

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Mark Danaj

SUBJECT: CANDIDATE SCREENING CRITERIA DATE: January 7, 2010
AND COMMUNITY INTERVIEW
PANEL COMPOSITION FOR
INDEPENDENT POLICE AUDITOR
EXECUTIVE RECRUITMENT

Approved

Deanna Santana

Date

1/21/10

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Approve candidate screening criteria to be used by consultant in evaluating applicants, and provide direction as to the composition of the community panel that will participate in interviewing and providing input on the top tier candidates for the Independent Police Auditor (IPA) position.

OUTCOME

Based upon the Council's recommendation, Avery Associates will use the approved criteria to screen applicants for the IPA position. This screening will determine who the consultant recommends to the City Council to move forward in the process to the interviews. Additionally, Avery and Human Resources will coordinate the panel interview process for the IPA recruitment, including representative community members.

BACKGROUND

On April 28, 2009, Mayor Reed authored a memo recommending a process for selection of the Independent Police Auditor. Per that memo, the City Council would consider the candidate selection criteria and the composition of the community panel at a Council meeting in open session. On November 10, 2009 there was an item on Council Agenda to approve the recruitment timeline and process as well as the candidate profile. At that meeting a candidate profile and recruitment timeline was approved (see attached).

In addition, the Council provided direction to the consultant's to hold an additional community outreach meeting with translation provided to continue to gain input into the characteristics of the ideal candidate. This meeting was held on January 6, 2010. The feedback received from the

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attendees at this meeting related to the screening criteria and community panel selection process are included in this memo below. However, there were additional suggestions that the community members had regarding the recruitment process, that are outside of the scope of the recommendations in this memo. Those suggestions are captured below for informational purposes:

- Community members felt that this recruitment is happening too soon, there are too many uncertainties or variables that could be counterproductive to a successful recruitment (i.e. difficult economy and budget decisions, scope of job in question, etc.).
- There was very low attendance at the community meetings regarding this recruitment, which those that did attend indicated was reflective of a feeling from the community that their opinion is not truly valued or desired. This is based on the fact that the meetings were not held in a variety of locations in the community.
- Attendees suggested a change in the proposed process for candidate selection that would allow for the community at large to have the opportunity to interview the final candidate, or two in an open session prior to appointment.

ANALYSIS

The following key selection criteria, which are based on input from all outreach conducted to date, are recommended for approval, and if approved will be used to screen candidates for the IPA position:

- Independence, Integrity and objectivity
- Politically astute
- A solid record of community engagement within a diverse community
- Diplomatic, facilitative and relationship-based style
- Knowledge and insight into law enforcement
- Strong analytical, evaluative and statistical skills

The consultant's recommendations for the make-up of the interview panel(s) are as follows:

- There should be no more than 21 total panel members (3 panels of 7 members each)
- Each council member and the Mayor could identify 1 community panel member = 11 members
- Four of the panelists could be from the existing Independent Police Auditor Advisory Committee (IPAAC) = 4 members
- The remainder of the panel could be comprised of other key stakeholder groups (such as: Police Officer's Association, City Attorney's Office, Police Department Command Staff, City Manager's Office, Council members, etc.) = remaining 6 panel slots

EVALUATION AND FOLLOW-UP

Once the Council approves the selection criteria, Avery will begin the process of evaluating candidates against these criteria. The Human Resources Department in conjunction with Avery and Associates will schedule the date for panel interviews, contact the panel members recommended by the Council and complete all logistics necessary to carry-out the panel interview process.

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PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
(Required: Website Posting)
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

COORDINATION

This memo has been coordinated with the City Manager's office.

CEQA

Not a project.


MARK DANA
Director, Human Resources Department

For questions please contact Heather Ruiz, Deputy Director, at (408) 975-1439.



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Mark Danaj

SUBJECT: RECRUITMENT STATUS FOR
INDEPENDENT POLICE AUDITOR

DATE: October 26, 2009

Approved

Date 11/5/09

COUNCIL DISTRICT: City-Wide
SNI AREA: N/A

RECOMMENDATION

Recommend that the Council accept the draft profile of the Independent Police Auditor position, approve the timeline for the recruitment and provide feedback and direction on the draft conflict of interest form. Direct staff and Consultant on next steps for posting the position and beginning to accept applicants.

