



Proposal for Independent Police Auditor

To: Amanda Fowler, Principal Administrative Analyst
Office of the City Attorney/City Prosecutor
100 N. Garfield Ave., Room N-210
Pasadena, CA 91101 afowler@cityofpasadena.net

Submitted: January 30, 2022

Proposer:
Dr. Richard Rosenthal, PhD, JD
Police Accountability Consultant

Principle Business Address:
richardrosenthalphd@gmail.com (Vancouver, British Columbia)

U.S. Business Address:
1265 H. Street, #1218, Blaine, Washington 98230

Dear Ms. Fowler:

I write in response to the City of Pasadena's Request for Proposals for the contract position of Independent Police Auditor and technical advisor to the Community Police Oversight Commission.

I would bring a unique blend of experience in police oversight and accountability to the City of Pasadena IPA position. I started my career in police oversight as a public corruption prosecutor with the Los Angeles County District Attorney's office where I was credited with uncovering the LAPD Rampart Scandal, which ultimately resulted in the imposition of a federal Consent Decree on the Los Angeles Police Department. I subsequently served as the first Police Auditor for the City of Portland, Oregon (2001-2005) and the first Police Monitor for the City & County of Denver (2005-2012). In 2012, I 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.

After this history of "firsts," in 2015, after the untimely death of my wife of twenty-years, I decided to "retire" from full-time work to obtain my PhD in Criminology, with an emphasis on the study of police oversight and accountability. I ultimately received my PhD in 2021 after completing a dissertation examining the implementation and impact of a Consent Decree on the City of Seattle whilst comparing that effort to federal reform efforts on a nation-wide basis (see, summit.sfu.ca/item/21424).

Since my "retirement" date, I have been working as an Assistant Monitor for the Cleveland Consent Decree, and am also working 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. (For a description of this unique form of police oversight, see, [Microsoft Word - 0855 Rosenthal \(Oddi\) ONLINE.docx \(albanylawreview.org\)](#)).

In addition to the work cited above, I have also published a number of articles comparing and analyzing different models of police oversight, including:

- Rosenthal, R. (2018) **Perspectives of directors of civilian oversight of law enforcement agencies.** *Policing, An International Journal of Police Strategies & Management*, Vol. 41(4), pp. 435-447;
- De Angelis, J., Rosenthal, R. and Buchner, B. (2016). **Civilian Oversight of Law Enforcement: Assessing the Evidence.** U.S. Department of Justice, Office of Justice Programs Diagnostic Center. NCJ Number: 250287.
- De Angelis, J., Rosenthal, R. and Buchner, B. (2016). **Civilian Oversight of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models.** U.S. Department of Justice, Office of Justice Programs Diagnostic Center. NCJ Number: 250265.0

After review of your RFP, I believe I am uniquely situated to assist the City of Pasadena in engaging in effective and Constitutional policing by auditing and monitoring its police accountability mechanisms. Given my current availability, I am responding only to Subdivision A, which seeks a contract auditor to fulfill the duties found at PMC 2.30.020(A)(8).

a. Describe the proposer's experience in providing similar oversight services, independent police auditor services, and/or independent reviews concerning law enforcement agencies.

Pasadena Municipal Code 2.30.020(A)(8) outlines the duties of the Independent Auditor as administered by the City Attorney. The substantive duties of the auditor are set forth as follows: 8(a) serve as best-practices advisor to the community police oversight commission; (c) review all categorical uses of force; (d) review investigations of personnel complaints of bias-based policing; (e) recommend changes to policies, procedures, or training); and (f) issue public reports.

As described above, I have extensive experience in all of the above-noted areas, but will list only three of the most directly relevant experiences.

1. Assistant Monitor, Cleveland Police Monitoring Team (2016-present).
Contact: Hassan Aden, Monitor (2018-present), Aden@theadengroup.com; Professor Ayesha Hardaway, Deputy Monitor, Ayesha.hardaway@case.edu; Matthew Barge, Monitor (2015-2018), matthew.barge@21cpsolutions.com.

Contract value: approx. \$66,000 annually, billed hourly @ \$250/hr.

