

Agenda Report

June 7, 2021

TO: Honorable Mayor and City Council
FROM: Michele Beal Bagneris, City Attorney
SUBJECT: AUTHORIZATION TO ENTER INTO A CONTRACT WITH THE MAXEY GROUP, LLC D/B/A MODERN POLICING FOR INDEPENDENT POLICE AUDITOR SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$75,000

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3);
2. Authorize the City Attorney to enter into a contract with the The Maxey Group, LLC d/b/a Modern Policing for independent police auditor services in an amount not to exceed \$75,000 for a period of one year; and
3. Amend the City Attorney/City Prosecutor's Fiscal Year 2021 Operating Budget by appropriating \$75,000 from the unappropriated General Fund balance to account 10112000-811400.

BACKGROUND:

On October 5, 2020, the City Council adopted an ordinance creating a Community Police Oversight Commission, as well as an Independent Police Auditor. That ordinance requires that the City Attorney "retain and administer" an IPA who reports to the City Council. The IPA's duties include, among other things, serving as a best-practices advisor to the Commission, reviewing categorical uses of force by Pasadena Police Department officers, reviewing investigations of personnel complaints of bias-based policing, and recommending changes to PPD policies, procedures, or officer training. To perform these duties, the ordinance provides the IPA with "unimpeded access" to various PPD personnel records, and the authority to subpoena records (with the exception of personnel records), and witnesses (with the exception of City employees).

In February 2021, a Request for Proposals for Independent Police Auditor was issued. A total of 10 proposals were received from the following entities or persons:

Diligence LLC, EngineerSoft, Integrated Operational Policing, Kroll, Leb Dispute Resolution, Christina Mesean, McKinney Group, OIR Group LLC, ProFirst, and Stone & Busailah. A panel comprised of City Manager, City Attorney, and Parks, Recreation & Community Services staff reviewed and scored each proposal on ability (10%), related experience (30%), proposer stability and City experience (20%), assigned employee(s) (20%), pricing (10%), local Pasadena business (5%), and small or micro-business (5%).

Following the review of the written proposals, the top three proposers (Kroll, OIR Group, and Stone & Busailah) were invited to interview with an Ad Hoc Committee of Vice Mayor Wilson and Councilmembers Hampton, Madison, and Williams. Staff initially intended to present its recommendation to the Council at its April 19 meeting, but that agenda item was pulled. Staff then solicited some further proposals, and requested additional information from some existing proposals. During this time, one additional proposal was received, from Modern Policing. The Ad Hoc Committee then conducted additional interviews of Diligence LLC and Modern Policing. After conducting interviews, the Ad Hoc Committee unanimously recommended that Seattle, Washington-based Modern Policing be selected as the IPA.

Modern Policing is led by Brian Maxey, who, is currently the Deputy Monitor overseeing a federal consent decree with the Cleveland (Ohio) Police Department, and also handles a similar role with the Baltimore (Maryland) Police Department. Mr. Maxey has also recently advised and/or conducted reviews for law enforcement agencies in Massachusetts, Minnesota, Oklahoma, Washington, and Wisconsin. Prior to working in public safety consulting, Mr. Maxey served as the Chief Operating Officer (an executive position at the Deputy Chief level) for the Seattle Police Department, where, among other things, he was SPD's executive lead on implementing a federal consent decree, requiring consensus-building among elected officials, community members, and other stakeholders, including the Seattle Community Police Commission. Although the IPA contract is not for legal services, staff notes that Mr. Maxey is licensed to practice law in Washington, New York, and California, and has previously worked in municipal law departments in both Seattle and New York City.

It is anticipated that the IPA's work can begin in earnest when the members of the Community Police Oversight Commission are selected, and when Commission staff in the City Attorney's office is hired (a recruitment is currently underway).

ENVIRONMENTAL ANALYSIS:

The proposed contract is exempt from CEQA per section 15061(b)(3), the General Rule. The General Rule can be applied when it can be seen with certainty that the activity will not have a significant effect on the environment. The proposed action is for a contract for the Independent Police Auditor, which will not result in any physical changes to the environment.

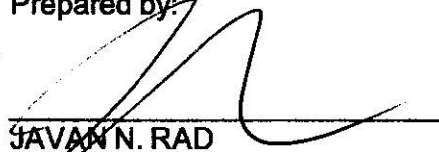
FISCAL IMPACT:

Approval of the recommended action will increase the City Attorney/City Prosecutor's Fiscal Year 2021 Operating Budget by \$75,000 in account 10112000-811400. It is anticipated that less than \$10,000 will be spent during the current fiscal year, and the remainder in FY 2022.

Respectfully submitted,


MICHELE BEAL BAGNERIS
City Attorney

Prepared by:


JAVAWN. RAD
Chief Assistant City Attorney

Attachment 1: Modern Policing Proposal for Independent Police Auditor