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# Memorandum

**TO:** CITY COUNCIL

**FROM:** Mayor Chuck Reed

**SUBJECT: SELECTION PROCESS FOR  
THE INDEPENDENT POLICE  
AUDITOR**

**DATE:** April 28, 2009

Approved Chuck Reed Date 4/28/09

## RECOMMENDATION

I recommend the following selection process for the Independent Police Auditor (IPA) position to the City Council to maximize public participation and transparency. Because of the unique nature of the Independent Police Auditor position, all decisions should be made by the entire City Council. Closed Session meetings will only be held to review the individual applicants to protect the confidentiality of applicants.

## BACKGROUND

The Office of the Independent Police Auditor plays an integral role in the oversight process. The office provides independent oversight and instills confidence in the complaint process through objective review of police misconduct investigations. By providing outreach to the San Jose community and making thoughtful policy recommendation to the City Council, the IPA works to promote accountability and to strengthen the relationship between the San Jose Police Department and the community it serves.

When San Jose began the recruitment process, Councilmembers were given the opportunity to provide input, including nominating members to the community panel and serving on the interview panel. Given the importance of the position and the Council's desire to fill the position quickly, we used the candidate profile developed during the last Independent Police Auditor recruitment which was developed with abundant community input. Councilmembers were asked for amendments, and one Councilmember responded. To ensure transparency and openness and that the full Council has the same information, the entire Council needs to be engaged in the process moving forward.

The Council also needs to create a more open process and address problems with the selection process that was outlined in a memo by Councilmember Campos dated April 21, 2009. Having the City Attorney's Office manage the process is problematic and could be seen as a potential conflict of interest. In the past there have been situations where the City Attorney's Office and Independent Police Auditor's Office have been at odds with each other. Appointing a four-member subcommittee does not prevent the opportunity from politics entering the process. Having the entire Council participate in a public process guarantees the opportunity for the whole Council to be engaged.

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Council has appointing authority and should manage and thoroughly be involved in the selection process.

I recommend the City Council reopen the recruitment process and invite all 57 applicants to apply for the position. Further, the Independent Police Auditor selection process should include the following steps.

### **Timeline, Candidate Profile and Conflict of Interest Questionnaire**

The City Council at a regularly scheduled City Council meeting should consider the retention of a recruiting firm to complete the selection of the Independent Police Auditor. The recruiting firm will then present to the City Council for approval the selection timeline, candidate profile, application and a conflict of interest questionnaire. The application and conflict of interest questionnaire should be developed with the assistance of Human Resources and the City Attorney's Office.

### **Top-tier Candidates**

Once the application period closes, the City Council, in a public meeting, will approve criteria for screening candidates. The recruiter will review all applications and interview those that meet the criteria. The recruiter will present the results to the City Council in executive session. The City Council will then identify top tier candidates based on a review of all the resumes and discussion with the recruiter. The recruiter will then perform background checks and discuss and approve the results with the entire City Council at a subsequent meeting to reaffirm top tier candidates before proceeding to the interviews.

### **Community Panel**

At a public meeting the City Council will discuss the composition of the community panel members. We recommend that the community panel include existing panel members and others to be named by the Council. If the City Council adds additional members to the community panel, there should be a balance between civil rights organizations, neighborhood leaders and members of the San Jose Police Officers Association and other law enforcement individuals. Following approval and appointment of the community panel, the community panel will interview and provide input into the strengths and weaknesses of the top tier candidates.

### **Final Interviews**

The full City Council will then discuss the results of the interviews of top tier candidates and consider community panel input and determine which candidates to interview.