The Cleveland Police Monitoring Team works as an agent of the United States Federal Court to assess the work of the Cleveland Division of Police in relation to the federal Consent Decree. In my role as Assistant Monitor, I am charged with ensuring the compliance of the City of Cleveland's internal and external oversight mechanisms, including the Office of Professional Standards (OPS) [which investigates community complaints], the Police Review Board (PRB) [which adjudicates community complaints], the Internal Affairs Division (IAD) [which investigates internal complaints] and the Force Investigation Team (FIT) [which investigates police-involved critical incidents].

I am also responsible for compliance audits relating to the imposition of discipline and have been the primary reviewer with respect to published audits involving the imposition of discipline in serious cases, the adequacy of an investigation into a fatal pursuit and the Consent Decree compliance of the OPS, PRB and IAD programs overall. I have also provided ongoing technical assistance to the above-noted programs and assisted the Division of Police in the creation of policy manuals for the FIT, IA and the OPS/PRB. Finally, I also have been the primary drafter for the "Accountability" Section of the Monitor's semiannual reports for the last six years, which have included recommendations for improvements in each of the accountability-related programs, to include recommendations relating to the imposition of police discipline, the handling of critical incident investigations, and methods to ensure the timely adjudication of police complaints.

2. Independent Monitor, City & County of Denver (2005-2012).
Contact: Al LaCabe, Manager of Public Safety (2004-2010), allacabe74@gmail.com.

Annual Salary: \$120,000 annually (Full-time employment)

I created the Office of the Independent Monitor (OIM) for the City and County of Denver. I was responsible for monitoring the Denver Police and Sheriff Departments' handling of citizen complaints, internal criminal and administrative investigations, and officer-involved shooting and in-custody death administrative reviews and investigations. I made recommendations regarding the imposition of discipline and conducted audits of issues of importance to the safety agencies and the community. I was a primary drafter of the Denver Police and Sheriff Disciplinary Handbooks and Matrixes and responsible for the creation of a nationally recognized community-police mediation program. I was also responsible for working with the Citizen Oversight Board (COB) on issues relating to police and OIM policies and practices.

In addition to being a moving force behind the adoption of disciplinary matrixes for both the Police and Sheriff Departments, I also identified the need for new processes to ensure the timely handling of complaints and the need for updated policies to ensure accountability for off-duty officer impaired driving cases.

3. Director, Independent Police Review Division (IPRD), City of Portland, OR, Auditor's Office (2001-2005).
Contact: Gary Blackmer, Former Auditor, City of Portland (1999-2009), Former Audits Director, State of Oregon (2009-2015), gary.blackmer@gmail.com.

Annual Salary: \$85,000 annually (Full-time employment)

I created the Independent Police Review Division of the City Auditor's Office (IPR). As the first IPR Director, I acted as an independent police auditor-monitor-ombudsman for the City of Portland, directly reporting to the elected City Auditor. My responsibilities included: taking all citizen complaints against members of the Portland Police Bureau, and reviewing and monitoring police internal investigations, findings and imposition of discipline; coordinating an annual audit of officer-involved shooting investigations, findings, policy and training; conducting specialty audits on an ongoing basis; facilitating the work of the Citizen Review Committee, handling appeals of findings resulting from internal affairs investigations; and making recommendations regarding case handling and Police Bureau policies.

My office conducted a number of policy reviews, to include a review which resulted in a new City Ordinance ensuring the systemic review of civil claims and lawsuits as part of a long-term personnel and risk management strategy.

b. Not responding to Commission Staffing role.

c. Identify the key employee(s) that would be assigned to the above matter(s). Summarize the employee(s) qualifications and experience.

I, Dr. Richard Rosenthal, would serve as the Independent Auditor and would directly review the cases and matters required and provide technical assistance to the Commission, as needed. As indicated above, I have extensive experience in police oversight and accountability, dating back to 1996 when I served as a public corruption prosecutor for the County of Los Angeles and uncovered the LAPD Rampart Scandal. After personally learning about the causes and

consequences of police misconduct as a prosecutor, I developed an interest in assisting jurisdictions in engaging in Constitutional and effective policing and engaging in long-term risk management strategies to reduce the risk of police misconduct and the use of deadly force.

