



Special Study Session Minutes

CHARTER REVIEW COMMISSION

*Chair Derek Engdahl
Commission Member John Clifford
Commission Member Efrain Escobedo
Commission Member Edward Jimenez
Commission Member Dean Rudenauer
Commission Member Eunice Russell
Commission Member Ann Tomkins*

VISION STATEMENT

*Pomona will be recognized as a vibrant, safe, beautiful
community that is a fun and exciting destination and the home of
arts and artists, students and scholars, business and industry.*

Thursday September 10, 2020

6:00 PM

Teleconference via Zoom

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CALL TO ORDER

Commissioner Russell called the Charter Review Commission Special Study Session Meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Chair Engdahl led the Pledge of Allegiance.

ROLL CALL

Present: Chair Derek Engdahl
Commission Member John Clifford
Commission Member Dean Rudenauer
Commission Member Eunice Russell
Commission Member Ann Tomkins

Absent: Commission Member Efrain Escobedo
Commission Member Edward Jimenez

STAFF PRESENT

Linda Matthews, Human Resources/Risk Management Director (Staff Liaison Matthews)
William Priest, Deputy City Attorney
Debbie Wittenbrook, Legal Administrative Assistant
Alison Glynn, City Clerk Office Assistant

DISCUSSION**1. Presentation by the Commissions Sub-Committee Regarding a Potential Amendment to Add a Police Commission to the City Charter (Commissioners Rudenauer, Russell, and Tomkins)**

Commissioner Rudenauer gave an overview of the presentation PowerPoint.

PUBLIC COMMENT

Commissioner Russell laid out the rules for public comment and asked Staff Liaison Matthews if there were any email comments to be read into the record. Staff Liaison Matthews indicated that she had received a number of written comments and reminded the public that the chat feature had been disabled to allow the focus to be on the verbal part of the meeting and to ensure transparency to all participants in order to comply with the Brown Act.

Staff Liaison Matthews read into the record the comments submitted via email.

****Please see attachment for emailed comments read during public participation**

Commissioner Russell asked if there were members of the public who wanted to speak.

Live comments were as follows:

Jim Sambrano, a former resident with family and community ties to Pomona voiced his support for a police commission Charter amendment with civilian oversight powers. He referenced the 21st Century Policing Final Report included in the agenda and California Senate Bill 1421, and pointed to the emphasis on oversight as a necessary element of building trust. He cautioned about underestimating the competency of civilians to perform police oversight and pointed to jury duty as an example of regular citizens performing duties that they are not trained to do. He said that every community should have a defined police oversight body that is not subject to the influence of the Police Chief or command staff. He mentioned that he is a member of Police Oversight Starts Today (POST) and outlined several issues involving the Pomona Police, including three altercations that resulted in deaths. He stressed that the community should have a part in reviewing cases like these as well as other possible ethical and moral violations committed by the police.

Mike Suarez, a member of POST, stated that he was in full agreement for a police review

commission to be added to the Charter. He highlighted two incidents in the past that he believes illustrates the history of violence perpetrated by the Pomona Police and indicates a need for a police oversight commission.

Miranda Sheffield, a member of POST, thanked the subcommittee and Charter Commission for their work and voiced her support for a police commission proposal. She mentioned the efforts of POST to educate the public about the need for police oversight in the community. She spoke about past community efforts to increase police oversight and stated that she thought 2020 was the perfect year to solidify those efforts into a concrete proposal. She mentioned that an independent police commission with power and oversight would give the community an outlet to air their grievances and have their needs met in regards to police oversight. She shared that members of POST were ready and willing to collaborate with the Charter Review Commission on this effort.

Francisco Suarez, a police civil rights lawyer, thanked the Commission for their work and mentioned a recent Freedom of Information request that found that the City had paid out over 3 million dollars over a five-year period for incidents involving the Pomona Police Department. He mentioned the impact of these payouts on the City budget and taxpayers and urged the Commission to move forward with a police commission proposal. He spoke about past cases that he was involved in against Pomona Police and explained that there was strong community support for a police commission.

