

**Hawkins, Dennis (Clerk)**

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**From:** Manheim, Tom  
**Sent:** Friday, September 10, 2010 10:27 AM  
**To:** Norris, Tom  
**Cc:** Herrick, Lisa; Hawkins, Dennis (Clerk)  
**Subject:** Re: Appeal to Rules & Open Government Committee - Civil Suit

Very thoughtful.

Sent from my iPhone

On Sep 10, 2010, at 9:24 AM, "Norris, Tom" <[tom.norris@sanjoseca.gov](mailto:tom.norris@sanjoseca.gov)> wrote:

See below.

Thomas D. Norris, CA  
Public Records Manager  
Office of the City Manager  
City of San Jose, CA  
(408) 535-8120

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**From:** [san.jose@california.usa.com](mailto:san.jose@california.usa.com) [mailto:[san.jose@california.usa.com](mailto:san.jose@california.usa.com)]  
**Sent:** Friday, September 10, 2010 9:18 AM  
**To:** Norris, Tom  
**Cc:** Price, Lee; [jwoolfolk@mercurynews.com](mailto:jwoolfolk@mercurynews.com); [swebby@mercurynews.com](mailto:swebby@mercurynews.com); Figone, Debra  
**Subject:** RE: Appeal to Rules & Open Government Committee - Civil Suit

Tom.

I was originally under the impression that the entire CPRA request had been denied. Thank you for making the effort & following through the best you can with the other records. I have thought about this & have decided that I will proceed with the appeal regardless of whether the records retained by the city are existent or sufficient because when applicants do come forward for the C.O.P. position I will be better poised to contest this in civil court pursuant to California Government Cone #6259. Thanks again for all the good efforts on your end, & you have always done a really good job in responding to CPRA requests which is the reason I copy my CPRA requests to SJPD to your office also.

Take Care.  
Cary-Andrew Crittenden

-----Original Message-----

**From:** Norris, Tom <[tom.norris@sanjoseca.gov](mailto:tom.norris@sanjoseca.gov)>  
**To:** [san.jose@california.usa.com](mailto:san.jose@california.usa.com)  
**Sent:** Thu, Sep 9, 2010 4:11 pm  
**Subject:** RE: Appeal to Rules & Open Government Committee - Civil Suit

Dear Mr. Crittenden:

I have reviewed your appeal of your August 25 request for records that was denied.

At the time of your request, the City had just begun the recruitment process. The first community outreach meeting on the selection of a new Chief had occurred just the day before and the contract for recruitment consulting services was not yet executed—as I wrote to you in response to a request for records received on August 24 (see attached). The contract with Teri Black & Company was executed on September 7. I forwarded that to you on September 8 in partial response to another ongoing records request received from you on September 3.

My response regarding the unavailability of the yet to be executed consulting contract covered associated contract development documents and I apologize for not stating so clearly. Because the contract has now been executed and forwarded to you, I am releasing the documents associated with its development. Most of the individuals and offices you referenced in your request, including the Office of the City Manager, San Jose Police Department Deputy Chiefs, the Mayor's Office, and Council District 1 Office, informed me that they had no responsive records, with the exception of a calendar appointment for a conference call on August 4 (see attached). The Human Resources Department (HRD) does have documents responsive to your request that relate to the development of a contract between Teri Black & Company and the City for recruitment consulting services. The HRD documents also include documents concerning the availability of various staff and Ms. Black for meetings, plans for community outreach, and some publications provided by Ms. Black. These records and those associated with contract development may be found in the attached zipped PDF file. Please let me know if you have any trouble opening or otherwise accessing this file.

I have previously made available to you a memorandum, dated August 6, from the City Manager to the Mayor and Council regarding recruitment of a new Chief of Police. This and other documents on this topic are accessible on the City's website at <http://www.sanjoseca.gov/>. Please let me know if you have any problem accessing these documents and I will make other arrangements to provide them.

The attached documents and the documents on the City's website constitute all the records responsive to your request that I have been able to locate. Please let us know, by noon on Friday, September 10, whether or not you wish to proceed with your appeal.

Please contact me if you have any questions for me on this subject.

