

Agenda Report

May 9, 2022

TO: Honorable Mayor and City Council
FROM: Department of City Attorney/City Prosecutor
SUBJECT: **AUTHORIZATION TO ENTER INTO A CONTRACT WITH RICHARD ROSENTHAL, PHD FOR INDEPENDENT POLICE AUDITOR SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$150,000**

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); and
2. Authorize the City Attorney to enter into a contract with Richard Rosenthal, PhD for independent police auditor services in an amount not to exceed \$150,000 for a period of one year.

ADVISORY COMMISSION/BOARD/CITY COUNCIL COMMITTEE RECOMMENDATION:

The City Council Ad Hoc Committee for the selection of the Independent Police Auditor (IPA), which includes Vice Mayor Wilson and Council Members Hampton, Madison, and Williams, unanimously recommends that Richard Rosenthal, PhD be selected as the IPA. The Community Police Oversight Commission (CPOC) IPA Selection Ad Hoc Committee, comprised of Chair Ibáñez, Vice Chair Serrano, and Commissioners Abernathy, Annang, and Argento, also endorsed this recommendation.

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).

On June 7, 2021, City Council authorized the City Attorney to enter into a contract with Brian Maxey of the Maxey Group, LLC, d/b/a Modern Policing. Unfortunately, Mr. Maxey stepped down from his position in December 2021 to return to a full-time position as Chief Operating Officer of the Seattle Police Department.

In January 2022, a Request for Proposals for Independent Police Auditor was issued. A total of 12 proposals were received from the following entities or persons: Bartlett James, Elite Performance Assessment Consultants (EPAC), IntegrAssure, Lozano Smith LLP, Police Assessment Resource Center (PARC), Reddock Law Group (RLG), Riverton RTS LLC, Richard Rosenthal, PhD, Sloan Sakai Yeung & Wong LLP, The Law Offices of Khalil Rasheed, Verry Shea LLC, and Aaron Zisser – Andrew Lah – Rania Adwan.

A panel comprised of City Manager and City Attorney staff reviewed and scored each proposal on ability, related experience, proposer stability and City experience, assigned employee(s), pricing, local Pasadena business, and small or micro-business.

Following the review of the written proposals, the top four proposers (IntegrAssure, PARC, Richard Rosenthal, PhD, and Zisser – Lah – Adwan) were interviewed by the City Council IPA Ad Hoc Committee, and, separately, the CPOC IPA Ad Hoc Committee. Following these interviews, both the City Council and CPOC Ad Hoc Committees recommend Dr. Richard Rosenthal. Both Ad Hoc Committees were impressed with Dr. Rosenthal's experience, ability, and commitment to remaining in this role.

Dr. Rosenthal started his career in police oversight as a public corruption prosecutor with the Los Angeles County District Attorney's office where he was involved in uncovering the LAPD Rampart Scandal, which ultimately resulted in the imposition of a federal Consent Decree on the Los Angeles Police Department. He subsequently served as the first Police Auditor for the City of Portland, Oregon and the first Police Monitor for the City & County of Denver. In 2012, he was hired by the Province of British Columbia to serve as the first Chief Civilian Director of its Independent Investigations Office (IIOBC), with the responsibility to conduct criminal investigations of police uses of deadly force. He received a PhD in Criminology in 2021, with an emphasis on the study of police oversight and accountability. Since leaving full-time positions, he has been working as an Assistant Monitor for the Cleveland Consent Decree, and also works with the Washington State Governor's Office as its principal consultant to create its Office of Independent Investigations (OII), which promises to be the first Independent Critical Incident Investigation Agency (ICIIA) in the United States.

COUNCIL POLICY CONSIDERATION:

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

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:

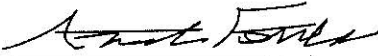
Approval of the recommended action will not increase the City Attorney/City Prosecutor's Fiscal Year 2022 Operating Budget, as funds are still available for the remainder of the current fiscal year. The remaining funding needs will be discussed as part of the Fiscal Year 2023 Operating Budget related to the Community Police Oversight Commission.

Respectfully submitted,



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Concurrence:



Cynthia J. Kurtz
Interim City Manager