Jan Chase, a convener of the Compassionate Pomona movement, communicated the need for the community to come together to help bridge the gap between the public and the police. She cautioned against an adversarial police commission that would further fracture the community and mentioned her discussion with Mayor Sandoval about his proposed task force. She emphasized the need for training of potential police commission members so they could have an inside understanding of the duties and challenges that members of the police force face.

Jesus Sanchez, the founder and Executive Director of community youth organization Gente Organizada, thanked the Commission for their work and voiced his support for a strong police commission. He revealed that his organization got involved with police oversight efforts due to the Christian Aguilar case referenced earlier by Mario Suarez. He shared that the alarming nature of the incident made his organization look harder at the relationship between the Pomona Police Department and the youth in Pomona. He mentioned research done by the organization on youth arrests that found that a disproportionate amount of arrests involved black youth. He pointed out the lack of a complaint process for issues like this and cited a lack of cooperation and censure by City Council on past efforts by organizations like POST and Gente Organizado to increase police accountability in Pomona. He mentioned a recent fatal police incident involving a person who had an active complaint against the department and urged the Commission to push the City Council to move on this issue sooner than the 2022 election.

Ron Kelly, a former Pomona Police officer, stated that he thought the formation of a police commission was long overdue and urged the Commission to listen to the voices of the community. He asserted that a police oversight commission was needed for transparency

and to establish trust between the public and the Pomona Police Department. He emphasized the need for the establishment of a commission with its own staff, an Inspector General, a full-time investigator, a part-time investigator and a clerical staff member to ensure the public of an independent investigation separate from the police department investigation.

Julian Lucas mentioned the disproportionate amount of black people housed in prisons across the state. He voiced his support for a police oversight commission and indicated that the establishment of a commission would help Pomona stop the pipeline between schools and prison in the community. He thanked the Charter Review Commission for its efforts on the issue and said that he hoped that a police oversight commission could be established in Pomona.

Octavio Lojero, a Pomona Unified School District teacher and longtime resident of Pomona, voiced his support of a police oversight commission. He explained that there was a lot of community mistrust of the Pomona Police Department and argued that the establishment of a police commission would help to promote transparency and repair the relationship between the police and the community.

Marie King, a longtime Pomona resident, indicated that she initially was against a police oversight commission but that some of the evenings speakers had swayed her opinion slightly. She expressed concern about the civil unrest occurring around the nation and said that she did not want Pomona to become a battleground between the police and unruly civilians. She stated that there were bad seeds in every profession and was unsure that citizens who did not understand what police are subjected to should be making decisions on how the police department should be run.

Jennifer Williams said that she believed the stories from marginalized communities in the area and all around the nation affected negatively by police actions and called on Pomona to step into the movement and establish a police commission with subpoena power.

Commissioner Russell thanked all of the participants for their comments. She also thanked Pomona Police Chief Michael Ellis for attending the meeting and indicated that he was attending because he wanted to help improve relations between the community and the police.

Commissioner Russell informed the public that there were 37 people attending the online meeting, including the panel.

Staff Liaison Matthews read aloud comments received through the Q&A feature of the webinar.

Q&A comments were as follows:

Catherine Kirui and Donald Martens said that Pomona was a compassionate city and asked how Pomona Police Department could be made into a compassionate police department and how the department could live up to its true motto to protect and serve.

Maria Galdan, a student and volunteer in the community, suggested supporting the community to build trust between law enforcement and the community.

Andy Quinones, a member of Compassionate Pomona, indicated that he agreed with the sentiments of Richard Bunce and Jan Chase.

Shelly Stone-Schmidt emphasized the role of oversight commissions in reducing costly litigation for cities by identifying problems and proposing corrective measures. She stated the importance of training for those who serve on the Pomona Police Commission and proposed a mandatory membership to NACOLE (National Association for Civilian Oversight of Law Enforcement) for all members. She indicated that she agreed with POST that Pomona was in dire need of a civilian oversight commission.

Natalie Brizuela-MacLean thanked the Commission for taking the time to tackle this sensitive issue and stated that the transparency and integrity of a police oversight commission would help Pomona grow to be a more united city.

