

Agenda Report

July 10, 2023

TO: Honorable Mayor and City Council
FROM: Department of City Attorney/City Prosecutor
SUBJECT: AUTHORIZATION AMEND CITY CONTRACT NO. 32286 WITH RICHARD ROSENTHAL, PHD FOR INDEPENDENT POLICE AUDITOR SERVICES, TO INCREASE THE NOT TO EXCEED AMOUNT BY \$150,000, AND TO EXTEND THE CONTRACT TERM BY 1 YEAR

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. Authorize the City Attorney to amend city contract 32286 with Richard Rosenthal, PhD for independent police auditor services, to increase the contract amount by \$150,000, and to extend the contract term by one year.
3. To the extent this could be considered a separate procurement subject to the Competitive Selection Process, it is recommended that the City Council grant the contract an exemption pursuant to Pasadena Municipal Code (PMC) Section 4.08.049(B), contracts for which the City's best interests are served.

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 June 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 May 2022, the City Council authorized the City Attorney to enter into a one-year contract with Richard Rosenthal, PhD, for an amount not to exceed \$150,000.

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.

Over the past year, Dr. Rosenthal has formed excellent working relationships with the Community Police Oversight Commission, the Pasadena Police Department, and City staff. Dr. Rosenthal recently issued his first report related to the Police Department's handling of categorical use of force investigations, and the Police Department and Community Police Oversight Commission are working with him to implement all 10 recommendations from his assessment. Dr. Rosenthal is currently beginning work on an assessment of internal affairs cases and the handling of community complaints, while also fulfilling his role of serving as a best-practices advisor to the Community Police Oversight Commission.

Staff recommends that City Council extend Dr. Rosenthal's Independent Police Auditor contract for one additional year, not to exceed the amount of an additional \$150,000 – the same maximum amount for his past year of work.

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 amendment of an agreement for independent police auditor services 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.

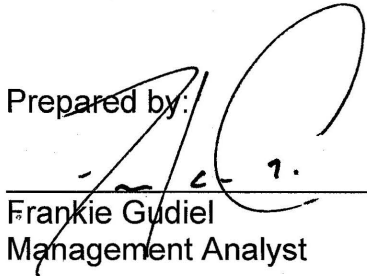
FISCAL IMPACT:

Approval of the recommended action will continue the annual budget of \$150,000 for the Independent Police Auditor services, which is already budgeted in the Fiscal Year 2024 budget.


Respectfully submitted,


Michele Beal Bagneris
City Attorney/City Prosecutor
Office of the City Attorney/City Prosecutor

Prepared by:


Frankie Gudiel
Management Analyst

Concurrence:


MIGUEL MARQUEZ
City Manager