) that appears to have been taken by law enforcement for evidential purposes. The portion of the Incident Video that relies on the surveillance video and Gun Photo was accompanied by the following voice-over narrative (emphasis added):

"While fleeing the officers, **video evidence captured by a local surveillance system indicated that the individual had thrown his firearm across Raymond Avenue to the west side of the street.** Furthermore, **a witness** provided a voluntary and recorded statement confirming that they were within close proximity at the time of this incident and they **saw the individual who was running from the police throw the firearm. The loaded firearm was recovered near the west curb** of Raymond Avenue adjacent to La Pintaresca Park. No other officers discharged their weapons during the incident nor does it appear that the individual discharged any rounds from his firearm. The recovered weapon was not registered and had been assembled from different manufacturer parts with different serial numbers. The weapon was not legally assembled nor legally possessed under California's gun laws."

I have reviewed the surveillance video frame-by-frame and it includes no evidence that Mr. McClain threw a gun across Raymond Avenue. The incident video - at about 5:15 - highlights the presence of **two "dark spots"** near the westerly curb with red circles **that are separated by over 20 feet**, inferring that both of those dark spots are the gun in the Gun Photo (Attachment 1). Review of the MAV-Clip DashCam video posted on PPD's web site (Attachment 2) shows that there was no discernable dark object in the street at that location about 2¹/₂ minutes after Mr. McClain passed the alleged location of the gun.

The narrative about recovering a gun is accompanied by the Gun Photo in the Incident Video. A close comparison of the scene showing the Gun Photo and the actual street scene at La Pintaresca Park are similar but very different in two respects: the Gun Photo does not show a power pole guy wire or a sign that are clearly and prominently shown in the surveillance video (see Attachment 1).

A question remains: What about the eyewitness statement about McClain having thrown a firearm? Given that there's been no reliable report of a firearm having been found, my reaction would be: What firearm?

It is convenient to say that the public should be patient because investigations that will be conducted will disclose the truth. At the same time, the PPD has been allowed to tell a story to the public that has the City of Pasadena "logo of approval" on it and is clearly not credible.