- a) Continue direct and indirect community outreach
- b) Develop flyer for distribution at NACOLE annual convention 10/31/09 – 11/03/09
- c) Develop potential candidate contact list for phone outreach efforts
- d) Upon approval, print and distribute formal job announcement to national mailing list
- e) Initiate outreach
- f) Coordinate follow up meetings with Council regarding post outreach and pre-interview action items consistent with the recruitment timeline

OUTCOME

Approval of the draft profile, conflict of interest form and timeline results in the ability for the City to move forward with the Independent Police Auditor recruitment.

BACKGROUND

Avery Associates has been asked to conduct the Executive Recruitment for the City of San Jose's new Independent Police Auditor (IPA). The initial planning and preparation phase for the recruitment is under way. Attached for review are two key documents for the search: the draft job announcement and the draft recruitment timeline. We request approval for these documents and are ready to begin outreach efforts immediately thereafter.

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ANALYSIS

Avery Associates has met individually with Mayor Reed, Vice Mayor Chirco and Council Members Kalra, Pyle, Herrera, Campos, Constant and Chu to discuss the Ideal Candidate Profile. The remaining Council Members were comfortable with the existing specification from the previous recruitment.

Community input efforts to date include: Establishing a specific email box at Avery Associates inviting comments regarding ideal attributes for the new IPA; Holding a community outreach meeting on Thursday, October 15 at the Roosevelt Community Center; and direct phone contact of various community members (primarily associated with the IPAAC and Public Intoxication Task Force). The community input aspect to the recruitment is anticipated to continue through the outreach portion of the recruitment.

EVALUATION AND FOLLOW-UP

The attached draft timeline outlines the recruitment process, including the points at which staff will return to Council with status updates. The next milestone is the end of the outreach period in January, at which time staff will return to Council to request re-affirmation of the candidate screening criteria to Avery Associates.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this does not meet any of the above criteria, this memo will be posted on the City's website for the November 17, 2009 Council meeting. As noted above, a community outreach meeting was held Thursday, October 15 and there will be additional opportunities for community input during the outreach and selection phases of the recruitment.

COORDINATION

This memorandum was coordinated with the City Manager's Office, the Independent Police Auditor's Office, the City Attorney's Office and the Human Resources Department.

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CEQA

Not a project.

ATTACHMENTS

Draft Job Announcement

Draft Recruitment Timeline

Draft Candidate Disclosure Form

/s/

MARK DANAJ

Director, Human Resources

For questions please contact Heather Ruiz, Deputy Director, at (408) 975-1439.

Compensation & Benefits

The City of San José provides an excellent compensation and benefits package. The salary for this position is \$169,202. The attractive benefits package includes the following:

- ◆ Retirement Plan – The City has its own retirement plan with a 2.5% @55 formula and has reciprocity with CalPERS - The City contributes 23.56% and the employee contributes 8.93% - of annual base salary to the plan.
- ◆ Health Plan – The City contributes 90% towards the premium for the lowest cost plan. - There are several plan options including Blue Shield and Kaiser.
- ◆ Dental Plan – The City contributes 100% of the premium for dental coverage.
- ◆ Personal Time Off – Vacation is accrued at the rate of three weeks per year. Executive Leave of 40 hours is granted annually. Sick leave accrual is equivalent to 8 hours per month.
- ◆ Holiday – The City observes 14 paid holidays annually.
- ◆ Deferred Compensation – The City offers an optional 457 plan.
- ◆ Insurance – The City provides a term life policy equal to two times annual salary. Long-term disability and AD&D plans are optional.
- ◆ Employee Assistance Program – The City provides a comprehensive range of services through the EAP.



The Process

To be considered for this exciting career opportunity, please forward a letter of interest and your resume with salary history and five work-related references (who will not be called until mutual interest is established) to:

Bill Avery or Paul Kimura
Avery Associates
3½ N. Santa Cruz Ave., Suite A
Los Gatos, CA 95030
Fax: 408-399-4423
E-mail: jobs@averyassoc.net

