



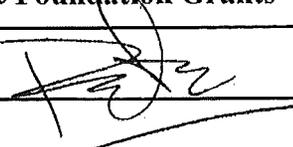
Memorandum

To: Mayor and City Council

From: Councilmember Pete Constant

Subject: Police Foundation Grants

Date: February 10, 2012

Approved: 

Recommendation

I recommend that the City Council direct the City Manager to:

1. Re-establish the relationship with the San José Police Foundation in order to ensure that request for grants by the San José Police Department, and their fulfillment, continue uninterrupted.
2. Develop a uniform policy for handling all grants offered to the city by city-related foundations, regardless of what department or program they support. This policy should include best practices as established by other cities and police departments who rely on foundations for support.
3. Bring all San José Police Foundation grants to the City Council for approval until such time as the above referenced policy is in effect.

I recommend that the City Council direct the City Attorney to:

1. Conduct a legal analysis of the conflict of interest referred to by Chief Moore in his memorandum dated January 20, 2012.

Background

The San José Police Foundation was established in 2006 to provide financial assistance to the SJPD. Since its inception, the Foundation has provided over \$160,000 of support to the SJPD allowing them to obtain equipment, such as 400 trauma kits, 3 Segways, ballistic vests for the K-9 Unit, bolt cutters for every patrol car for use in the rare case of a Columbine type incident, and more, that the SJPD would not otherwise have to pursue its mission of protecting and serving the residents of San José. The Foundation has sponsored numerous events, including the annual *Bowling for Badges*, which serves not only as a fundraiser, but also as a means to establish closer relationships between the SJPD and the community at-large.

Chief Moore suspended the relationship with the foundation due to his perception of a conflict of interest in the "professional work of the Foundation's leadership and their positions on the board" (see attached memorandum dated January 20, 2012), and the board's refusal of his demand that individual members of the Foundation leadership step down from their positions. It is important to note that the individuals in question conferred with the City Attorney's Office prior engaging in the professional work referenced by the Chief.

In my preliminary discussions with the City Attorney, I am left with the impression that, at best, merely a perception of a conflict of interest actually exists. A legal analysis by the City Attorney can fully address this issue to determine if the Chief has a conflict of interest in reviewing and accepting these grants. Based on this analysis, the City Manager should develop a uniform policy

Rules Committee:

Item:

for all city-related foundation grants to ensure transparency in the process and procedures to deal with actual conflicts if they arise.

Until this is completed, the City Council is well suited to review and approve Foundation grants and subsequent budget allocations as is the practice for larger grants received by the city. Currently, the Foundation has over \$120,000 available to grant to the SJP. This will ensure that the city maximizes its opportunity to receive the significant grant money that is currently available.

Memorandum

TO: ALL DEPARTMENT PERSONNEL **FROM: Christopher M. Moore**
Chief of Police

**SUBJECT: SUSPENSION OF POLICE
FOUNDATION REQUESTS**

DATE: January 20, 2012

Approved

Date 2011-003

BACKGROUND

The San Jose Police Foundation (Foundation) was established in 2006 to assist the San Jose Police Department (Department) with the funding of projects that were not covered by the City of San Jose's General Fund. Since that time, the Foundation has approved the purchase of many items that have benefitted the Department. Recent developments have required that the Department reevaluate the relationship with the Foundation and suspend all grant requests at this time.

ANALYSIS

The Department and Foundation have enjoyed a positive and rewarding relationship over the course of the Foundation's existence. The Foundation and its members have not only been financially invested in the success of the Department and community, but also emotionally invested. Functions such as the annual Bowling for Badges event have brought the community together in the spirit of collaboration and have supported the Department's mission to create safe places to live, work and learn through community partnerships.

In recent months, a situation has developed to the point where I have determined a conflict of interest exists between the professional work of the Foundation's leadership and their positions on the board. The Department cannot be involved in any situation where such a conflict exists and as such all pending Foundation grant requests that have been submitted by Department personnel are hereby suspended. Department memorandum 2011-004 outlines the protocol that Department members are to use when funds are requested for programs, equipment, training and other requests. The protocol outlined in memorandum 2011-004 has also been suspended until further notice. As of this time, Department personnel are prohibited from soliciting or accepting any funds, services or assistance from the Foundation.