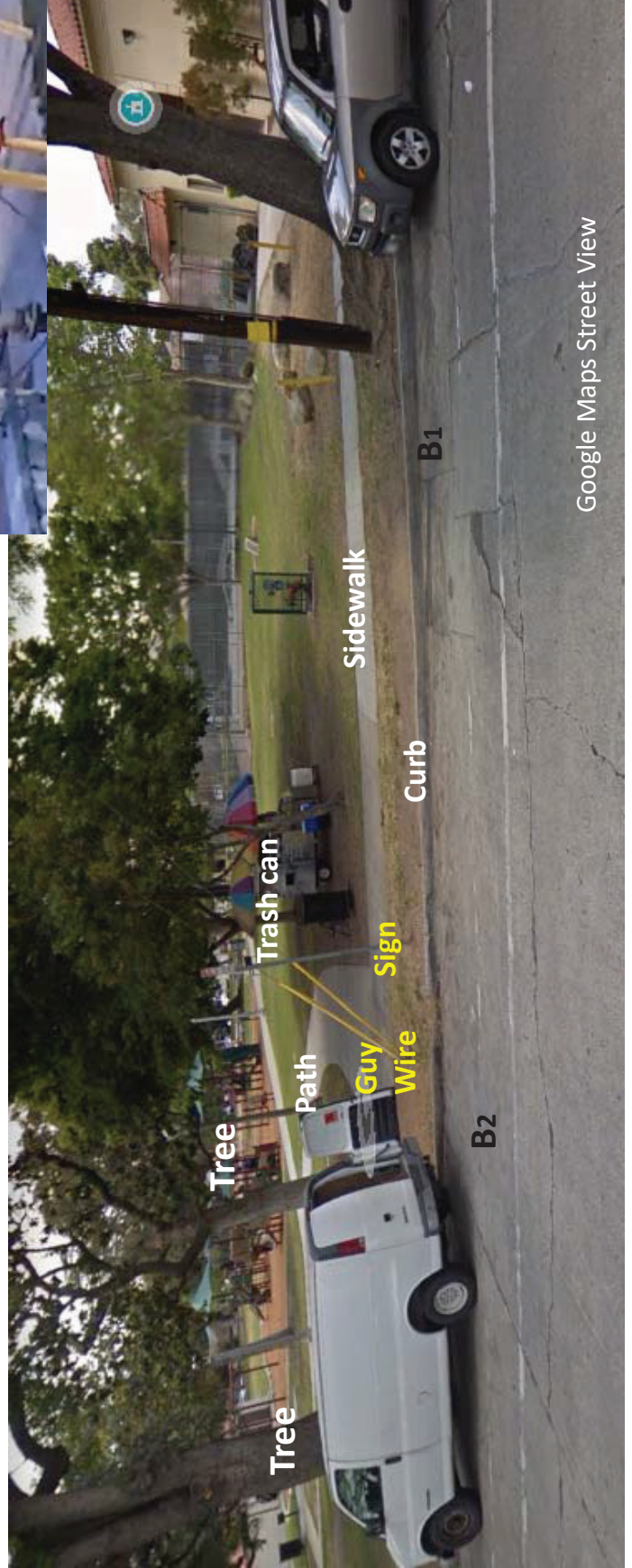
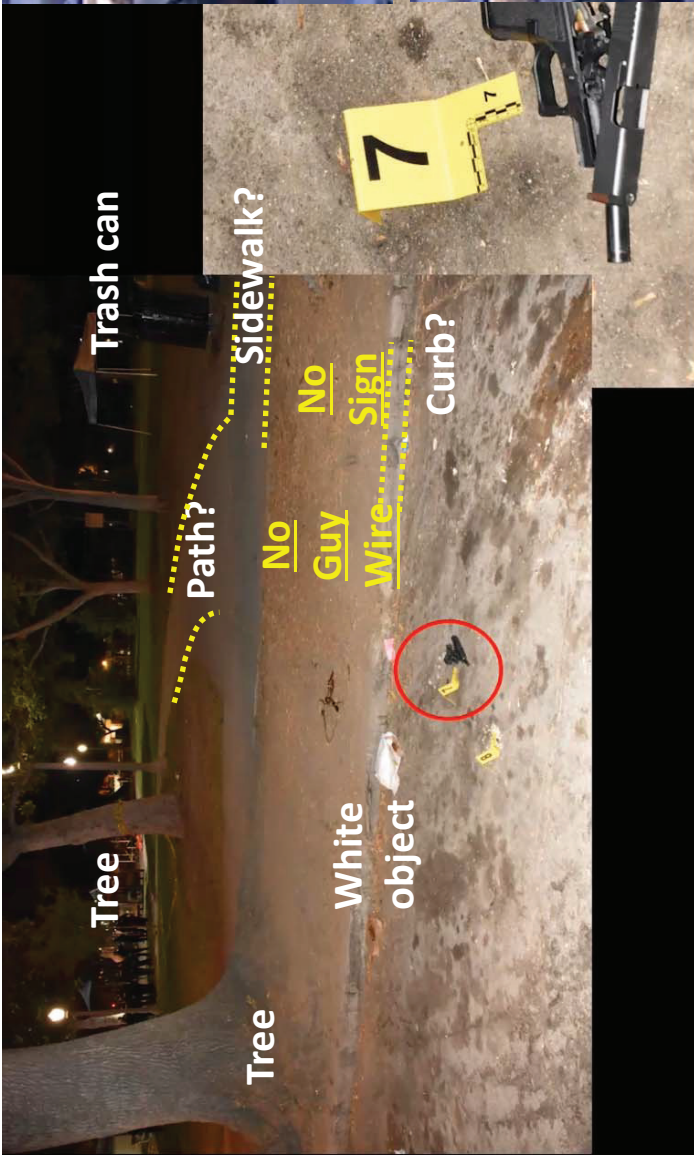
09/14/2020
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The attached article appeared recently in the Los Angeles Times (Attachment 3: “Crafty PR lets police reshape their narrative”). It discusses an emerging trend by law enforcement to use video required to be collected for a strategic purpose. I won’t re-state what is in the article, but Pasadena should not allow PPD and perhaps other City staff to pursue similar tactics. It creates the potential for embarrassment of the City; unfair demonization of the victim of a police shooting; and a potentially more-expensive cost to the City if the Pasadena City Council concludes that settlement with the victim’s family is warranted in lieu of defending a civil lawsuit.

