



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Lee Price, MMC
City Clerk

SUBJECT: INDEPENDENT POLICE AUDITOR **DATE:** 04-30-09

RECOMMENDATION

As referred by the Rules and Open Government of April 29, 2009, discussion and action regarding procedures for the selection of an Independent Police Auditor. Discussion and action regarding disclosure of Closed Session discussion, materials and votes dealing specifically with the appointment of the Independent Police Auditor.

Attachments:

- (1) Memorandum from Mayor Reed, dated April 20, 2009, regarding the Independent Police Auditor package.
- (2) Memorandum from Mayor Reed, dated April 20, 2009, regarding the applicant resume review for the Independent Police Auditor.
- (3) Memorandum from Council Members Campos, Chu, Herrera, Kalra and Pyle, dated April 21, 2009, regarding the selection process for the Independent Police Auditor.
- (4) Memorandum from Council Members Campos, Chu, Kalra and Pyle, dated April 24, 2009, regarding the selection process for the Independent Police Auditor.





Memorandum

TO: RULES AND OPEN GOVERNMENT COMMITTEE **FROM:** Mayor Chuck Reed

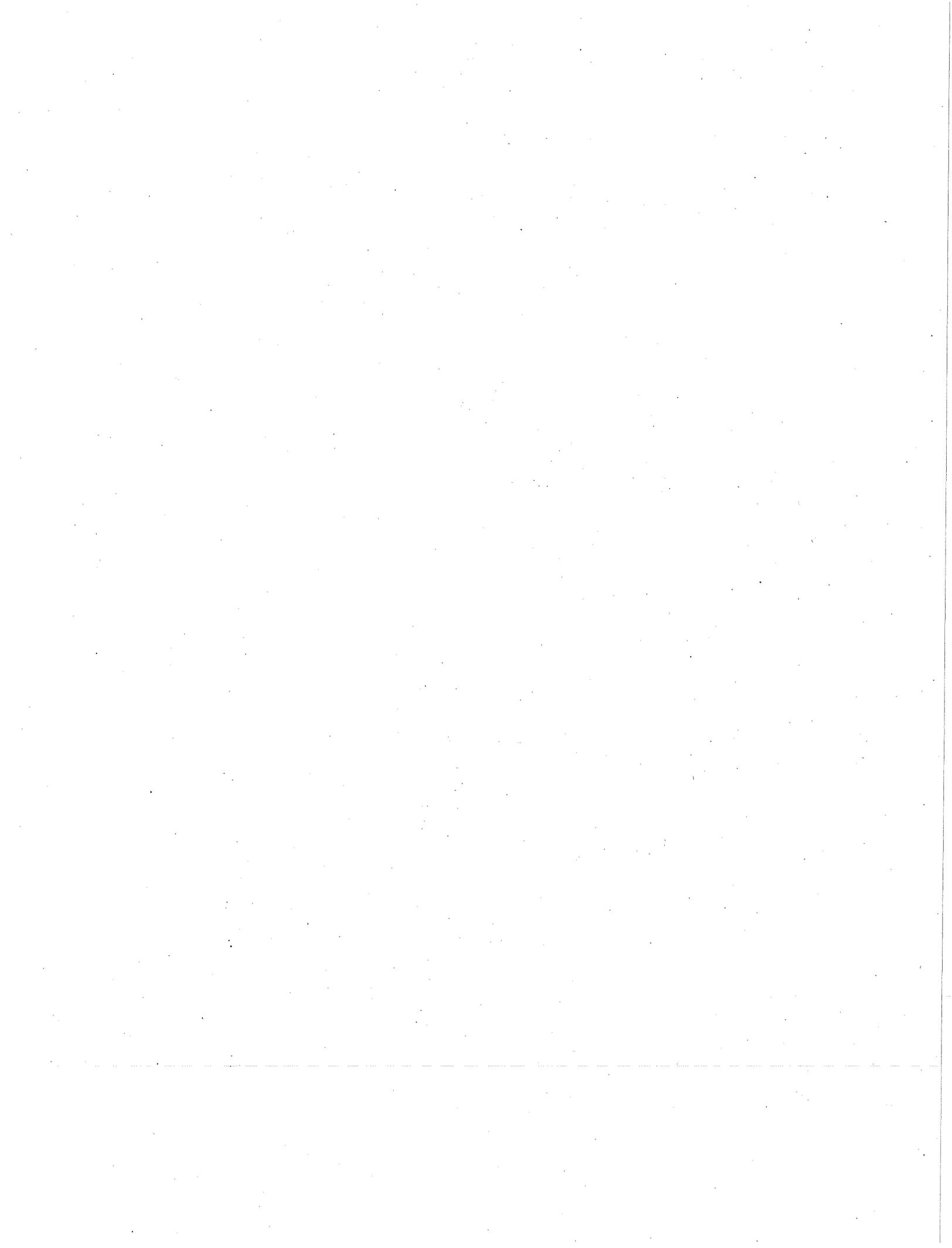
SUBJECT: INDEPENDENT POLICE AUDITOR **DATE:** April 20, 2009

