

January 20, 2021

**Sent via email**

ccpubliccomment@southpasadenaca.gov

**Re: Public Comment, Agenda Item 14, Public Safety Commission's Update on Police Policy Reform**

Dear Mayor and Councilmembers:

Care First South Pasadena is a coalition of residents working to reimagine public safety and reallocate city dollars to reflect our community's priorities.

We enthusiastically support the Public Safety Commission's (PSC's) recommendation to research implementation of Mobile Crisis Intervention Teams for mental health-related calls for services in our city. This proposal has wide support in our coalition and the community, and we hope to be a part of this process.

While we agree with some of the PSC's recommendations, we have serious concerns about the revisions to the South Pasadena Police Department's (SPPD's) use of force policies. We appreciate the effort that the Police Reform Subcommittee put into reviewing the South Pasadena Police Department's current use of force policies and acknowledge that this item was available for public comment for about two months within the PSC meetings. We respectfully ask the Council to allow more time for public engagement with this matter.

First, the process of developing these changes was not inclusive. In our understanding, they were developed by a small subcommittee of the PSC consisting of public safety commissioners and law enforcement. There was no outreach to seek input from the residents of the city. Civil rights advocates and BLM activists were not given a seat at the table. The commission's one-sided approach constitutes rubber-stamp governance and delegitimizes the outcome.

Second, the findings do not demonstrate due diligence. For example, in recommendation number 6, the SPPD resisted a ban on shooting at moving vehicles. The SPPD argues such a ban is unacceptable by referencing the San Bernardino terrorist attacks of 2015. The PSC evidently capitulated without interrogating whether it is appropriate to build use-of-force policy around a terrorist attack.

Some of the most prominent law enforcement agencies in the country, including New York, Boston, and Chicago, have introduced such a ban, no doubt because firing on a moving vehicle can amount to nothing less than an extrajudicial execution. The International Association of Chiefs of Police and the Police Executive Research Forum endorse a prohibition on the dangerous practice of shooting pell-mell at moving vehicles, with narrow exceptions.

In short, the PSC's recommendations do not represent a "a robust update to reflect current community expectations." (Sean Joyce Memorandum, January 20, 2021, pg. 1.) They do not reflect a genuine interest in evaluating SPPD's practices in light of the headline pattern of police brutality and growing worldwide outcry.

In addition to a sparse public outreach process, another foundational problem with the PSC's recommendations is its lack of scrutiny of Lexipol, the author of the original policies. Lexipol is a private,

for-profit company that manufactures policy manuals for about 200 police departments throughout California. In doing so, what Lexipol actually does is provide boilerplate language for small jurisdictions such as ours with the primary purpose of reducing litigation liability—not promoting public safety. Their use of force policies reflect these misguided priorities. The policies are couched in generalized language of "reasonable" conduct and only "when feasible," rather than mandating conduct that the community may determine is in its best interest. The use of Lexipol for both policy and insurance liability removes the city from incorporating community input into these policies. Refer to Scott Morris, *Police Policy for Sale*, *The Appeal*, Feb. 13, 2019, <https://theappeal.org/lexipol-police-policy-company/>; Ingrid V. Eagly & Joanna C. Schwartz, *Lexipol: The Privatization of Police Policymaking*, 96 *Texas Law Review* 891 (2018), <https://texaslawreview.org/wp-content/uploads/2018/04/Eagly.pdf>.

Thank you for your time and consideration.

Sincerely,

John Srebalus  
on behalf of Care First South Pasadena