Given the questionable validity of the Incident Video narrative, review of the decision to release the Incident Video should be undertaken under the direction of the City Council immediately without awaiting the outcome of more-detailed crime scene investigations.

Ken Kules

Attachment 1 to Ken Kules' comments at the 9/14/2020 City Council Meeting

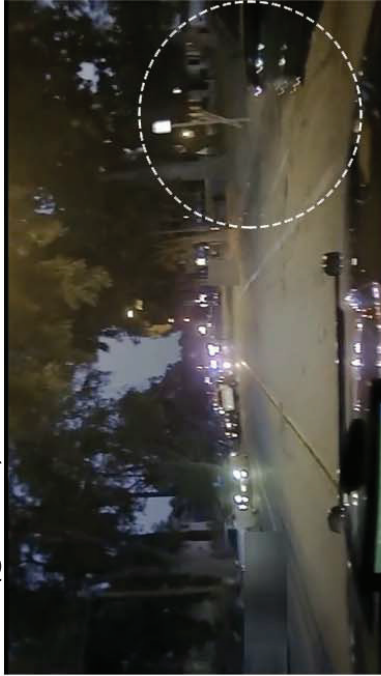


Attachment 2 to Ken Kules' comments at the 9/14/2020 City Council Meeting

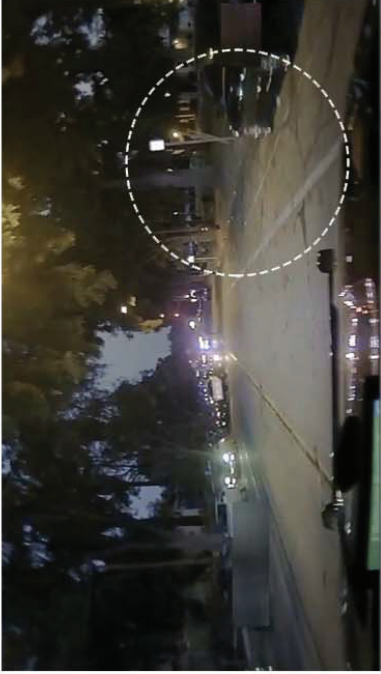
Frame 1 (@ 06:54.00)



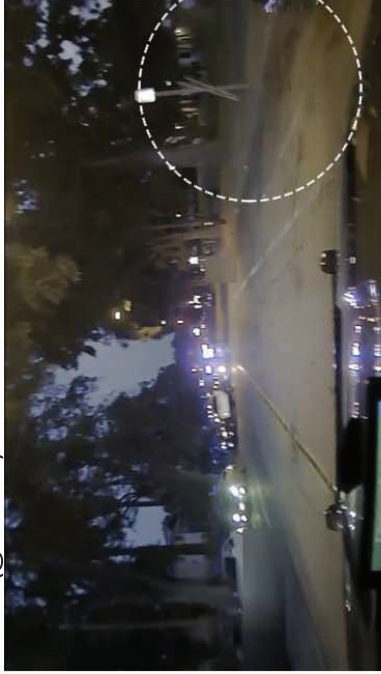
Frame 3 (@ 06:54.50)



Frame 2 (@ 06:54.25)



Frame 4 (@ 06:54.75)



Frame 5 (@ 06:55.00)



Frame 6 (@ 06:55.25)



Sunday Los Angeles Times

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SUNDAY, AUGUST 30, 2020

latimes.com



A MAN PUSHES a shopping cart down a sidewalk in the historic urban core of Los Angeles. Motor and foot traffic downtown has thinned considerably since the outbreak of the COVID-19 pandemic. Photographs by LUIS SINCO Los Angeles Times

Down time for downtown

For a decade L.A.'s center boomed, no longer just a 9-to-5 enclave. COVID-19 has put those gains at risk.