As such, after fifteen years as a prosecutor, I became a civilian oversight of law enforcement professional, eventually being the only person in North America to create three different police oversight programs, two in the U.S. and one in Canada. While leading these organizations, two which were auditor/monitor focused and one which was investigation-focused, I have monitored, audited and reviewed thousands of internal and external complaint and critical incident investigations, and issued dozens of public reports over a period of more than twenty years. I have also been the primary reviewer and drafter of a number of assessment reports for the Cleveland Monitoring Team over the last two years.

After “retiring” from my full-time work in oversight, I obtained my PhD in Criminology, with an emphasis on issues relating to police accountability and oversight. As far as I am aware, I am the only oversight professional in the United States with a PhD who is currently providing police accountability oversight services.

I have published numerous articles discussing best practices in police oversight and am currently collaborating on a new book which is intended to provide an up-to-date examination of the state of the field of civilian oversight of police, which has changed significantly since the publication of prior books examining this topic.

d. Identify the location of the office from which the services will be provided.

My current home-office is located outside of Vancouver, British Columbia and I have a mailing address in Blaine Washington.

Although I have resided in Canada since 2012 (when I became the Chief Civilian Director of the IIOBC), I have successfully provided monitoring and consulting services to the City of Cleveland (using a VPN access to their “IA Pro” database, online access to “Evidence.com,” and the “BOX” SharePoint system) and the State of Washington (using a mirrored laptop and a Microsoft SharePoint system). In both cases, I work closely with staff and communicate via video and tele-conferencing and email. In Cleveland, prior to the COVID pandemic, I conducted on-site visits every other month to personally meet with City staff and the Monitoring Team.

I anticipate that most of the Pasadena IPA work can be done remotely (particularly reviewing complaints and use of force investigations, preparing and issuing reports and attending virtual meetings of the Commission). To the extent that an on-the-ground presence may be desired or required, travel to Pasadena would not be a problem.

e. Pricing. Provide a budget narrative setting forth the proposer’s rate(s) for the requested services, broken down by pricing structure (hourly rate, flat rate, combination, etc.), service provider and type of service.

I provide consulting services to government entities at a rate of \$250/hour, plus travel expenses.

All overhead, including insurance, materials, software and electronic systems, etc., is included in the hourly rate. Travel time is not billed – only hours of substantive work are included. Travel expenses include flights, on-site transportation, lodging and a per diem as permitted by city policy.

I would anticipate that the requested body of work would require approximately 480 hours annually (averaging 40 hours per month). As such, the anticipated service would be approximately \$120,000 annually. Additional costs associated with travel to and from Pasadena would be dependent on the City’s need for an on-the-ground presence.

As part of the 480 annual hours, I would anticipate being able to provide the city with reviews of all police-involved critical incidents (e.g., officer involved shooting and/or in-custody death) investigations, as well as reviews of most, if not all, civilian and internal complaint investigations and “categorical” use-of-force investigations. This is based on an understanding that “categorical” uses of force incidents would range from 30-40 annually, with up to four police-involved critical incident investigations each year.¹ (I have noted that the City has been hiring outside consultants to conduct its critical incident investigation audits; I see no reason why the Independent Auditor position should not be used to satisfy the City’s needs in this regard).

3. Other Information. Two pages maximum. Describe any other information not previously mentioned, which the proposer believes should be given consideration.

Summary Curriculum Vitae:

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Ph.D., Criminology, Simon Fraser University, Burnaby, British Columbia (2021); **Juris Doctor**, Berkeley School of Law (1986); **Bachelor of Arts** with Majors in Economics & History, University of California, at Berkeley (with Distinction) (1983).

Inactive Member in good standing: California State Bar (active: 1986–2001); Oregon State Bar (active: 2002–2005); Colorado State Bar (active: 2006–2011).

Principal Consultant, Washington Governor’s Office, Oil Transition Team (Sept. 2021–Present). Provide technical advice and consult to the Governor’s Transition Team to create the Office of Independent Investigations (OII) with state-wide jurisdiction to conduct criminal investigations of police-involved critical incidents.

Assistant Monitor, Cleveland Monitoring Team (Oct. 2016–Present). Appointed by the U.S. District Court to assist the federal monitor in the reform of the Cleveland Division of Police and the civilian Office of Professional Standards (OPS). Responsible for Accountability-related policies and processes relating to a federal Consent Decree between the U.S. Department of Justice and the City of Cleveland, providing technical assistance, monitoring reform efforts and preparing confidential and public reports for the federal monitor.

