

ATTACHMENT “1”

Chapter 2.60 - COMMUNITY POLICE OVERSIGHT COMMISSION

Sections:

2.60.010 - Short title.

This chapter shall be known as the City of Pasadena "community police oversight commission ordinance."

(Ord. No. 7368, § 2, 10-5-2020)

2.60.020 - Establishment.

There is created and established a commission of the city to be known as the community police oversight commission and hereinafter called "commission."

(Ord. No. 7368, § 2, 10-5-2020)

2.60.030 - Membership—Appointment and terms.

- A. The commission shall consist of 11 members appointed by the city council as follows:
1. Each of the 7 councilmembers and the mayor shall nominate 1 member for a total of 8 members.
 2. Three members shall be nominated representing community-based organizations.
 3. Each member shall be a resident of the city.
 4. All nominations are subject to ratification by the city council.
 5. At least 50 percent of the filled positions on the commission shall be women, if feasible.
 6. The city council shall, by resolution, establish a policy for the appointment of members to the commission.
- B. Members shall be appointed for a term of 3 years, which shall be staggered. The initial members shall be appointed to terms of 1, 2, and 3 years, respectively. Four members shall be appointed to serve a three-year term; four members shall be appointed to a two-year term; and the remaining members shall be appointed to a one-year term. Thereafter, all members shall serve a term of three years. Members shall serve no more than 2 consecutive terms. A term of less than 1 year shall not be considered a full term. Terms expire on June 30th of the applicable years. A member shall continue in office for the term for which he/she was appointed or until his/her successor is appointed. No member who has served 2 consecutive terms shall be eligible for reappointment to the commission prior to the passage of a two-year

interval.

- C. If a member ceases to reside in the city prior to the expiration of a term, the member may complete the term only upon approval by the city council pursuant to Section 2.45.020.
- D. Any member of the commission may be removed by the city council at its pleasure.

(Ord. No. 7368, § 2, 10-5-2020)

2.60.040 - Qualifications, orientation, and training.

- A. The council district and at-large commission members shall be residents of the city.
- B. Members should have an interest in strengthening community-police relations.
- C. Practicing attorneys who handle, or are members of members of firms or entities that currently handle, criminal or civil matters involving the police department are ineligible to serve on the commission.
- D. Prior to appointment, each member shall take an oath in writing that they will not divulge confidential information, including identities of witnesses and contents of confidential testimony and documents, either during their term of office or thereafter.
- E. No later than 90 days after appointment, each member shall:
 - 1. Participate in a ride-along with the police department in a four-hour minimum shift; and
 - 2. Receive at least 30 hours of training in relevant subject matters facilitated by the police department on topics including, at a minimum, constitutional rights and civil liberties, fundamentals of procedure, evidence, and due process, procedural rights and confidentiality afforded to police officers by California law (including, but not limited to, Government Code Section 3300 et seq. and Penal Code Sections 832.7 and 832.8), police department operations, policies, practices, and procedures, and duties, responsibilities, procedures, and requirements associated with all ranks and assignments.

(Ord. No. 7368, § 2, 10-5-2020)

2.60.050 - Absences and vacancies.

- A. In the event a member has 3 consecutive unexcused absences from meetings of the commission, the city council may declare the office vacant. The staff to the commission shall advise the secretary to the mayor of any member with 3 consecutive unexcused absences. The chair of the commission may excuse absences.
- B. Vacancies, whether scheduled or unscheduled, shall be filled consistent with the process as set forth in Section 2.65.030.

(Ord. No. 7368, § 2, 10-5-2020)

2.60.060 - Election of officers.

At the first meeting of the commission, and thereafter at its first meeting of each subsequent year, the members shall elect a chair and a vice chair. In the absence or disability of the chair and the vice chair, the commission may designate a temporary chair.

(Ord. No. 7368, § 2, 10-5-2020)

2.60.070 - Meetings—Records.

