
MEMORANDUM

TO: WILLIAM “BILL” MENDEZ, PCOB CHAIR
JAMES WATSON, PCOB VICE CHAIR

CC: CYNTHIA HUDSON, INDEPENDENT COUNSEL FOR THE PCOB
PAMELA “PAM” O’ BERRY, INDEPENDENT COUNSEL FOR THE PCOB

FROM: HANSEL AGUILAR, EXECUTIVE DIRECTOR OF THE PCOB

SUBJECT: RECOMMENDATION TO ACCEPT NEUTRAL EVALUATION AGREEMENT IN RE
CIVILIAN COMPLAINT BROUGHT BY JEFF FOGEL

DATE: TUESDAY, AUGUST 16, 2022

Background:

On July 14, 2022, the Police Civilian Oversight Board (PCOB) met for the scheduled hearing date for: *In Re Civilian Complaint brought by Jeff Fogel*. On the day of the hearing, the PCOB resolved to continue the hearing in order to allow the parties time to informally resolve the matter. After the hearing date, Hearing Examiner Cecil Creasey, Jr. asked the parties to sign and return a mediation session agreement form. The parties did not submit the forms to the Hearing Examiner by July 28th, 2022 as anticipated, and the Hearing Examiner postponed the planned mediation session to be held on that day.

On July 29th, 2022, City Manager Michael Rogers, City Attorney Lisa Robertson, Board Chair Mendez, Independent Counsel for the Board Cynthia Hudson and I met to discuss procedural and legal issues with having a mediation session at this juncture. Specifically, the group discussed the limitations of Board powers and activities in this phase where the City Council has not approved the Operating Procedures for the Board. At that session, I presented a potential tool of alternative dispute resolution to explore (neutral evaluation). The stakeholders agreed that the proposal to utilize a neutral evaluation could satisfy the procedural and legal issues if the parties accepted.

On August 1st and 2nd of 2022 the parties were presented with the neutral evaluation proposal that I drafted. On August 15th and 16th, 2022 the parties signed the neutral evaluation proposal.

The purpose of this memorandum is to communicate to the PCOB that as of 8:52 AM on Tuesday, August 16, 2022, the parties *In Re Civilian Complaint brought by Jeff Fogel* have agreed¹ to allow me to conduct a neutral evaluation to resolve this matter. It is my recommendation that the Board accepts this agreement between the parties and allows me to complete the neutral evaluation. Additionally, I recommend that the Board certify via vote and subsequently notify Hearing Examiner Cecil Creasey, Jr. that his services for a mediation session will not be required and that the parties have agreed to forego a hearing adjudicated by the Board.

¹ The agreement has been memorialized via a signed written agreement that is accompanied to this memorandum.