



PASADENA

Police Officer-Involved Shooting Investigation Process and Related Policies

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01/31/2022

Item 9



Council-Manager Form of Government

City Attorney's Office / Police Department

- Enables City Council to hold a limited number of officials accountable for the City's administration
- City Council
 - > Instructs City Manager on policies, passes ordinances, approves projects and programs, and adopts annual budget
- City Manager
 - > Establishes and implements policies, advises the City Council, makes recommendations on City Council decisions, formulates the budget, and oversees the administration and management of staff and resources



Limitations on City Council Intervention in Personnel Matters (Charter Section 411, 604; PMC Section 2.40.030)

City Attorney's Office / Police Department

- City Council may
 - > “Inquire” into administrative matters under City Manager
 - > “Instruct” City Manager in all matters of policy
- City Council may not
 - > “Attempt to influence or to direct any subordinates of the City Manager.”
 - > *Levy v. City of Santa Monica*, 114 Cal.App.4th 1252 (2004) (interpreting charter provision similar to Pasadena’s, and allowing inquiry, but prohibiting orders by the City Council and individual Councilmembers to staff subordinate to the City Manager)



Limitations on City Council Intervention in Personnel Matters (Charter Section 411, 604; PMC Section 2.40.030) (cont.)

City Attorney's Office / Police Department

- City Manager is responsible for “supervision and control over all departments, divisions, and offices of the City,” with the exception of staff under the direction of the City Attorney/City Prosecutor or City Clerk
- Charter provisions prevent City Council from imposing discipline on police officers
- Charter can only be amended by Pasadena voters (not the City Council)



Various Bodies May Review

City Attorney's Office / Police Department

Criminal Investigation	Initially by PPD, then criminal charges may be considered by the following agencies, among others: <ol style="list-style-type: none">1. Los Angeles County District Attorney;2. California Attorney General (shootings of unarmed civilians or where there is a reasonable dispute whether the civilian was unarmed -- Government Code Section 12525.23); and/or3. U.S. Department of Justice (where investigated/referred)
Administrative Review	Police Department
Independent Review	<ol style="list-style-type: none">1. Independent Reviewer (for officer-involved shooting); and/or2. Independent Police Auditor (for Community Oversight Police Commission)



Officer-Involved Shooting Investigation Process

City Attorney's Office / Police Department

- PPD Policy 310 (Officer-Involved Shootings and In-Custody Deaths)
- Criminal Investigation
 - > PPD Detectives immediately respond to the scene to begin criminal investigation
 - > Notification to DA's office
 - > When completed, case submitted to District Attorney's office where a prosecutor reviews the case to decide if officer's actions were justified under California law

Policy
310

Pasadena Police Department
Policy Manual

Officer-Involved Shootings and In-Custody Death Investigations



Officer-Involved Shooting Investigation Process (cont.)

City Attorney's Office / Police Department

- Additional tools from Axon that will be available by Spring of 2022 to assist with the investigation process
 - > **Performance** – software product that provides analytics of Body Worn Camera use and helps to ensure user accountability
 - > **Signal Sidearm** – wirelessly activates recording on Body Worn Cameras within range the moment the firearm is removed from the holster





Officer-Involved Shooting Investigation Process (cont.)

City Attorney's Office / Police Department

- **Administrative Review (personnel matter)**
 - > Professional Standards Unit responds to the scene to begin investigation
 - > When completed, the Chief of Police will determine whether the involved officer's actions were in conformance with PPD policy and training



Public Safety Officer's Procedural Bill of Rights Act ("POBR") (Government Code Section 3300 *et seq.*)

City Attorney's Office / Police Department

- Law enforcement agencies must notify officer of proposed discipline within one year of discovery
- Deadline to impose discipline is subject to "tolling" under certain circumstances – common bases for "tolling" include
 - > Officer's actions subject of criminal investigation or prosecution; and/or
 - > Matter involves civil litigation and officer is a defendant



Council Ability to Impose Deadline on PPD to Complete Administrative Reviews

City Attorney's Office / Police Department

- Council-Manager form of government established in Charter prevents such a Council-adopted policy
 - > Involves personnel matters under the administrative service of the City Manager
- But – City Council may recommend policies or changes in policy to the City Manager



Practical Considerations for Case-by-Case Assessment of Timing of Completion of Administrative Review

City Attorney's Office / Police Department

- Complete administrative review within a specified time period
 - > Cannot access information from related investigations/proceedings
 - > But – may be warranted in certain circumstances – where there is sufficient assurance that officer committed a serious violation of policy, notwithstanding any additional evidence that might be developed
- Defer completion of administrative review
 - > Until District Attorney's office completes investigation - Professional Standards Unit may be informed by District Attorney's investigation
 - > Until conclusion of civil litigation - Professional Standards Unit may be informed by officer's deposition and trial testimony