

# Agenda Report

July 15, 2024

**TO:** Honorable Mayor and City Council

**FROM:** City Attorney/City Prosecutor's Department

**SUBJECT: AUTHORIZE THE CITY ATTORNEY TO AMEND CITY CONTRACT NO. 32286 WITH RICHARD ROSENTHAL, Ph.D. FOR INDEPENDENT POLICE AUDITOR SERVICES, TO INCREASE THE NOT TO EXCEED AMOUNT BY \$90,000 AND TO EXTEND THE CONTRACT TERM BY SIX MONTHS**

## **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;
2. Authorize the City Attorney to amend city contract 32286 with Richard Rosenthal, Ph.D., for independent police auditor services, to increase the contract amount by \$90,000, and to extend the contract term by six months; and
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:**

In October 2020, the City Council adopted an ordinance creating a Community Police Oversight Commission (CPOC), as well as an Independent Police Auditor (IPA). 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 (PPD) 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, the City Council authorized the City Attorney to enter into a contract with Brian Maxey to serve as the IPA. Unfortunately, Mr. Maxey stepped down as the IPA 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, Ph.D., for an amount not to exceed \$150,000. In July 2023, the City Council authorized an amendment to the contract to extend the contract term by one year.

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 Ph.D. in Criminology in 2021, with an emphasis on the study of police oversight and accountability.

Over the past two years, Dr. Rosenthal has formed excellent working relationships with the CPOC, PPD, and City staff. Dr. Rosenthal recently released a report related to the personnel complaint handling process, and the Police Department and CPOC have worked together with him to create an online implementation tracker of all recommendations made by him and via other independent reports. Dr. Rosenthal is currently working with the CPOC on a comprehensive evaluation of pretext stops in Pasadena, which was a recommendation made by the OIR Group as part of the independent review of the Anthony McClain officer-involved shooting.

At its June 6, 2024, CPOC meeting, the Commission received an annual report from Dr. Rosenthal and unanimously recommended that the City Council extend his contract for a final six-month term. Dr. Rosenthal has announced his intent to retire at the end of this six-month term. To ensure the City is not without an IPA for any significant period of time, staff will begin the RFP process this summer for a new IPA.

Staff recommends that City Council extend Dr. Rosenthal's contract for six additional months, not to exceed the amount of an additional \$90,000. This is a higher pro rata amount comparative to the prior annual \$150,000 contract value, which takes into account a rate increase from \$250/hour to \$300/hour, with a similar anticipated workload of 50 hours per month. Dr. Rosenthal did not ask for a rate increase for his previous contract extension.

**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 is within the annual budget of \$150,000 for the Independent Police Auditor services, which is already budgeted in the Fiscal Year 2024-25. At the end of Dr. Rosenthal's term and with the hiring of a new IPA, further funds may need to be appropriated, depending on the terms of any new contract.

Respectfully submitted,

  
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