



CITY OF SOUTH PASADENA

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May 6, 2021

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PO Box 753
South Pasadena, CA 91031-0753

RE: Conclusion of independent investigation into October 2, 2020 citizen complaint regarding former South Pasadena Police Chief Ortiz scheduling of prayer event for September 24, 2020

In response to several citizen complaints dated October 2, 2020, alleging misuse of resources by former Police Chief Joe Ortiz when scheduling a prayer event for September 24, 2020, and further allegations of biased-based policing regarding Black Lives Matter protestors, the City hired independent investigator, Garon Wyatt Investigative Services, to perform an investigation of the complaint, as required by Penal Code Section 832.5 and South Pasadena Police Department Police No. 1013.

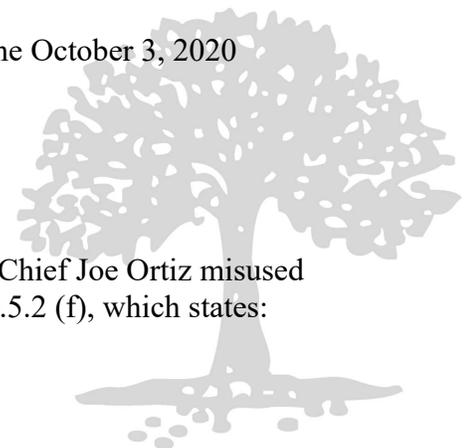
The investigation's scope was to determine the facts and circumstances surrounding allegations that Chief Ortiz and Deputy Chief Solinsky misused City funds or resources when scheduling a prayer event for September 24, 2020. The investigation included determining whether Ortiz and Solinsky either directly or indirectly supported a biased response to calls for assistance from Black Lives Matter protestors. The investigation also included determining whether Ortiz adequately implemented the Department's Hate Crime Policy. The scope included determining whether Lieutenant Jacobs fulfilled the requirements of the Bias-based Policing Policy. The resulting investigative report is a confidential personnel record pursuant to Penal Code Section 832.7 and is not disclosable.

This letter summarizes the allegations regarding each officer regarding the October 3, 2020 incident and the findings and conclusions of the investigator.

Allegations regarding Chief Joe Ortiz

ALLEGATION #1:

It is alleged that between September 21, 2020, and September 24, 2020, Chief Joe Ortiz misused City funds or resources in violation of SPPD Policy Manual, section 320.5.2 (f), which states:



320.5.2 (f) Misappropriation or misuse of public funds, property, personnel or services.

Finding: UNFOUNDED. Based on the preponderance of the evidence, the investigator concluded that the evidence does not support the allegation that Ortiz misused City funds or resources in violation of SPPD Policy Manual section 320.5.2 (f).

ALLEGATION #2:

It is alleged that between July 8, 2020, and November 1, 2020, Chief Joe Ortiz failed to ensure that SPPD employees were trained in the Hate Crimes Policy and were following the policy, in violation of SPPD Policy Manual, section 319.4.2 and 319.3, and 319.5, which state:

319.2 All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

319.3 In order to facilitate the guidelines contained within this policy, Department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

319.5 All members of this Department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias and gender bias.*
- (b) Accurate reporting by officers, including information on the general underreporting of hate crimes.*
- (c) Distribution of hate crime brochures.*

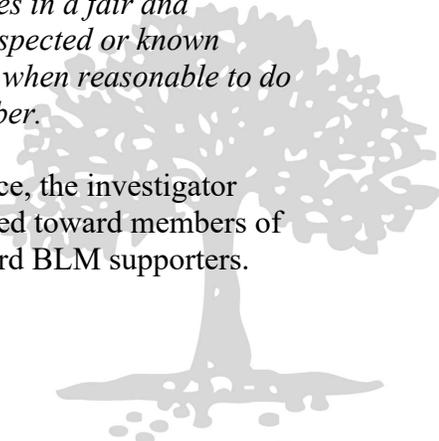
Finding: SUSTAINED. Based on the preponderance of the evidence, the investigator concluded that the evidence supports the allegation that Ortiz failed to ensure that Department personnel were trained on and followed the Department Hate Crime Policy.