Regards,

Thomas D. Norris, CA  
Public Records Manager  
Office of the City Manager  
City of San Jose, CA  
(408) 535-8120

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**From:** [san.jose@california.usa.com](mailto:san.jose@california.usa.com) [<mailto:san.jose@california.usa.com>]

**Sent:** Tuesday, September 07, 2010 12:24 PM

**To:** Price, Lee; City Clerk

**Cc:** [dw@aenv.org](mailto:dw@aenv.org); [svdebug@newamericamedia.org](mailto:svdebug@newamericamedia.org); [abjpd1@juno.com](mailto:abjpd1@juno.com); [fap@thefirstamendment.org](mailto:fap@thefirstamendment.org); [swebby@mercurynews.com](mailto:swebby@mercurynews.com); Norris, Tom; Chirco, Judy; Pyle, Nancy; Reed, Chuck; Constant, Pete; [cje@usa.com](mailto:cje@usa.com)

**Subject:** Appeal to Rules & Open Government Committee - Civil Suit

Lee.

I wish to appeal this CPRA denial issued by Tom Norris of the City Managers Office to the Rules and Open Government Committee.

I am also preparing to sue for the release of these documents in Civil Court pursuant to the California Government Code.

Thank You.  
Cary-Andrew Crittenden

-----Original Message-----

From: Dean Wallraff <dw@aenv.org>  
To: [san.jose@california.usa.com](mailto:san.jose@california.usa.com)  
Sent: Tue, Sep 7, 2010 11:51 am  
Subject: RE: Copy of CPRA Denial

You should probably appeal. You might have to do that before filing a lawsuit. I would say they haven't demonstrated that "the public interest served by not disclosing the records clearly outweighs the public interest served by disclosure of the record." Make your case for public disclosure – why it is in the public interest. Say why you think the process won't be harmed by disclosure. Send this as a response to this email and find out when the committee meetings for your appeal. If it's too far from now, complain about that, too.

--Dean Wallraff

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**From:** [san.jose@california.usa.com](mailto:san.jose@california.usa.com) [mailto:[san.jose@california.usa.com](mailto:san.jose@california.usa.com)]  
**Sent:** Tuesday, September 07, 2010 10:38 AM  
**To:** [abjpd1@juno.com](mailto:abjpd1@juno.com); [fap@thefirstamendment.org](mailto:fap@thefirstamendment.org); [svdebug@newamericamedia.org](mailto:svdebug@newamericamedia.org);  
[dw@aenv.org](mailto:dw@aenv.org); [info@calpubrec.org](mailto:info@calpubrec.org)  
**Subject:** Copy of CPRA Denial

To All.

Below is a copy of a CPRA denial that I received. I believe the Public Interest clearly outweighs the right to privacy for the applicants. I was surprised that the city of San Jose denied the entire request.

Any Suggestions?

Cary-Andrew Crittenden

-----Original Message-----

From: Norris, Tom <[tom.norris@sanjoseca.gov](mailto:tom.norris@sanjoseca.gov)>  
To: [project.integrity@santa-clara.county-california.us](mailto:project.integrity@santa-clara.county-california.us)  
Cc: Doyle, Richard <[Richard.Doyle@sanjoseca.gov](mailto:Richard.Doyle@sanjoseca.gov)>; Figone, Debra <[Debra.Figone@sanjoseca.gov](mailto:Debra.Figone@sanjoseca.gov)>; Herrick, Lisa <[lisa.herrick@sanjoseca.gov](mailto:lisa.herrick@sanjoseca.gov)>; Sims, Thomas <[THOMAS.SIMS@sanjoseca.gov](mailto:THOMAS.SIMS@sanjoseca.gov)>; Mills, Fred <[FRED.MILLS@sanjoseca.gov](mailto:FRED.MILLS@sanjoseca.gov)>  
Sent: Wed, Aug 25, 2010 3:55 pm  
Subject: RE: CPRA C.O.P. Position.

Dear Mr. Crittenden:

The City of San Jose will not be providing the records you have requested regarding the recruitment of a new San Jose Police Department Chief of Police (see below and attached). Government Code Section 6255 of the California Public Records Act permits the City to withhold records from

disclosure when the public benefit derived from withholding the records clearly outweighs the public benefit in disclosing them. Because the City's recruitment effort is currently in process, disclosure of any such records responsive to your request which may currently exist would be premature and not in the public interest.

If you believe that you have been inappropriately denied access to records that you have requested, you may appeal that denial with the Rules and Open Government Committee. For more information, contact the Office of the City Clerk at (408)535 -1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov).

Regards,

Thomas D. Norris, CA  
Public Records Manager  
Office of the City Manager  
City of San Jose, CA  
(408) 535-8120

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**From:** [project.integrity@santa-clara.county-california.us](mailto:project.integrity@santa-clara.county-california.us) [mailto:[project.integrity@santa-clara.county-california.us](mailto:project.integrity@santa-clara.county-california.us)]

**Sent:** Wednesday, August 25, 2010 10:30 AM

**To:** Norris, Tom; Sims, Thomas; Mills, Fred

**Cc:** Doyle, Richard; Figone, Debra

**Subject:** CPRA C.O.P. Position.

Pursuant to the California Public Records Act, I am requesting receipt of the following documents/records and any documents that contain the following information.