Approved Chuck Reed Date 4/20/09

As part of the City Council discussion of the Independent Police Auditor Compensation Package on April 28, 2009:

- a) The City Attorney should be prepared to discuss procedures and protocols for dealing with potential conflicts of interest in operating practices for the Independent Police Auditor in the event a close friend or family member works for the Police Department.

- b) I request the Council authorize the disclosure of all Council votes, discussion and background materials presented to the Council during the Closed Session Council meeting regarding Chris Constantin, with the exception of the LAMA report.





Memorandum

TO: CITY COUNCIL

FROM: Mayor Chuck Reed

SUBJECT: APPLICANT RESUME REVIEW FOR INDEPENDENT POLICE AUDITOR **DATE:** April 21, 2009

Approved

Chuck Reed

Date

4/21/09

INFORMATION

Before the Council decides what to do next in the selection of an IPA, the Council must be fully informed about the 57 applicants who have been considered. Those applicants should be discussed only in executive session because it is a personnel matter and public discussion of the applicants would violate commitments of confidentiality made to the applicants.

Councilmembers Campos and Constant and Mayor Reed have had the opportunity to review all applicant resumes during the selection process. The entire City Council should have the benefit of reviewing all the materials and information that Councilmembers Campos and Constant and myself had. There are strong applicants for the position that the rest of the Council should review before moving forward.

This is an important position serving the San Jose community, and the community needs for the position to be filled soon with a strong candidate. The Office of the Independent Police Auditor plays an integral role in the civilian oversight process. The office provides independent oversight and instills confidence in the complaint process through objective review of police misconduct investigations. If we restart the process, recruitment and review will take a minimum of six months, leaving for a lengthy period before an Independent Police Auditor is hired.

The existing process sought the best candidates from throughout the nation. Councilmembers Campos and Constant assisted with the process. Other councilmembers were asked but declined to assist with the interviews. Below is a detailed description of the process used for the selection of the candidate pool.

October 2008. I issued an informational memo to the City Council dated October 28, 2008 (see attachment) detailing the recruitment process and requesting recommendations regarding stakeholders who should be involved in the community process. I also requested comments and suggestions on the candidate profile. My office received comments on the candidate profile only from Councilmember Constant.

December 2009. Human Resources issued an RFQ for a recruiter and four responded. Bob Murray and Associates was retained to assist with the recruitment of the Independent Police Auditor. Bob Murray and Associates was selected primarily because of prior experience selecting an Independent Police Auditor.

January 2009. Recruitment process begins

February 27, 2009. Recruitment process closes. 60 applications were received for the position.

February 27, 2009 - March 10, 2009. Staff from Bob Murray and Associates reviews resumes. Bob Murray and Associates narrows list through screening and phone interviews.