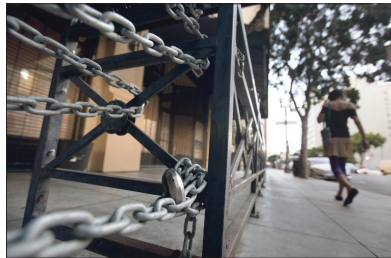
By THOMAS CURWEN

A yellow waterproof bag slung over his shoulder, Jimmy Lizama rises off his saddle and balances his bike waiting for the light to change. The sawtooth skyline of downtown Los Angeles cuts into the eastern sky.

Lizama is a bike messenger, starting his day in Koreatown. The son of Honduran immigrants, he has ridden these streets for more than 20 years, each day a new encounter with the city he grew up in.

Today will be busy — 10 stops, 30 miles — a Monday afternoon sprint from the Financial District to the Civic Center, skid row to South Park.

Four months into the pandemic, never has the city seemed so upside down. Parking attendants wave flags to the empty streets. Storefronts, boarded-up [See Downtown, A8]



A PEDESTRIAN walks past a closed restaurant downtown. The last five months have exposed the city's weaknesses, especially inequity.



RENEE CURRY leads a therapy session at Crete Academy in South L.A. As the girls play with dolls, they open up about their complex lives and emotions. GABRIELLA ANGIOTTI-JONES Los Angeles Times

COLUMN ONE

More than just doll's play

An L.A. therapist tackles 'adultification bias' by using toys to remind Black girls of their innocence

By LAURA NEWBERRY

Renee Curry ushered four girls into the classroom and asked them to sit on the carpet. They were bright-eyed and giggly, glittery with excitement.

Curry emptied the contents of a large reusable shopping bag onto the floor. The girls, ages 5 to 7, wasted no time. They plunged their hands into a pile of tiny plaid skirts, gingham dresses and sparkly tutus, eagerly selecting their dolls'

first outfits of the day.

"Grab your doll and we're going to dress them while we talk," Curry, now seated on the rug, said as she pulled Black and brown dolls from another bag. The girls let out a collective shriek and claimed the dolls they'd been playing with for the last few weeks.

"All right," Curry said, trying to capture the girls' attention as they argued over whose doll was whose. "We're going to go around and introduce our dolls." A first-grader cradling two babies in her lap went first. [See Dolls, A10]

Virus forces DMV to speed up change

Agency has moved more services online to help thin crowds.

By BRITTNY MEJIA

For generations, the California Department of Motor Vehicles has been a crucible of nerves for teenagers anxious to complete the rite of passage that is a first driver's license, older residents hoping to keep theirs and most everyone in between.

Never a day at the beach, with sometimes cartoonishly long lines, a visit to one

of its offices has never-theless been essential.

Now, amid the COVID-19 pandemic, the agency is rethinking the way it operates.

In an effort to keep people from getting infected with or spreading the novel coronavirus, the department since March has expanded its DMV Express program statewide to speed up the Real ID process and allowed for vehicle title transfers, registrations, duplicate driver's licenses and driver's license renewals and other services to be completed online.