- A. The commission shall meet at least once a month and all its meetings shall be open to the public pursuant to the Ralph M. Brown Act. Special meetings may be called by the chair or a majority of the commission.
- B. A quorum shall be a majority of the commission seats filled by the city council. A seat is deemed to be filled after a nominee has been sworn in by the city clerk. No action of the commission shall be valid without the affirmative vote of at least six members.
- C. The commission shall keep a record, which shall be available for public inspection, of all its resolutions, proceedings and other actions.

(Ord. No. 7368, § 2, 10-5-2020)

2.60.080 - Rules and regulations.

The commission shall adopt and amend, by the affirmative vote of six members, rules and regulations for the conduct of the commission's business consistent with this chapter. Such rules and regulations shall be submitted to the city council and shall not become effective until approved and ordered filed by the council.

(Ord. No. 7368, § 2, 10-5-2020)

2.60.090 - Annual report.

The commission shall submit an annual report and workplan to the city council no later than September 1 of each year. Attendance records of members shall be included as part of the annual report.

(Ord. No. 7368, § 2, 10-5-2020)

2.60.100 - Disclosure requirements.

Members of the commission shall be required to file annual statements of economic interest pursuant to the city's conflict of interest code.

(Ord. No. 7368, § 2, 10-5-2020)

2.60.110 - Purpose and functions.

- A. The purpose of the commission is to enhance, develop, and strengthen community-police relations and review and make recommendations regarding the ongoing operations of the police department to the chief of police, city manager, and/or city council.
- B. The commission's function is to:
 - 1. Receive community feedback and complaints and refer them for further review, as appropriate;
 - 2. Monitor and receive reports from the police department on hiring, training, and promotions within the police department;
 - 3. Monitor and publish statistics on police uses of force, personnel complaints, and outcomes within the police department;
 - 4. Provide input on police department policy recommendations prior to adoption;
 - 5. Receive reports from the independent police auditor regarding critical incidents, police department policies, and other matters;
 - 6. Notwithstanding the right to play a role in reviewing and monitoring personnel matters, refrain from (a) directly or indirectly taking active participation in personnel matters; (b) taking personnel actions; (c) using records developed to take personnel actions; and/or (d) directing that action be taken on police department employees;
 - 7. Administer oaths and issue subpoenas for the production of records (in any form, other than personnel records) and attendance and testimony of witnesses (not employed by the city at all relevant times) to carry out the commission's functions, to the extent permitted by law; with the city clerk issuing such subpoenas under the seal of the city, and the chief of police causing such subpoenas to be served; and

8. Comply with all applicable laws, including, but not limited to, Sections 411(B) and 604(J) of the City Charter, and preserve the privacy of police department employees, the confidentiality of their personnel files, the confidentiality of police department files, and the confidentiality of other confidential information to the maximum extent permitted by law, including, but not limited to the closing of meetings or portions thereof consistent with the applicable provisions of the Brown Act.

(Ord. No. 7368, § 2, 10-5-2020)

2.60.120 - Subpoenas.

- A. Subpoenas issued by the commission and/or the independent police auditor shall:
 1. Identify the commission as the body, or the independent police auditor as the person, issuing the subpoena;
 2. Identify the name and address of the party subpoenaed;
 3. State the time, place and location for the production of the records and/or testimony, at least seven days after service of the subpoena;
 4. Be narrowly tailored, and specifically describe the information which is sought;
 5. Identify the relevance of the records and/or testimony to the matters at issue;
 6. Notify the served party that if the records are not produced or the testimony is not given, the subpoenaing party may apply to the city council for an appropriate order or other remedy;
- B. Within no more than five (5) calendar days of being served with a subpoena issued in accordance with this article, the recipient of the subpoena may file a motion to quash the subpoena with the commission.
- C. If the records are not produced or the testimony is not given, the subpoenaing party may apply to the city council for an appropriate order or other remedy.

(Ord. No. 7368, § 2, 10-5-2020)