

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:

[Handwritten signatures: Kansen Chu, Nora Campos, Ash Kalra, Nancy Pyle] *4/21/2009*

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.