Online transactions went [See DMV, A7]

Lakers advance in NBA playoffs

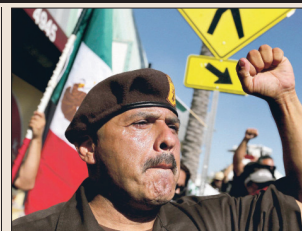
L.A. overcomes valiant effort from Portland by leaning on Anthony Davis and LeBron James. SPORTS, D1

Fall TV preview a cool mishmash

With profound change comes possibility. And after the reigning chaos of 2020, all bets are off. CALENDAR, E1

Weather

Partly sunny. L.A. Basin: 82° to 81°



LUIS SINCO Los Angeles Times

BACK TO THE STREETS

A Brown Beret marks the 50th anniversary of the Chicano Moratorium in East L.A. CALIFORNIA, B1

Crafty PR lets police reshape their narrative

Inaccurate reports, withheld footage and apparent pro-cop bias put communications units under scrutiny.

By MAYA LAU

The cellphone video drew outrage from the moment it surfaced. The footage showed deputies shooting a man as he walked away from them and continuing to fire at him, 33 rounds in all, as he crawled on the concrete.

As protests grew over the shooting, the communications staff within the Los Angeles County Sheriff's Department advocated for breaking protocol by releasing a new video and image; these showed the man, Nicholas Robertson, holding a gun when he was shot on Dec. 12, 2015.

The move appeared to work: Protests died down once the new material came out. A leading activist backed away from calling the killing an "execution," and the media gave ample coverage of the department's narrative that Robertson was a persistent threat, having shot into the air before deputies arrived.

But that wasn't the full account. Two years later, a more close-up video emerged that contradicted the claims: Robertson did not point the gun at deputies just before the shooting, and the gun was not loaded. The revelations led a jury to award \$3.6 million to Robertson's family, citing negligence by the deputies.

The evolving narrative of the Robertson shooting illustrates the key role that law enforcement public relations units have come to play in shaping the public's

understanding of confrontations with police. The units are an influential yet little-examined arm of law enforcement, with staffers sometimes applying principles of crisis communications when officers' actions spark controversy.

As cellphone videos increasingly draw people to the streets to protest law enforcement, police public information officers are under more scrutiny, with some critics saying their reports protect the image of officers and taint people targeted by police. In the wake of protests over the killing of George Floyd, there are growing questions over whether these units are [See Police PR, A12]

How did fires get so big so quickly?

The lightning-caused blazes of 2020 appear to be symptomatic of state's climate change.

By JOSEPH SERNA

When state fire authorities announced recently that the CZU Lightning Complex fire had quadrupled in size in just one day, an audible gasp rose from the audience.

Although lightning fires have been scorching the state since prehistoric times, the speed with which the SCU and LNU lightning complex fires became the second- and third-largest blazes ever recorded in California has startled emergency officials and strained firefighting resources. The fires have killed seven people, destroyed more than 2,100 buildings and made air unhealthy across the Bay Area.

And things may only get worse in the future, experts say.

"There's a direct relationship between heat and fire, and increasing heat is inevitable for at least a few decades," said Michael Gerrard, director of Columbia University's Sabin Center for Climate Change Law. "If you like 2020, you're going to love 2050."

So why have this year's fires burned more than 14 million acres of the state's scenic coastal mountains [See Fires, A11]

Crafty PR reshapes police narratives

[Police PR, from A1] serving the public with unbiased facts or are getting in the way of the truth.

"We're spending good money to be lied to," said Reuben Jones, a criminal-justice reform advocate and executive director of Frontline Dads, a group supporting formerly incarcerated people in Philadelphia. "Do the police need their own communications teams simply to craft a narrative that best serves their interests?"

Inaccurate police accounts are sometimes due to the information fog of a fast-moving event. But critics say police press units nearly always put forth a story line that makes officers' actions appear justified. And when police spokespersons publicize the prior criminal history of people killed by law enforcement or call them "gang members," it amounts to an insidious form of police abuse, they say.

Recent polling shows there is growing support for more extensive, independent oversight of police behavior. Some say this should extend to press shops, which should focus less on advancing a narrative and more on relaying facts without spin. That includes the timely release of footage from body cameras, details about officers who discharge their weapons and other information requested by community members — even if it doesn't necessarily make the department look good.