March 11, 2009. Staff from my office meets with Regan Williams from Bob Murray and Associates and Human Resources staff to discuss the recommendations for top tier candidates from Bob Murray and Associates. Eight candidates were recommended to be interviewed in person.

Week of March 16th. Councilmember Campos and I meet to discuss her concerns about a candidate who was not recommended for the top 8 candidates to be interviewed.

March 20, 2009. Staff from my office, together with Human Resources staff and Regan Williams from Bob Murray and Associates interviews the eight top tier candidates and recommends top four candidates.

March 20th & March 23rd. Copies of all 57 resumes are given to Councilmember Campos and Constant.

March 24, 2009. My staff and I, Councilmembers Constant and Campos, Regan Williams from Bob Murray and Associates, and Human Resources staff meet to discuss all 57 resumes and the final top 4 candidates. Councilmembers Constant and Campos and I agreed on the four candidates to move forward to interviews with the council panel and community panel.

March 27, 2009. Four candidates are interviewed by a City Council panel and Community panel. Councilmembers Constant and Campos and I agreed on the top two candidates to bring to the City Council for final interviews. Below is a list of the panel members.

Council Panel

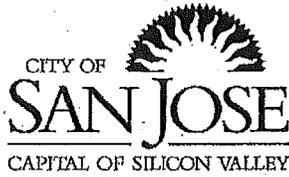
Mayor Chuck Reed
Councilmember Pete Constant
Councilmember Nora Campos
Fmr. Councilmember Forrest Williams

Community Panel

Rick Callendar	Junaid Islam
Victor Garza	Helen Hayashi
Elisa Marina Alvarado	John Carr
Clark Williams	Mariel Caballero
Bob Sippel	
Josue Garcia	

April 7, 2009. City Council interviews two finalists for the Independent Police Auditor.

April 14, 2009. Council selects Independent Police Auditor for appointment.



Memorandum

TO: CITY COUNCIL

FROM: Mayor Chuck Reed

SUBJECT: IPA RECRUITMENT

DATE: October 28, 2008

Approved

Chuck Reed

Date

10/28/08

INFORMATION

The Office of the Independent Police Auditor plays an integral role in the civilian oversight process. The office provides independent oversight of and instills confidence in the complaint process through objective review of police misconduct investigations. By providing outreach to the San José community and making thoughtful policy recommendations to the City Council, the IPA works to promote accountability and to strengthen the relationship between the San José Police Department and the community it serves. This is an important personnel appointment for the City Council. The term of the Independent Police Auditor expires at the end of the year and we will conduct a national recruitment.