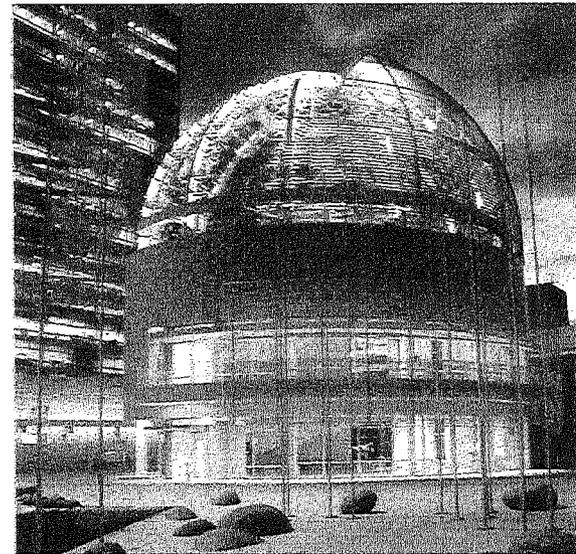


The final filing date for this position is January 8, 2010.

If you have any questions regarding this position, please feel free to contact Mr. Avery or Mr. Kimura at 408-399-4424.

The City of San José

*invites your interest for the
position of*



Independent Police Auditor

The City of San José

San José, the dynamic "Capital of Silicon Valley," is home to almost one million residents making it the third largest city in California and 10th largest in the U.S. San José is recognized as one of the safest and best-managed large municipalities in the nation. The City's proximity to outstanding educational institutions has been a primary factor in fostering an environment for technology to flourish. San José ranks first in the country in the percentage of adults with college degrees (42%). San José and the Silicon Valley are often thought of as synonymous with the technology industry, yet the City's business profile is quite diverse with the presence of professional service, retail, commercial and industrial businesses.

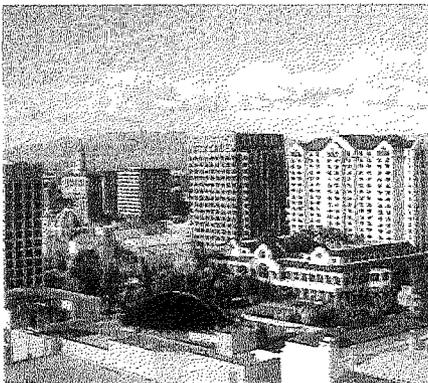


Cultural and ethnic diversity is a hallmark of San José. Residents speak more than 46 different languages. Those who live and work in San José enjoy world class attractions, cultural and performing arts, sports and recreation activities, wineries, and year round festivals and celebrations. San José encompasses 177 square miles at the southern tip of the San Francisco Bay. With a central location between San Francisco to the north and Monterey/Carmel to the south, San José is a gateway to adventures throughout California. The quality of life is exceptional as the average annual temperature is 70 degrees with 300 days of sunshine a year.

The City of San Jose has one of the nation's best public safety records and has been recognized as one of the Safest Big Cities in America.

City Government

The City of San José became California's first incorporated city and the site of the first State Capital on March 27, 1850. San José is a Charter City and operates under the Council-Manager form of government. The City Council is composed of the Mayor, who is elected at-large, and ten council members, elected by district. Both the Mayor and Council Members are elected to four-year overlapping terms and are limited to two four-year terms. The City Council appoints six Charter Officers: the City Manager, City Attorney, Redevelopment Agency Director, City Auditor, City Clerk, and Independent Police Auditor. The City of San José employs a staff of 6,800 and a total budget that exceeds \$3 billion. San José consistently ranks as one of the nation's best-managed cities and is regularly recognized for innovation and results. For more information please visit the City's website at www.sanjoseca.gov.



The Position

In accordance with the City Charter, the Independent Police Auditor (IPA) conducts objective reviews of police misconduct investigations. The role of the IPA is

to provide independent oversight of and instill confidence in the complaint process. By providing outreach to the San Jose community and making thoughtful policy recommendations 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.

The IPA has the following powers and duties:

- (a) Review Police Department investigations of complaints against police officers to determine if the investigation was complete, thorough, objective and fair.
- (b) Make recommendations with regard to Police Department policies and procedures based on the Independent Police Auditor's review of investigations of complaints against police officers.
- (c) Conduct public outreach to educate the community on the role of the Independent Police Auditor and to assist the community with the process and procedures for investigation of complaints against police officers.

The Office has a staff of five highly motivated and skilled employees, and an annual budget of almost \$800,000. The Independent Police Auditor Advisory Committee serves the Office and is comprised of a diverse and active group of community representatives who meet typically three times per year, providing input and insight to the IPA.