Law enforcement agencies argue that their public affairs teams are essential to getting out vital information quickly and defend the tactics and size of the units. The Los Angeles County Sheriff's Department had 49 people in its information bureau as of last month, at an annual cost of about \$4.8 million. The strategic communications director at the time of Robertson's killing earned \$200,000 a year; the bureau's captain last year made \$239,000. The Los Angeles Police Department spends about \$3.29 million a year for 26 people in similar units, as of last month.

One incident criticized as a public relations move was the LAPD's decision to swiftly release a video purporting to show the moments before Carnell Snell Jr. was shot and killed by an officer on Oct. 1, 2016.

Snell was riding in the back seat of a car that was pulled over by police who suspected it was stolen. Snell ran out of the car and was chased by officers, who



GARY CORONADO LOS ANGELES TIMES

PROTESTERS faced L.A. County sheriff's deputies after the fatal 2016 shooting of Carnell Snell Jr., 18. Critics decried the fact that video of the shooting was not released and said police tried to place blame on Snell.

fired six rounds, hitting the 18-year-old three times.

Faced with an outcry by people saying Snell didn't have a weapon, Charlie Beck, the LAPD chief at the time, released surveillance footage that appeared to show part of the police chase, with Snell holding a handgun. But the video did not show the shooting, leaving community members to question why the footage was released. A handgun was found at the scene, but the recording didn't confirm the officers' claims that Snell turned toward them holding a weapon at the time he was shot.

An autopsy would later reveal that Snell was shot in the back, right thigh and left forearm. Prosecutors and the police commission found the shooting was justified, though the commission faulted some of the officers' tactics, including spitting up while chasing Snell.

Lack of video of the actual shooting left open the possibility in the minds of some community members that it was unjustified. They saw the police's release of a handgun as a way to make the public assume Snell was at fault in some way.

"They engage in this practice that we call 'double murder.' They first kill the body, and then they assassinate the character," Melina Abdullah, a professor of pan-African studies at Cal State L.A. and co-founder of Black Lives Matter Los Angeles, said of the police. "And they use these videos for character assassination, which in the minds of the public gives an excuse for their death. So they really blame the victims for their own deaths."

Abdullah questioned why the police department was willing to immediately publicize the video of Snell but not release video from all other critical incidents. She said that while the agency now releases footage more quickly, the videos are edited and packaged in a way that supports the viewpoint of law enforcement.

LAPD public information director Josh Rubenstein said the agency released the video of Snell in response to inaccurate reports that he had not been carrying a gun. He said the department has a responsibility to provide context in the face of false or "purposefully malicious" information that he intended to inflame a "negative sentiment toward the department." He said the agency's inspector general reviews videos of critical incidents to make sure they're portrayed in a balanced way.

Public information officers have taken an expanded role within police departments in recent years, with the ability to publish news on their own platforms, including social media, instead of relying on traditional media.

Many members of the informal teams wear the same uniforms as their fellow officers, having moved from street policing to desk work, sometimes as a way to get promoted or paid more. Others are civilians, including former journalists.

Their proponents believe robust public affairs operations are needed to build ties with the community. In an era when cellphone videos can instantly spark a whirlwind of attention, and sometimes misinformation, departments feel they must act quickly to provide answers and educate the public about why officers do what they do. Without these units, some argue, departments wouldn't have dedicated staff to answer questions, and reporters could face even more barriers in trying to get information.

Indeed, some police departments have hired "transparency advisors" to enhance their communication with the public. One such firm, Cole Pro Media, advises law enforcement organizations on how to be more forthcoming and avoid spin. Laura Cole, a former journalist who founded the firm, says she counsels agencies, some of which pay up to \$4,000 a month, to avoid describing people killed by officers as "suspects" or "gang members." She also advises them to have higher standards in verifying information that is made public.

"When departments don't give out information, it brings about secrecy. That's what we want to avoid. If a department did something wrong or somebody messed up, they must own it. And they need to be the ones to tell the community," said Cole.

