

CITY OF PASADENA
Joint Special Meeting of the
Public Safety Committee and City Council
May 15, 2023 – 6:30 P.M.
City Hall Council Chamber

OPENING: Mayor Gordo called the special meeting to order at 7:07 p.m.
(Absent: Vice Mayor Williams)

ROLL CALL:
Councilmembers: Mayor Victor M. Gordo
Vice Mayor Felicia Williams (Arrived at 8:24 p.m.)
Councilmember Tyron Hampton
Councilmember Justin Jones
Councilmember Jason Lyon
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Jessica Rivas (participated remotely)

Staff: City Manager Miguel Márquez
City Attorney/City Prosecutor Michele Beal Bagneris
City Clerk Mark Jomsky

**INDEPENDENT REVIEW OF THE OFFICER-INVOLVED
SHOOTING OF ANTHONY MCCLAIN**

Mayor Gordo, Chair of the Public Safety Committee, provided opening remarks, stating that the matter is an informational presentation by the Office of Independent Review (OIR) Group of the officer-involved shooting of Anthony McClain, and at the conclusion of the meeting, the City Council can determine next steps in terms of referring the matter to the Community Police Oversight Commission (CPOC).

As required by Brown Act provisions, Councilmember Rivas, reported for the record that she is participating remotely under the “just cause” provisions of the Brown Act on the basis of childcare needs, and stated that no one over 18 years of age is in the room with her.

Michele Bagneris, City Attorney, introduced the item, and reported the City entered into a contract with the OIR Group to conduct an independent review of the officer-involved shooting of Anthony McClain. The report was prepared by Michael Gennaco and Teresa Magula, which included recommendations for the Police Department. She also noted that the CPOC has agendaized this item for a similar presentation at a special meeting on May 18, 2023, which will also be publicly noticed and held as part of a public meeting.

Michael Gennaco, and Teresa Magula, Office of Independent Review Group, provided an overview of the report's stated findings regarding the officer-involved shooting of Anthony McClain, including Goals of Review, Methodology, Key Findings: Department Accountability Mechanisms, Key Findings: Considerations Going Forward, and the Department Since August 2020, as part of a PowerPoint presentation; and with both responding to questions.

City Manager Márquez noted that the report submitted to the City Council is an independent assessment of the incident that provides both an opportunity to learn about the City's policing practices for areas of improvement.

Police Chief Gene Harris presented a PowerPoint presentation on the Police Department's response to the OIR group's recommendations, and responded to questions.

Mark Jomsky, City Clerk, reported four letters providing various comments on this item were received by the City Clerk's Office, distributed to the City Council, posted on-line, and made part of the public record.

The following individuals expressed several concerns regarding the incident, and urged the City and City Council to improve transparency and accountability in the Pasadena Police Department:

Sonja Berndt, Pasadena resident
Jasmine Richards Abdullah, representing Black Lives Matter (BLM) – Pasadena
Adriana Bautista, representing BLM – Pasadena
Georgia Sanders, Pasadena resident
Heavenly Hughes, representing My TRIBE Rise
Allen Shay, Pasadena resident
Olden Denham, Pasadena resident
Michael Williams, representing BLM – Los Angeles
June Williams, representing BLM – Los Angeles
Gina Viola, residence not stated
Sukhbir Gill, residence not stated
MJ King, residence not stated
Konstantine Anthony, Mayor of Burbank
Emanuel Najera, Pasadena resident
Don Rodell, Pasadena resident
Flavio Andrade, Residence not stated
Brittney Pollock, Sherman Oaks resident
Cori Alegria, Pasadena resident
Martin A. Gordon, representing Pasadena Community Coalition (PCC)
Trina Jones, residence not stated, family-member
Breathe Justice, representing BREATHE Justice 365
Una Lee Jost, Pasadena resident

Vice Mayor Williams
arrived at 8:24 p.m.

Trina Chen, Pasadena resident

Councilmember Hampton thanked the public speakers for their comments, and stated his support for the Police Chief to implement policies and procedural changes aligned with the OIR Group's recommendations, as well as a timeline around the implementation of changes to be made, and that the Police Chief provide reoccurring informational updates on the implementation of these changes to the Public Safety Committee (PSC). Councilmember Hampton also requested that the body-worn camera policy be revisited by the CPOC and the PSC to further address matters related to body-worn camera activations. He requested expedited budget discussions surrounding the Signal Sidearm sensor that alerts body-worn cameras when a Police Officer draws their firearm. He spoke on the need for further discussions on identifying a clear role for PPOA representatives at critical incident scenes, and spoke in opposition to continuing the practice of pre-contextual stops. He strongly spoke in support of holding Police Officers accountable of any policy violations, especially during critical incidents, noting the important role that accountability plays in building trust within the community towards the Police Department, and the need to review Administrative Investigation protocols to ensure investigations are not delayed.

Mayor Gordo suggested as possible direction at the end of the meeting, to direct the City Manager to work with the Police Chief (reporting back to the City Council with a timeline) in reviewing and adopting the various OIR Group recommendations, and to work together with the CPOC and to develop new policies and procedures that occur as a result of this report.

