

Agenda Report

March 21, 2022

TO: Honorable Mayor and City Council

THROUGH: Community Police Oversight Commission (January 13, 2022)

FROM: Office of the City Attorney/City Prosecutor

SUBJECT: APPROVAL OF RULES AND REGULATIONS FOR THE CONDUCT OF BUSINESS OF MEETINGS OF THE COMMUNITY POLICE OVERSIGHT COMMISSION

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 Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required; and
2. Approve of Rules and Regulations for the conduct of business of meetings of the Community Police Oversight Commission

ADVISORY COMMISSION/BOARD/CITY COUNCIL COMMITTEE RECOMMENDATION:

On January 13, 2022 the Community Police Oversight Commission unanimously adopted the Rules and Regulations, included here as Attachment I, for the conduct of the Commission's business.

BACKGROUND:

Chapter 2.60 of the Pasadena Municipal Code says that the Commission shall adopt Rules and Regulations for the conduct of the Commission's business consistent with the municipal code. These Rules and Regulations need to be submitted to City Council for final approval to make them effective.

At the January 25, 2021 City Council meeting, the City Attorney's Office prepared draft Rules and Regulations for the Commission as part of the commissioner appointment

and startup process. During this discussion, City Council requested that the Rules and Regulations be referred to the Public Safety Committee for further review and discussion.

At the February 10, 2021 Public Safety Committee meeting, the Committee recommended that the Rules and Regulations return to the full City Council after the Independent Police Auditor (IPA) appointment was made, allowing the IPA the opportunity to review, provide input, and ensure that the Rules and Regulations follow best practices.

With the appointment of now-former IPA Brian Maxey coinciding with the convening of the Community Police Oversight Commission, staff worked with Mr. Maxey to review the draft Rules and Regulations. On January 13, 2022, the Commission unanimously adopted the Rules and Regulations.

The majority of the proposed Rules and Regulations are consistent with the Rules and Regulations of various other City Commissions. There are, however, unique provisions pertaining to the work of the Community Police Oversight Commission. For example, Article VIII, Section 4 states that the Commission shall not place an item on the agenda, such as a review of a specific incident, if it could compromise a pending criminal or administrative investigation, unless so directed by City Council.

This provision does not mean that the Commission cannot have discussions about critical events in the community. In fact, Mr. Maxey advised that best practices in police oversight allow for commissions to talk to the community about relevant community incidents and concerns as a way of fostering communication and understanding. Because of this, staff will work with the Chair and Vice Chair to ensure that agenda items do not compromise the investigative process while allowing the Commission to engage in its purpose and functions.

COUNCIL POLICY CONSIDERATION:

The proposed action is consistent with the City Council's Strategic Planning Goal of ensuring public safety.


ENVIRONMENTAL ANALYSIS:

The action proposed herein is not a project subject to the California Environmental Quality Act (CEQA) in accordance with Section 21065 of CEQA and State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), and 15378. The approval of rules and regulations for Commissions is an organizational and administrative action that would not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Therefore, the proposed action is not a "project" subject to CEQA, as defined in Section 21065 of CEQA and Section 15378 of the State CEQA Guidelines. Since the action is not a project subject to CEQA, no environmental document is required.


FISCAL IMPACT:

Approving the Rules and Regulations of the Community Police Oversight Commission would not entail any fiscal impact.

Respectfully submitted,


Michele Beal Bagneris
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Office of the City Attorney/City Prosecutor

Prepared by:


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Concurrence:


Cynthia J. Kurtz
Interim City Manager

Attachment 1 – Rules and Regulations for the Conduct of Business of Community Police Oversight Commission Meetings