Carol Lin, who was strategic communications advisor to the L.A. County Sheriff's Department at the time of the Robertson shooting, pushed for the unusual release of video the day after the incident. She said the decision was influenced partly by concern over the growing protests at the scene but was not meant to stifle dissent; rather, she said, it was meant to provide missing context.

Lin, now a senior advisor to the Los Angeles County Chief Executive Office, said the release of new evidence helped the public understand that deputies were responding to a call about a man shooting into the air who was potentially dangerous to passersby.

"To the public it looked horrible that deputies were just taking down a homeless individual with complete disregard for life," she said. "But the deputies did it because they saw the risk. There were people nearby gassing up their cars. It was risk they couldn't take, that this individual could discharge his weapon."

Asked if the department would have released video that reflected poorly on the deputies' actions, Lin said, "That is a good question. I was never in a situation where that was even an option."

These days at the Sheriff's Department, which is under new leadership since

Floyd was killed and from computer-aided dispatch, which serves as a log of communications between officers and dispatchers. The log, it turned out, didn't include any details about the use of force. Elder did not review the body-camera footage, which he said would have required a wait of several hours. Only later, when cellphone video emerged, did Elder realize that his press release was inaccurate.

"This had literally zero intent to deceive or be dishonest or disingenuous. Had we known that this [situation] was what we saw on the video, that statement would have been completely different," Elder said.

The Minneapolis City Council voted last month to eliminate the police press office, effective in October, citing concerns over accuracy and bias. The city will take over communications about the police.

The media play a significant role in amplifying statements by police and allowing law enforcement sources to be the primary — and sometimes the only — voices in a story. And even as news organizations are trying to revamp their coverage of police, cuts in the industry mean there are fewer journalists to respond to scenes and develop diverse sources, at a time when there is more pressure to provide instant news.

Many police officers feel misrepresented in the media. But unlike victims of police shootings, law enforcers have public funding at their disposal to generate favorable narratives about themselves. Sometimes that means bolstering the public affairs staff with outside consultants, at considerable cost.

In Fullerton, it started with the uproar over the fatal beating of Kelly Thomas by police in 2011.

The police chief worried that protests would swell if the officers involved were acquitted of charges in the killing of Thomas, a homeless man who did not resist and begged for his life as officers beat him.

So the city hired Cornerstone Communications, an Irvine-based company that created a site for the police department to tell its side of the story.

The Fullerton Police News, as the website was called, featured pieces on the department's use of de-escalation tactics and medal of valor ceremonies. The PR firm also pushed the agency to be more open by facilitating an interview in which the police chief publicly admitted that his team "blew it" in handling the Thomas case. The mistakes included releasing inaccurate information that an officer's bones were broken in the struggle with Thomas, the chief said.

That experiment led to Cornerstone establishing a broader platform, the website Behind the Badge, which has featured stories about the police department of La Habra, Santa Ana, Tustin, Westminster and Pasadena. Each city pays an annual fee for the promotional service, ranging from \$24,000 for Santa Ana to \$72,000 for Pasadena, which recently ended its involvement.

Recent stories included a tribute to a deputy chief in Tustin who was retiring after 31 years and a feature on Westminster police holding a "drive-by" birthday celebration involving a motorcade with sirens and flashing lights.

Bill Rams, a former reporter at the Orange County Register who co-founded Cornerstone Communications, said that with local newspapers disappearing the website publishes stories that wouldn't otherwise be told. He said the cost is small compared to what departments would have to pay for in-house PR professionals.

But Priscilla Ocen, a Loyola Law School professor and member of the Sheriff Civilian Oversight Commission in Los Angeles County, said it's troubling that law enforcement would spend money to shape how the public views them.

"The idea that police spend money to manipulate the narrative about the work they're doing is not the best use of public funds," she said. "I think they should be straightforward with the public."

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Public information officers have taken an expanded role within police departments in recent years, with the ability to publish news on their own platforms, including social media, instead of relying on traditional media.

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