Commissioner Clifford clarified that the Charter Review Commission would be making amendments to go onto the ballot in the 2022 election. He explained that the Charter Review Commission would not be creating a police commission but rather putting a proposal on the ballot for a vote by the citizens as to whether they want the amendment to be placed in the Charter after the 2022 election. He explained that this all depended on whether the Commission decided to go through with the creation of the proposal, but that the City Council, not the Charter Review Commission, was the only body that could take immediate action on a police commission. He indicated that the Charter Review Commission was working hard to develop something that the voters would approve and explained that what they have heard thus far from this meeting and other organizations will be helpful in aiding the Commission to draft something that they think the voters are interested in should they go through with a proposal.

Commissioner Russell informed everyone that this would be the last opportunity to speak at the meeting and asked if there were any more members of the public that wanted to speak.

Ion Puschilla asked if the Charter Review Commission was going to just recommend that there be a police commission and if they were going to dictate the specificities of what a police commission can and cannot do. He asked within what parameters does the empowerment of a police commission take place and whether the people will have a say in shaping its creation.

With no more requests for public comment, Commissioner Russell indicated that public comments would be concluded and gave the Commissioners an opportunity to respond to any of the public comments.

Commissioner Rudenauer explained that the job of the Charter Review Commission was to address the City Charter and come up with specific elements that needed to be changed in the Charter and put together language that would go on to the ballot in 2022 for vote by the citizens of Pomona. He then explained that the proposals that received the popular vote

would be added into the Charter after the election. He emphasized that the police commission was a small piece of that process and that the Commission wanted to get as much public input as possible to decide whether or not they wanted to add the police commission and what the public wanted it to look like. He explained that the Commissions Subcommittee, consisting of Commissioners Russell and Tomkins and himself, would be tasked with creating the language that would go on to the ballot. He indicated that the ballot proposal would possibly contain a certain amount of language outlining some of the characteristics and powers of the police commission.

Commissioner Russell pointed out that it was not yet clear that anything would be going on the ballot or if there would be any language for a police commission. She explained that these were just some of the factors they were looking at and that they were seeking public opinion on the matter. She said that if they were to come up with a proposal it would be up to the citizens to vote on it.

Commissioner Tomkins explained that the agenda attachments included a few examples of specific language in other city charters with varying levels of specificity. She indicated that the specificity of the language for a proposed Police Commission was one of the things that they were looking at. She encouraged the public to take a look at the attachments and provide some feedback on what level of detail that the public would like to see. She explained that it was challenging because more specific and detailed language would be harder to amend once it is in the Charter and that they wanted to make sure the level of oversight and other factors could be adjusted to the needs of the future.

Chair Engdahl explained to the public that the Charter Review Commission only gets together once every ten years and although there change could be instigated by public action or petition, it is very difficult to change the Charter. He explained that the Commission wanted to ensure they create something that can be in place for at least the next ten years and that they wanted to make sure to factor that into any proposed language for a police commission.

Commissioner Russell reminded everyone that there were also a lot of legal considerations that had to be taken into consideration. She mentioned the Police Bill of Rights and other legislation and explained that there were certain procedures that the Commission had to follow to get to a place to be able to put something on the ballot. She explained that some of the public demands might be out of their hands legally and that the process was not cut and dry. She stressed the importance of continued citizen participation on the issue and encouraged the public to come to the meetings and contribute to the discussion on the characteristics of a proposed police commission item on the ballot.

Chair Engdahl thanked the public for coming out and said that he appreciated the public investment and engagement on the issue. He said that he was thankful for the ideas that were shared in the meeting and indicated that he believed there were a lot of common themes.

Commissioner Clifford reminded the public that this was only the information-gathering phase of this issue and that they would take the information gathered at the meeting and from other outreach efforts to consider possible draft language for the proposal. He urged

the public to keep an eye on the agendas and that the Commission hoped to hear from the public again in the other meetings.

Commissioner Russell shared the Charter Review Commission email and encouraged the public to email the Commission with any concerns or information that they may have in the future. She emphasized that the Commission needed public input to increase outreach and participation. She indicated that all the notes and presentations were available for public use and that anyone could email the Commission if they wanted a Commissioner to conduct a presentation for their group.

ADJOURNMENT

A motion was made by Chair Engdahl to adjourn the Special Study Session meeting at 7:20 p.m.