Copies of all email, USPS, FAX correspondences, between the City of San Jose and TBC Recruiting, ( Terri Black & Company ) relating to (or referring to) the recruitment of the next San Jose Police Chief to replace Chief Robert Davis. ( please include electronic routing data & CC recipient list )

Copies of all email, USPS, FAX correspondences and memo's between The San Jose City Manager's Office & SJPD Deputy Chiefs: Diane Urban, David Cavalaro, David Hober & Phan Ngo relating to (or referring to) the replacement of San Jose Police Chief: Robert Davis.

Copies of all email, USPS, FAX, correspondences between Mayor Chuck Reed, Jose Salsido, Council Member: Pete Constant ( or any District 1 staff) relating to (or referring to) the replacement of San Jose Police Chief: Robert Davis.

Any References or Endorsements by any Elected Official, City Staff Member, or member of the public mentioning any candidate (potential candidate & suggestion for candidate) for the position of San Jose Chief Of Police Position.

Thank You

Cary-Andrew Crittenden  
408-401-8940

Attached Message

<b>From:</b>	<a href="mailto:project.integrity@santa-clara.county-california.us">project.integrity@santa-clara.county-california.us</a>
<b>To:</b>	Norris, Tom < <a href="mailto:tom.norris@sanjoseca.gov">tom.norris@sanjoseca.gov</a> >
<b>Subject:</b>	CPRA Revision
<b>Date:</b>	Wed, 25 Aug 2010 10:38:22 -0700

Pursuant to the California Public Records Act, I request the following revision to my most recent previous request:

Copies of all email, USPS, FAX, correspondences between Mayor Chuck Reed, Jose Salsido, Council Member: Pete Constant ( or any District 1 staff) AND THE SAN

JOSE CITY MANAGERS OFFICE relating to (or referring to)  
the replacement of San Jose Police Chief: Robert Davis.

Thanks

Cary-Andrew Crittenden

Attached Message

**From:** Norris, Tom <tom.norris@sanjoseca.gov>  
**To:** [open.government@san-jose-california.info](mailto:open.government@san-jose-california.info)  
**Cc:** Doyle, Richard <Richard.Doyle@sanjoseca.gov>; Figone, Debra <Debra.Figone@sanjoseca.gov>;  
 ; [webmaster@san-jose-california.us](mailto:webmaster@san-jose-california.us); Nader, Nadine  
 <nadine.Nader@sanjoseca.gov>; Manheim, Tom <tom.manheim@sanjoseca.gov>; Herrick, Lisa  
 <lisa.herrick@sanjoseca.gov>  
**Subject:** RE: CPRA Request - C.O.P Selection / Recruitment.  
**Date:** Wed, 25 Aug 2010 08:30:50 -0700

Dear Mr. Crittenden:

The contract between the City and Teri Blackwell & Company that you are requesting has not yet been fully executed and therefore is not available for disclosure. Please submit your request again in the next several days and, if the contract has been finalized, I will supply you with a copy.

The other information you are seeking is still being developed and will be shaped by the community input process that is only just beginning. Attached is a copy of an Information Memorandum from City Manager Figone to the Mayor and City Council that explains that process.

Regards,

Thomas D. Norris, CA  
 Public Records Manager  
 Office of the City Manager  
 City of San Jose, CA  
 (408) 535-8120

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**From:** [open.government@san-jose-california.info](mailto:open.government@san-jose-california.info) [mailto:[open.government@san-jose-california.info](mailto:open.government@san-jose-california.info)]  
**Sent:** Tuesday, August 24, 2010 10:54 PM  
**To:** Norris, Tom  
**Cc:** Doyle, Richard; Figone, Debra; ; [webmaster@san-jose-california.us](mailto:webmaster@san-jose-california.us); Nader, Nadine  
**Subject:** CPRA Request - C.O.P Selection / Recruitment.

Dear Mr. Norris

Pursuant to the California Public Records Act, I request prompt receipt of the following records / documents & any records / documents that contain the following information.

A copy of the contract between the City of San Jose and TBC Recruiting concerning the recruiting of the new police chief to replace chief Robert Davis. ( Including any attachments to this contract and any other records / documents relating to such )  
 Names of individuals on the selection panel assisting City Manager: Debra Figone in decision making process of choosing the next Police Chief, and specific responsibilities / duties of each member.

Protocol of weighing and processing public input and any factors & steps in the selection process of hiring the next Police Chief and screening applicants.