Selection Process/Candidate Profile

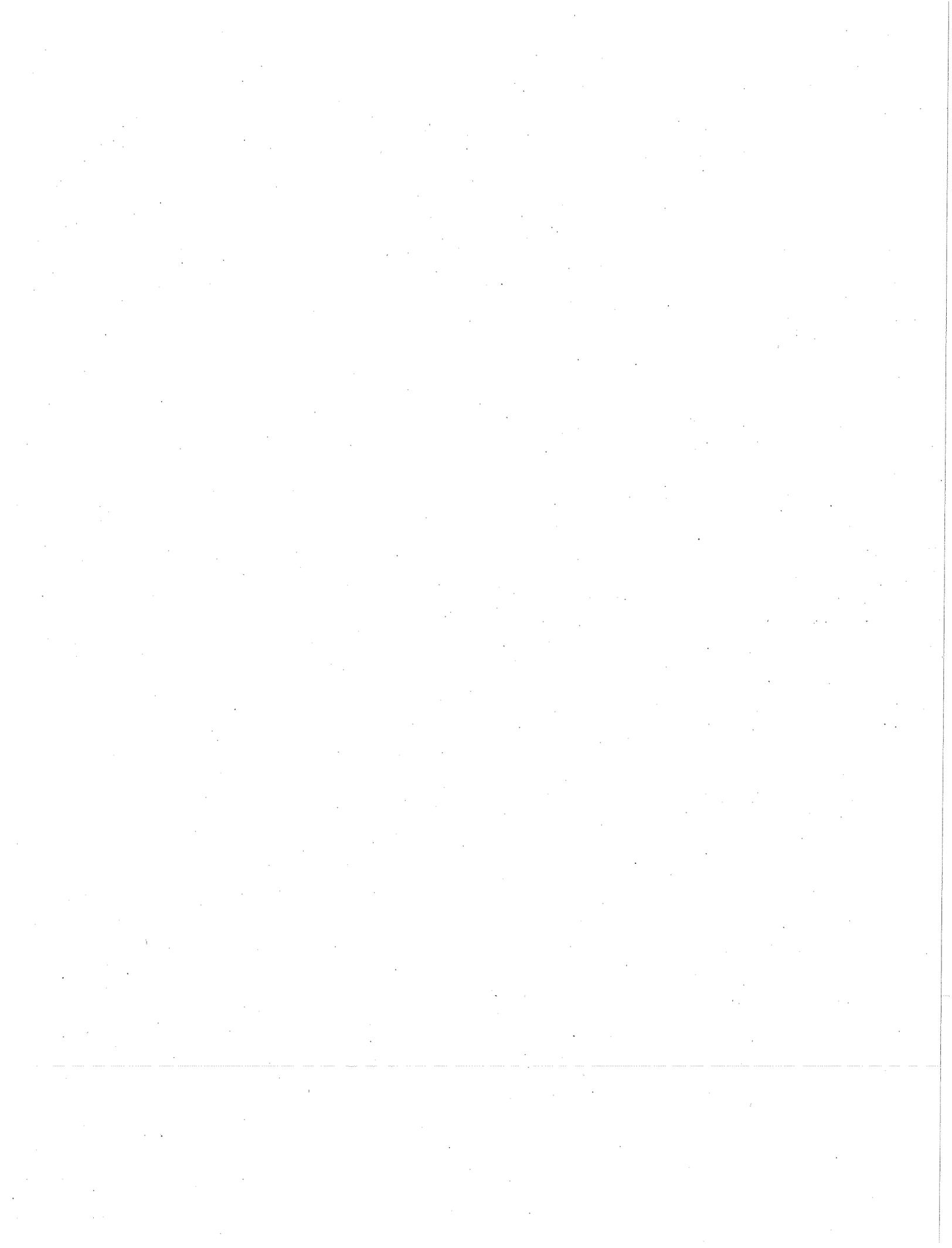
Councilmembers Williams and Campos have agreed to assist me with the recruitment process. Due to the critical nature of the Independent Police Auditor position, I will also be including various stakeholders in the interview process. Please forward recommendations regarding stakeholders who should be involved in the interview process to my office.

Attached please find the candidate profile used for the 2004 recruitment. I welcome any comments or suggestions on this profile.

Recruitment and Selection Timeline

Below is the timeline I will use to bring a candidate forward.

<u>Activity</u>	<u>Date</u>
Retain Search Firm	November
Publication of Recruiting Materials	December
Closing Date for Application	February
Panel Interviews in San José	February/March
Appointment by Mayor and City Council	March/April



Memorandum

TO: MAYOR AND CITY COUNCIL **FROM:** Councilmember Nora Campos
Councilmember Kansen Chu
Councilmember Rose Herrera
Councilmember Ash Kalra
Councilmember Nancy Pyle

SUBJECT: SEE BELOW

DATE: April 21, 2009

APPROVED:

DATE:

SUBJECT: SELECTION PROCESS FOR THE INDEPENDENT POLICE AUDITOR

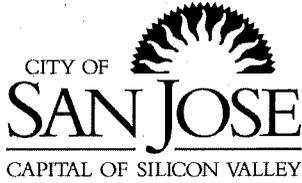
RECOMMENDATION:

In order to restore public confidence, the Mayor and City Council must take immediate action to formulate a process to select our next Independent Police Auditor (IPA). This process must acknowledge and seek to address public criticism with the failed initial process to fill this critical position. In order to ensure fairness and transparency, the City Attorney should manage and oversee the administrative process for selecting the IPA. Removing this function from a political office at a time of controversy and intense public scrutiny is a sensible way to move forward and to begin to regain the public's trust. The process should follow the following steps:

- The City Attorney should immediately retain a recruiting firm to conduct a nationwide search for an IPA.
- The City Attorney should draft a proposed timeline for the IPA selection process and present the timeline to the Mayor and City Council.
- The City Council should appoint four of its members to an IPA Search Committee to work with the recruiting firm to identify top tier candidates. There should be no arbitrary limit set for the number of candidates identified through this process.
- The City Attorney will perform exhaustive background checks and identify all potential conflicts of interest for top tier candidates and present all findings to both the IPA Search Committee and the Community Panel, which will both then conduct independent interviews of those candidates.
- The community panel should be comprised of previous community panel members in addition to representatives of the NAACP, ACLU, and AACI, as well as a law enforcement official from outside the City of San Jose.

- Following the interviews, the IPA Search Committee will meet with the Community Panel and the recruiting firm consultant to discuss the interviews and the list of potential candidates to be interviewed by the full Council. The four-member committee may only remove a potential candidate from the selection process.
- Once a list of final candidates has been determined, the full Council should interview each in executive closed session.
- At that point, the City Council may vote to appoint a new IPA or to reopen the search process if it concludes that no candidate would effectively perform the duties of the office.

as it relates to
3.1a



Memorandum

TO: MAYOR AND CITY COUNCIL

FROM: Councilmember Nora Campos
Councilmember Kansen Chu
Councilmember Ash Kalra
Councilmember Nancy Pyle

SUBJECT: SELECTION PROCESS FOR THE
INDEPENDENT POLICE AUDITOR

DATE: April 24, 2009

Approved

Nora Campos *Kansen Chu* Date *4/24/09*

Ash Kalra *Nancy Pyle*

RECOMMENDATION:

We are supportive of Mayor Reed's proposal to share the 57 applications for IPA with the City Council in executive closed session. At that time, we ask that the Council be provided with information as to why those candidates were either not selected to be interviewed by either the Council Panel or the Community Panel, or were not selected to be interviewed by the full Council.

We further recommend that the process for performing background and potential conflict of interest checks for the candidates also be shared with the City Council and the Community Panel, in addition to how and when that information was shared with the Council Panel, the Community Panel, and the full City Council.

Further, we recommend opening up the recruitment process for a limited period of time to allow new candidates to apply for the position of IPA. This process should allow all 57 applicants who have previously applied to reapply for the position.

We also recommend that a clear process for selecting future IPAs be discussed and formulated by the Mayor and City Council, with the City Attorney's guidance.

Once these steps have been taken, we recommend that the Mayor and City Council follow the recommended guidelines for selecting the IPA that we have recommended in our memorandum issued on Wednesday, April 22, 2009.

ANALYSIS:

While the position of the IPA is in an extremely important position, it is paramount that this position is filled with the best available candidate. Although much time and expense has gone towards seeking out the next IPA, it is imperative that the Mayor and City Council fill the position in a thoughtful, deliberative manner that is still cognizant of the resources already expended. Given the unique role of the IPA, it is of critical importance to have someone in position poised to succeed. Proceeding with due haste, although relevant, should not be the primary factor in the process.

For these reasons, we have made the above recommendations to ensure that full disclosure is granted to the City Council when reviewing the 57 applicants for the position, and that the IPA is selected through a thoughtful process that aims to select the absolute best candidate for the City of San Jose.