Respectfully submitted,

ATTEST:

ALISON GLYNN
Office of the City Clerk/Commission
Secretary to the Pomona Charter
Review Commission

DEREK ENGDAHL
Chair of the Pomona Charter Review
Commission

****Email comments received prior to the September 10, 2020 Charter Review Special Study Session Meeting****Evelia Rocha**

Good evening Commissions Subcommittee, my name is Evelia Rocha, a Pomona resident, I am here in support of a police oversight committee. You will be hearing of several incidents of abuse of power by our police department that merit civilian oversight. In this precise moment you can make changes to the City Charter that will benefit all of Pomona. Police oversight will avoid situations like the ones happening in other cities where residents have taken to the streets to demonstrate their disagreement by police abuse. Civilian oversight will help limit settlements such as with the Aguilar case. Money could be used for youth diversion programs which are so much needed in our community. This is a critical time. Police officers need to be held accountable. Cases such as Avila's should not be happening. Why is Pomona having incidents of police abuse of power?

I ask that you support civilian oversight to bring change to Pomona where everyone including police officers are accountable for their actions.

Shelley Stone-Schmidt

I request that you consider making certain that the Ordinance for a Police Oversight Commission would respect the offices of our City Manager, Council and Police Chief to take the appropriate action as needed to apply recommendations provided by the commission. Remembering, that we have hired our City Manager specifically to oversee the employees in his charge and at this point in time, I believe he should be given the opportunity to lead this city into the future.

Regarding the commission, an appeals process could be followed in the event the public greatly disagrees with the commissions decisions or actions taken to resolve issues. It would be in the best interest of the citizens to incorporate a 50 signature petition leading to a special meeting of the Police Oversight Commission in the event residents are not satisfied with a final decision.

The Commission should include the following components:

Receipt of all Complaints and the ability to evaluate Internal Investigations

The ability to subpoena documents, or persons

Richard Bunce

My name is Richard Bunce. I've been a volunteer in several organizations in Pomona during my nineteen years of residency. I'm sorry I must be absent for this important meeting.

Regarding the pros and cons of forming a police commission, I believe the overriding principle is that no agency should investigate itself in the event of allegations of serious misconduct. This should apply to all agencies, not just the police department. Certainly, in the event of police use of force, especially firearms, this should apply where misconduct is a possibility.

How the investigation is done, what form it should take is another matter. I believe there are pros and cons to forming a police commission. On the one hand, a commission can be helpful in increasing transparency as routine decisions are made about training, budget issues, community relations, and so forth.

But when the pressure is really on in a use-of-force case, a commission may be no more independent and competent than the established structures - and perhaps not as effective as something formed on an ad-hoc basis tailored to the specific crisis at hand.

In sum, my main concern is that an agency - whether it be a library, mental health center, or police department - should not investigate itself regarding a major charge of misconduct. But this does not necessarily call for the involvement of another layer of bureaucracy in the form of a civilian-operated police oversight commission.

Thank you for hearing my views.

Melissa Chavez

Good Evening,

I first would like to thank you all for your tireless efforts in updating the Pomona City Charter, as the task is an easy one.

I will be vague by writing that i am completely opposed to including a Civilian Police Oversight Commission to the City Charter.

Thank you for your time and i apologize for not being able to attend tonight's commission meeting/townhall.

Best,

Mel Chavez
Resident of Pomona - D4

Anne Beverly

No, to an oversight commission. Too many cooks in the kitchen. Most police are well trained with only a few 'bad apples'.

Andrea Calderon

Yes, we should have a police oversight commission - one that does not include any members of law enforcement, but does include citizens of Pomona.

Mitch Elias

Good Evening Chair and Commissioners,

First of all, I would like to personally thank each and everyone of you who have been working diligently to move our city forward in the right direction.

For the record, I am opposed to having a civilian police oversight commission included in the charter.

The concerns involving a police commission are vast and challenging. A police commission involving civilians may only exasperate those concerns. Most of the civilian community, in my opinion, do not have the level of expertise needed to distinguish and address alleged police misconduct. An inexperienced commission may put additional restrictions that would limit our police force from doing their job effectively.

Thank You.

Best Regards,

Mitch Elias

Robert Macias

No police oversight commission!