¹ I base my estimates on the 2017-2019 use of force and complaint statistics that I have located on-line. I also understand that we could expect anywhere between 30 and 60 complaint investigations on an annual basis. Depending on the number and types (and complexity) of the IA and categorical use-of-force investigations that occur each year, I would work with the City Attorney’s Office to ensure my reviews include, at minimum, a statistically significant sample of cases, to include reviews of any significant cases that have garnered public interest or that may involve special issues that need to be evaluated. To what extent all, or a statistically significant portion of investigative files would be reviewed would also be dependent on the number of hours required to attend Community Police Oversight Commission meetings (and provide advice to the Board on best practices), Use-of-Force Boards and Disciplinary hearings.

Chief Civilian Director, Independent Investigations Office of British Columbia (Jan. 2012–Sept. 2016). Created the Independent Investigations Office of British Columbia (IIO), authorized by Part 7.1 of the *Police Act*. The IIO conducts criminal investigations into all police-related incidents that result in death and life-threatening injury.

Independent Monitor, City/County of Denver (July 2005–Jan. 2012). Created the Office of the Independent Monitor (OIM) for the City and County of Denver. Responsible for monitoring the Denver Police and Sheriff Departments' handling of citizen complaints, internal criminal and administrative investigations, officer-involved shooting and in-custody death administrative reviews and investigations.

Director, Independent Police Review Division (IPR), City of Portland, Oregon, Auditor's Office (Oct. 2001–June 2005). Created the Independent Police Review Division of the City Auditor's Office. Acted as an independent police auditor-monitor-ombudsman for the City of Portland, directly reporting to the elected City Auditor.

Deputy District Attorney, Los Angeles County District Attorney's Office (Dec. 1986–Oct. 2001). 1998-2001, assigned to the Special Investigations Division & "Ad Hoc Rampart" Division. Specialized in the investigation and prosecution of judges, public officials and police officers. Acted as the primary liaison between the Los Angeles Police Department's Internal Affairs Division and the District Attorney's Rampart Task Force. Deputy-in-Charge of the Ad Hoc Rampart "Clean-up Team." Credited with uncovering the LAPD "Rampart Scandal."

Moderator & Panelist, National Association for Civilian Oversight of Law Enforcement (NACOLE) & Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) (2003–2021); **Adjunct Professor, University of Colorado at Denver, Graduate School of Public Affairs** (2007–2011); **Adjunct Professor, Portland State University: Administration of Justice Division** (2003–2005) **Adjunct Professor, Loyola Law School** (1998-2001).

Member, Board of Directors, Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) (2012–2016); **Member, Board of Directors, National Association for Civilian Oversight of Law Enforcement (NACOLE)** (2005–2010) Treasurer – 2007-2010.

Rosenthal, R. (2021). **Seattle Consent Decree: Effective or Excessive Force in Police Reform?** (PhD Dissertation), summit.sfu.ca/item/21424; Rosenthal, R. (2020). **Independent Critical Incident Investigation Agencies: A Unique Form of Police Oversight.** *Albany Law Review*, Vol 83, p. 855; Rosenthal, R. (2018). **Perspectives of directors of civilian oversight of law enforcement agencies.** *Policing, An International Journal of Police Strategies & Management*, Vol. 41(4), pp. 435-447; De Angelis, J., Rosenthal, R. and Buchner, B. (2016). **Civilian Oversight of Law Enforcement: Assessing the Evidence.** U.S. Department of Justice, Office of Justice Programs Diagnostic Center. NCJ Number: 250287; De Angelis, J., Rosenthal, R. and Buchner, B. (2016). **Civilian Oversight of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models.** U.S. Department of Justice, Office of Justice Programs Diagnostic Center. NCJ Number: 250265; Police Assessment Resource Center; Bobb, Bromwich, Blackmer, Godbee, Graham, Rosenthal, Schlanger, Thompson (2008). **National Guidelines for Police Monitors.** Located at: [National Guidelines for Police Monitors.pdf](#).

2011 Recipient of the NACOLE "Flame Award," recognizing significant, long-term contributions to the field of police oversight by an individual, an organization, or an agency, www.nacole.org.

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Thank you very much for the opportunity to respond to this RFP. I look forward to discussing this opportunity with you further.