ALLEGATION #3:

It is alleged that between July 8, 2020, and November 1, 2020, Chief Joe Ortiz either directly or indirectly demonstrated a bias toward members of the Black Lives Matter movement, in violation of SPPD Policy Manual, section 401.4 (BIASED-BASED POLICING MEMBER RESPONSIBILITIES), which states:

401.4 Every member of this Department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

Finding: NOT SUSTAINED. Based on the preponderance of the evidence, the investigator concluded that the evidence does not support a finding that Ortiz was biased toward members of the BLM movement or allowed Department members to exhibit bias toward BLM supporters. This allegation is not sustained.



Allegations Regarding Deputy Chief Brian Solinsky

ALLEGATION #1

It is alleged that between September 21, 2020, and September 24, 2020, Deputy Chief Brian Solinsky misused public funds or resources in violation of SPPD Policy Manual, section 320.5.2 (f), which states:

320.5.2 (f) Misappropriation or misuse of public funds, property, personnel or services.

Finding: UNFOUNDED. Based on the preponderance of the evidence, the investigator concluded that the evidence does not support the allegation that Solinsky misused public funds or resources in violation of SPPD Policy Manual section 320.5.2 (f).

ALLEGATION #2:

It is alleged that between July 8, 2020, and November 1, 2020, Deputy Chief Brian Solinsky either directly or indirectly demonstrated a bias toward members of the Black Lives Matter movement, in violation of SPPD Policy Manual, section 401.4 (BIASED-BASED POLICING MEMBER RESPONSIBILITIES) which states:

401.4 Every member of this Department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

Finding: UNFOUNDED. Based on the preponderance of the evidence, the investigator concluded that the evidence does not support an allegation that Solinsky demonstrated bias in violation of the SPPD Policy Manual, section 401.4.

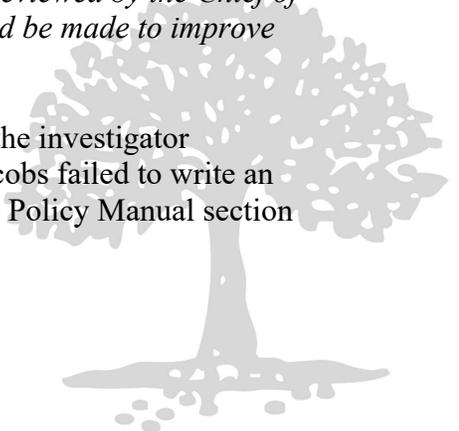
Allegations Regarding Lt. Tom Jacobs

ALLEGATION #1:

It is alleged that Lieutenant Jacobs failed to complete an annual report, in violation of SPPD Policy Manual, section 401.6, which states:

Each year, the Operations Lieutenant should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and the annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Finding: UNFOUNDED. Based on the preponderance of the evidence, the investigator concluded that the evidence does not support a finding that Lieutenant Jacobs failed to write an annual report detailing community concerns. Jacobs did not violate SPPD Policy Manual section 401.6, and this allegation is unfounded.



This concludes the independent investigation of the citizens' complaints that former Police Chief Joe Ortiz misused public funds by scheduling a prayer event for September 24, 2020, whether the South Pasadena Police Department engaged in biased-based policing regarding responses to Black Lives Matter protestors' calls for assistance, or whether former Police Chief Joe Ortiz adequately implemented the Department's hate crimes policy, all as described above. The City takes all citizen complaints seriously and is committed to thoroughly investigate such complaints and take appropriate retraining and disciplinary action when necessary, in accordance with the personnel rights of employees.

Respectfully,

Sean Joyce

Sean Joyce
Interim City Manager

cc: Mayor and Council
Public Safety Commission
Police Chief Solinsky