If you believe that I am not entitled to the requested records I am requesting that you justify your refusal within 10 days in writing pursuant to California Government code & 6255. You may only refuse to release these records if there is an express law prohibiting you from doing so.

Thank You.

Cary-Andrew Crittenden

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RULES COMMITTEE: 09-15-10  
ITEM: J1a

# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Lee Price, MMC

**SUBJECT: ADDENDUM FOR RULES  
COMMITTEE AGENDA  
SEPTEMBER 15, 2010**

**DATE:** September 10, 2010

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Approved

Date

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## RECOMMENDATION

This packet is background information relating to the Appeal to the Rules and Open Government Committee – Civil Suit from Mr. Cary-Andrew Crittenden.

  
Lee Price, MMC  
City Clerk

**Davis, Tamara**

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**From:** Norris, Tom  
**Sent:** Friday, September 10, 2010 9:29 AM  
**To:** Davis, Tamara; Rules and Open Government Committee Agendas  
**Cc:** Hawkins, Dennis (Clerk)  
**Subject:** FW: Appeal to Rules & Open Government Committee - Civil Suit  
**Attachments:** RE: Appeal to Rules & Open Government Committee - Civil Suit

Hi, all this just in from Mr. Crittenden on his appeal. Also attached is my supplemental response to him yesterday.

Thomas D. Norris, CA  
Public Records Manager  
Office of the City Manager  
City of San Jose, CA  
(408) 535-8120

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**From:** san.jose@california.usa.com [mailto:san.jose@california.usa.com]  
**Sent:** Friday, September 10, 2010 9:18 AM  
**To:** Norris, Tom  
**Cc:** Price, Lee; jwoolfolk@mercurynews.com; swebby@mercurynews.com; Figone, Debra  
**Subject:** RE: Appeal to Rules & Open Government Committee - Civil Suit

Tom.

I was originally under the impression that the entire CPRA request had been denied. Thank you for making the effort & following through the best you can with the other records. I have thought about this & have decided that I will proceed with the appeal regardless of whether the records retained by the city are existent or sufficient because when applicants do come forward for the C.O.P. position I will be better poised to contest this in civil court pursuant to California Government Cone #6259. Thanks again for all the good efforts on your end, & you have always done a really good job in responding to CPRA requests which is the reason I copy my CPRA requests to SJPD to your office also.

Take Care.  
Cary-Andrew Crittenden

-----Original Message-----

**From:** Norris, Tom <tom.norris@sanjoseca.gov>  
**To:** san.jose@california.usa.com  
**Sent:** Thu, Sep 9, 2010 4:11 pm  
**Subject:** RE: Appeal to Rules & Open Government Committee - Civil Suit

Dear Mr. Crittenden:

I have reviewed your appeal of your August 25 request for records that was denied.

At the time of your request, the City had just begun the recruitment process. The first community outreach meeting on the selection of a new Chief had occurred just the day before and the contract for recruitment consulting services was not yet executed—as I wrote to you in response to a request for records received on August 24 (see attached). The contract with Teri Black & Company was executed on September 7. I forwarded that to you on September 8 in partial response to another ongoing records

9/10/2010

request received from you on September 3.

My response regarding the unavailability of the yet to be executed consulting contract covered associated contract development documents and I apologize for not stating so clearly. Because the contract has now been executed and forwarded to you, I am releasing the documents associated with its development. Most of the individuals and offices you referenced in your request, including the Office of the City Manager, San Jose Police Department Deputy Chiefs, the Mayor's Office, and Council District 1 Office, informed me that they had no responsive records, with the exception of a calendar appointment for a conference call on August 4 (see attached). The Human Resources Department (HRD) does have documents responsive to your request that relate to the development of a contract between Teri Black & Company and the City for recruitment consulting services. The HRD documents also include documents concerning the availability of various staff and Ms. Black for meetings, plans for community outreach, and some publications provided by Ms. Black. These records and those associated with contract development may be found in the attached zipped PDF file. Please let me know if you have any trouble opening or otherwise accessing this file.

I have previously made available to you a memorandum, dated August 6, from the City Manager to the Mayor and Council regarding recruitment of a new Chief of Police. This and other documents on this topic are accessible on the City's website at <http://www.sanjoseca.gov/>. Please let me know if you have any problem accessing these documents and I will make other arrangements to provide them.

The attached documents and the documents on the City's website constitute all the records responsive to your request that I have been able to locate. Please let us know, by noon on Friday, September 10, whether or not you wish to proceed with your appeal.

Please contact me if you have any questions for me on this subject.