Councilmember Jones spoke on Recommendations No. 11 and 12, expressing concerns with the Department's response to the OIR Group's recommendation regarding the treatment of witnesses, stating witnesses may be discouraged in the future from coming forward if the Department allows witnesses to be treated as suspects. In response to Recommendation No. 13, he requested checks and balances to ensure that the complete representation of a witness statement is captured. He also asked, as it relates to the Anthony McClain incident, that the witness statement be immediately flagged in the event a witness recants their statement. He spoke on the need to further review Recommendation No. 20 related to "pretext" stops, and asked staff to review and compare other law enforcement policies on pretext stops cited as examples in the OIR report (e.g., San Francisco and Los Angeles), and to report the findings of this review to PCS on implementation and measures of success in those cities. He expressed concerns with Police Officers handcuffing wounded individuals and asked that this practice be evaluated and further discussed at a PSC meeting.

Police Chief Harris provided additional information on the meaning of “agree in concept” as it relates to the Department’s response to the OIR Group’s recommendations. In response to Councilmember Jones, Police Chief Harris stated that the Department will present its workplan at the next PSC meeting, and reiterated that he intends to bring a separate report on pretext stops to PSC. The Chief addressed questions regarding handcuffing wounded individuals, spoke on current training practices, the need to validate a person is no longer a threat, and reported that all PPD officers will be receiving first aid kits and additional training in rendering aid.

Vice Mayor Williams thanked the public for their comments, the OIR Group for a thorough report, and Chief Harris for being responsive and transparent in the Department’s ability to fulfill recommended changes (given the complexity of issues). She provided comments on Recommendation No. 20 (pretext stops), and requested as part of that discussion, to further evaluate the need (pros and cons) to pretext stops, including its role in the City’s policing practices, and other potential options around the policy. As it relates to Recommendation No. 21 (PPOA representation on-scene at critical incidents), she expressed support to more clearly defining the role of the police union representative at a critical incident. She asked that both matters noted above be heard at the City Council level. She also expressed her support for the Police Chief to provide a timeline for the Police Department to develop new policies and procedures that occur as a result of this report and the OIR Group’s recommendations, and suggested showing the progress on some sort of dashboard.

Councilmember Lyon thanked the OIR Group for the thorough report, the Police Chief for engaging in this discussion, and the public speakers for their comments. He urged the City to make a commitment tonight that the 27 recommendations will become a roadmap for consideration of new policies and procedures in response to the report’s recommendations that both work for public safety and represents the values of the community. He asked for clarification as to why 12 of the OIR Group’s recommendations are labeled as “current practices”, and yet, ended up in the report as recommendations (why the disconnect). He also expressed his support for a timeline for creating policies around the OIR Group’s recommendations, further discussion on pretext stops, training for officers on making split second decisions, and requested a “deep dive” into the Peace Officers Bill of Rights, as well as the need for mental health treatment of Police Officers involved in incidents of violence.

Councilmember Madison joined his colleagues in thanking the OIR Group and Police Chief Harris for their presentations, and thanked Mr. Gennaco for highlighting the City’s progress since 2020. He stated he looks forward to finding a balance for the City as it relates

to pretext stops, policy reviews, procedural development and changes, and asked that this matter be reviewed first by the CPOC, then the Public Safety Committee, and then forwarded back to the full City Council with recommendations. He spoke on the District Attorney's findings and commented that this was a very difficult case and a tragic incident.

Councilmember Rivas stated that she has not accepted, and will not accept, PPOA campaign contributions, and asked Mr. Gennaco for clarification on the body-worn camera policy that allows Police Officers to turn off their cameras during certain conversations. She stated that she feels it is important for the CPOC to have a central role in the review of this critical incident, and that she looks forward to CPOC's input, as well as further review by the PSC. She stated her support for the matter to return to the full City Council to receive the recommendations from CPOC and PSC. She also stated it is important to remember that criminal law and legal constitutional court rulings all set the floor (bare minimum) for acceptable conduct by Police Officers, and that we as residents of Pasadena can and should set a higher standard through the City policies and procedures, as well as through accountability.

Councilmember Hampton expressed concerns with highlighting the criminal background of an individual when an Officer involved shooting occurs, and with the lack of answers provided to the questions raised by Mr. Shay and Mr. Denham over the past year.

Michele Bagneris, City Attorney, noted that the CPOC has cleared their calendar for reviewing the OIR report for Thursday, May 18th subject to the City Council's direction (e.g., scope of review or referring it to them for their return comments).

Following discussion, on order of the Mayor and by consensus of the City Council, it was directed that the Community Police Oversight Commission review the OIR Group's report on Thursday, May 18, 2023, with the Police Chief directed to provide a report and information to the PSC on the "follow-up" work (e.g., timeline, implementation of policy recommendations, etc.), and with the full City Council to receive a report back on the recommendations from CPOC and the Public Safety Committee.

The Mayor commented that this was a terrible incident, noting that the role of the City Council is to put in place policies and procedures related to community policing, and that the Pasadena Police Department provide services that keep the public safe, and prevent incidents like this from taking place in the future. The Mayor also thanked the public speakers for their participation.

ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 10:15 p.m.

Victor M. Gordo, Mayor
City of Pasadena

ATTEST:

City Clerk