The Ideal Candidate

The new Independent Police Auditor will possess unquestionable integrity and objectivity. The selected candidate will be able to further the mission of the Office with impartiality and independent conviction within the boundaries defined by the City Charter and under intense pressure and scrutiny. As a Council Appointee, he or she will be politically astute but apolitical, and able to work effectively with elected officials, utilizing facilitation and diplomacy skills. A solid record of community engagement and cooperative interaction with a wide array of community representatives will be key. The ability to establish and maintain a mutually



respectful working relationship with the Police Department will also be critical for the new IPA's success.

Leading and mentoring the Office's team, providing feedback and guidance to their professional development is an important role for the IPA. Effective communication skills, analytical, investigative and auditing abilities and knowledge of law enforcement policies and procedures will be necessary. Familiarity with administrative and criminal investigations as well as related current case law will be important. A background that demonstrates a balance of leadership and technical skills including a bachelor's degree in a related field is required. A Master's degree and/or JD are desirable.

Additional Requirements

Candidates will be required to disclose prior employment, contracts, familial relationships, and other affiliations with the San Jose Police Department. Such relationships and affiliations will be considered in terms of whether they create an actual or perceived bias or a conflict of interest, which thereby may prevent a candidate from employment.

**City of San Jose
Independent Police Auditor
Recruitment Timeline – Rev 4 (11/4/09)**

| Activity | Date (proposed) | Comments/Updates |
|---|---|---|
| Initial Client Meetings | Mayor/Council Completed Community Outreach - Ongoing | Completed except citizens advisory committee to be scheduled week of 10/5. Additional stakeholder meeting scheduled 10/15. Continue community outreach after search initiates |
| Job Announcement | | |
| To City Council for Approval | 11/17 Council Meeting | Present recruitment timeline and conflict of interest form for approval. |
| Council Approval | TBD | 6 work days for printing following approval |
| Mailings Out | 7 work days following approval | |
| Western City Magazine – October edition | Completed & submitted 9/10 – reflected incorrect close date | Lead time for WC necessitated close date projection of 11/10. Incorrect and will need to be extended. |
| Internet Postings/Ads | By 11/20 | NACOLE, Public CEO |
| Jobs Available (1 insertions) | 12/8 publication | |
| Outreach Period | 11/20 – 1/08/2010 | |
| Final Filing Date | 1/08/10 | |
| Council Meeting | 1/12/10 | Council to re-affirm candidate screening criteria to Avery |
| Interviews/Assessment/Referencing/Development of Candidate Books | 1/13/10 – 2/5/10 | Candidate assessment/evaluation based on criteria established by Council |
| Candidate Presentation to City Council | Week of 2/8/10 | Executive Session to select and ratify final “top-tier” candidates. Ensure confidentiality of candidate pool. |
| Council Meeting/Discussion to develop community panel interview | TBD | Conducted in open session. |
| Oral Panel Interviews | Week of 2/22/10 | Process will require 2 week period to coordinate and finalize logistics for interviews (location, etc) |

| | | |
|---|-------------------------|---|
| Council Meeting – presentation of panel interview findings | Week of 2/22/10 | Council will select “short” list for final interviews. Begin final background and referencing of “short list” |
| Short List Interviews with Council | Week of 3/8/10 | Executive Session – Debrief and selection of top candidate following this interview. |
| Appointment of new IAP | Week of 3/15/09 | Upon agreement of employment terms/conditions and completion of background checks. |
| Start Date | Mid-April to early -May | 4-6 week notice. |

City of San Jose

Office of the Independent Police Auditor

Candidate Disclosure Form

As an applicant for the City of San Jose Independent Police Auditor position, I agree to disclose any relationships that could create a real or perceived conflict with my duties.

DEFINITIONS

- **Close Friend:** A person who is considered a close personal friend by the IPA or IPA employee. The determination of whether a person is a Close Friend will be in the discretion of the IPA or IPA employee.
- **Domestic Partner:** A domestic partner recognized by any California government entity.
- **Family Member:** A spouse, domestic partner, child, stepchild, parent, or sibling.
- **Relative:** A grandparent, grandchild, uncle, aunt, cousin, nephew, niece, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, or son-in-law and any equivalent relatives of a domestic partner.

I hereby disclose any relationships with individuals within the San Jose Police Department based on the definitions above.

List or Indicate none.

In addition, I understand I will be subject to the provisions of the Office of the Independent Police Auditor Conflict of Interest Policy, receipt of which is acknowledged.

Signature