

# Agenda Report

**AUGUST 24, 2020**

**TO: CITY COUNCIL**

**FROM: TERRY TORNEK, MAYOR  
JOHN J. KENNEDY, CHAIR, PUBLIC SAFETY COMMITTEE**

**SUBJECT: CREATION OF A COMMUNITY POLICE OVERSIGHT COMMISSION  
AND AN INDEPENDENT AUDITOR**

## **RECOMMENDATION:**

It is recommended that the City Council direct the City Attorney to prepare and return with an ordinance amending the Pasadena Municipal Code, within 30 days, establishing a Community Police Oversight Commission and an Independent Auditor function as described in the Background section of this report.

## **EXECUTIVE SUMMARY:**

At a special meeting of August 12, the Public Safety Committee considered a recommendation by Mayor Tornek and Chair Kennedy to recommend to the City Council the establishment of a Community Police Oversight Commission, the work of which would be supported by an Independent Police Auditor provided through the City Manager's Office. After considerable discussion, the Committee decided that the item should be considered by the full City Council.

## **BACKGROUND:**

Across the United States, at the federal, state and local level, debate is underway regarding law enforcement. This broad conversation ranges from the role of the police in our society, funding levels for law enforcement relative to social services, the laws, policies and procedures governing police departments and the appropriate level of civilian oversight.

Here in Pasadena, there have been renewed calls for enhanced civilian oversight of the Police Department as a means of creating both more trust between the Department and all segments of the community that it serves and a formal mechanism to obtain community input into policing issues. There is intense interest in the issue which has been accelerated by the August 15<sup>th</sup> fatal Officer Involved Shooting of Anthony McClain.

On June 24, the Public Safety Committee considered the issue of civilian police oversight. In addition to receiving public comment on the subject, the Committee reviewed an Analysis of Police Oversight Models that was previously presented at a Joint Public Safety-City Council meeting in the spring of 2016. As part of the discussion, a series of questions were posed to the City Attorney's Office including questions about police review boards that are already provided for in the Municipal Code, although currently not in operation.

On July 8, the Public Safety Committee received a written response from the City Attorney's Office that (a) examined the structure, roles and responsibility of the existing police review boards; and (b) offered possible amendments in the event the City Council sought to re-convene them. The report also examined the limits placed on police oversight by virtue of the Council-Manager form of government set forth in the City Charter.

Concurrent with discussions by the Public Safety Committee, there has been robust public dialogue on the subject of police oversight, despite the challenges of community engagement during the COVID-19 pandemic. An online survey soliciting public input was launched by City staff on July 7, with the City receiving over 600 individual survey comments, as well as numerous letters, emails, and comments, all shared at the Committee meetings. Also, members of the Public Safety Committee have held discussions with various community stakeholders.

At the City Council meetings of July 27 and August 3, there was a robust discussion of the issue and there was a decision made not to go before the voters in November with a Charter amendment and a consensus that there should be further discussion at the Public Safety committee and at other public forums.

The Public Safety Committee discussed the matter on August 12, and shared ideas about how the proposal could be improved or in the alternative a more general discussion held after more extensive review of current best practices nationally.

Based on the information provided by the City Attorney's Office, Public Safety Committee discussions, suggestions by community groups and other concerned individuals, the following is a revised proposed structure for enhanced community oversight of the Pasadena Police Department. This proposal would not require an amendment to the City Charter. It does not alter the fundamental relationship between the City Council, the City Manager, the Chief of Police and Police Department staff in the manner some have suggested.

### ***Proposed Structure***

The proposed structure is that of a Police Commission coupled with an Independent Police Auditor.

The Community Police Oversight Commission would consist of 9-13 members appointed by the City Council after a public screening process to include vetting by community organizations and the adoption of targets for membership composition.

The purpose of the Commission would be, through public meetings, to review and make recommendations to the Chief of Police, City Manager and City Council regarding the ongoing operations of the Police Department; receive community feedback and complaints and refer them for further review; monitor and receive reports on hiring and training; monitor and publish statistics on uses of force, complaints and outcomes; provide input on policy recommendations prior to adoption; receive reports from the Independent Police Auditor regarding critical incidents, policies, and other matters; and produce a publicly available annual report.

Each member of the Commission would be required to complete at least 30 hours of training in relevant subject matter and a ride-along with the Pasadena Police Department, no later than 90 days after taking their seat on the Commission. The Commission would be charged with reporting back to the City Council with sufficient time prior to the 2022 general election, on any proposed changes to the oversight structure that would necessitate a Charter amendment.

Modifications of the responsibilities of the City Council Public Safety Committee will be required so as to eliminate duplication of effort between the Commission and the Public Safety Committee.

To assist the Community Police Oversight Commission in the furtherance of its mission, the City would engage an Independent Police Auditor (IPA), through the Office of the City Attorney. The IPA would be hired with the participation of the Commission. The IPA would have the following responsibilities:

- Serve as a best-practices advisor to the Commission;
- Review investigations of all uses of deadly force and in-custody deaths to determine if the investigations were complete, thorough, objective, and fair;
- Review investigations of personnel complaints of bias-based policing;
- In conjunction with the Commission, recommend changes and additions to Police Department policies, procedures, and officer training;
- Perform related duties.

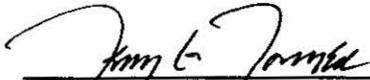
The IPA would have subpoena powers to facilitate gathering information during investigations. Any information obtained or reviewed by the IPA, as well as any reports issued by the IPA, could not be used to impact any disciplinary or personnel decisions.

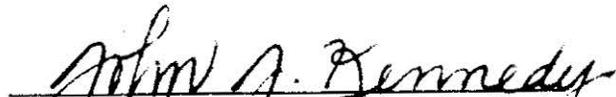
The proposed structure of a commission coupled with an Independent Police Auditor is similar to that recommended by the 2016 Analysis, and currently present in the City of Anaheim.

If adopted by the City Council, this proposal is intended to be implemented immediately.

It is a positive and measured step toward civilian police oversight within the confines of the existing City Charter. The new structure will help the community assess whether further measures are required, even some that may require amending the City Charter.

Respectfully submitted,

  
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Terry Tornek, Mayor  
City of Pasadena

  
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Councilmember John J. Kennedy, Chair  
Public Safety Committee