Regards,

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Public Records Manager  
Office of the City Manager  
City of San Jose, CA  
(408) 535-8120

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**From:** [san.jose@california.usa.com](mailto:san.jose@california.usa.com) [<mailto:san.jose@california.usa.com>]

**Sent:** Tuesday, September 07, 2010 12:24 PM

**To:** Price, Lee; City Clerk

**Cc:** ; [svdebug@newamericamedia.org](mailto:svdebug@newamericamedia.org) ;

[swebby@mercurynews.com](mailto:swebby@mercurynews.com); Norris, Tom; Chirco, Judy; Pyle, Nancy; Reed, Chuck; Constant, Pete; [cje@usa.com](mailto:cje@usa.com)

**Subject:** Appeal to Rules & Open Government Committee - Civil Suit

Lee.

I wish to appeal this CPRA denial issued by Tom Norris of the City Managers Office to the Rules and Open Government Committee.

I am also preparing to sue for the release of these documents in Civil Court pursuant to the California Government Code.

Thank You.  
Cary-Andrew Crittenden

-----Original Message-----

From: Dean Wallraff <[dw@aenv.org](mailto:dw@aenv.org)>

To: [san.jose@california.usa.com](mailto:san.jose@california.usa.com)

Sent: Tue, Sep 7, 2010 11:51 am

Subject: RE: Copy of CPRA Denial

9/10/2010

You should probably appeal. You might have to do that before filing a lawsuit. I would say they haven't demonstrated that "the public interest served by not disclosing the records clearly outweighs the public interest served by disclosure of the record." Make your case for public disclosure – why it is in the public interest. Say why you think the process won't be harmed by disclosure. Send this as a response to this email and find out when the committee meetings for your appeal. If it's too far from now, complain about that, too.

--Dean Wallraff

---

**From:** [san.jose@california.usa.com](mailto:san.jose@california.usa.com) [<mailto:san.jose@california.usa.com>]  
**Sent:** Tuesday, September 07, 2010 10:38 AM  
**To:** ; [fap@thefirstamendment.org](mailto:fap@thefirstamendment.org); [svdebug@newamericamedia.org](mailto:svdebug@newamericamedia.org);  
[info@calpubrec.org](mailto:info@calpubrec.org)  
**Subject:** Copy of CPRA Denial

To All.

Below is a copy of a CPRA denial that I received. I believe the Public Interest clearly outweighs the right to privacy for the applicants. I was surprised that the city of San Jose denied the entire request.

Any Suggestions?

Cary-Andrew Crittenden

-----Original Message-----

From: Norris, Tom <[tom.norris@sanjoseca.gov](mailto:tom.norris@sanjoseca.gov)>  
To: [project.integrity@santa-clara.county-california.us](mailto:project.integrity@santa-clara.county-california.us)  
Cc: Doyle, Richard <[Richard.Doyle@sanjoseca.gov](mailto:Richard.Doyle@sanjoseca.gov)>; Figone, Debra <[Debra.Figone@sanjoseca.gov](mailto:Debra.Figone@sanjoseca.gov)>; Herrick, Lisa <[lisa.herrick@sanjoseca.gov](mailto:lisa.herrick@sanjoseca.gov)>; Sims, Thomas <[THOMAS.SIMS@sanjoseca.gov](mailto:THOMAS.SIMS@sanjoseca.gov)>; Mills, Fred <[FRED.MILLS@sanjoseca.gov](mailto:FRED.MILLS@sanjoseca.gov)>  
Sent: Wed, Aug 25, 2010 3:55 pm  
Subject: RE: CPRA C.O.P. Position.

Dear Mr. Crittenden:

The City of San Jose will not be providing the records you have requested regarding the recruitment of a new San Jose Police Department Chief of Police (see below and attached). Government Code Section 6255 of the California Public Records Act permits the City to withhold records from disclosure when the public benefit derived from withholding the records clearly outweighs the public benefit in disclosing them. Because the City's recruitment effort is currently in process, disclosure of any such records responsive to your request which may currently exist would be premature and not in the public interest.

If you believe that you have been inappropriately denied access to records that you have requested, you may appeal that denial with the Rules and Open Government Committee. For more information, contact the Office of the City Clerk at (408)535 -1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov).

Regards,

Thomas D. Norris, CA  
Public Records Manager  
Office of the City Manager

9/10/2010

City of San Jose, CA  
(408) 535-8120

**From:** [project.integrity@santa-clara.county-california.us](mailto:project.integrity@santa-clara.county-california.us) [mailto:[project.integrity@santa-clara.county-california.us](mailto:project.integrity@santa-clara.county-california.us)]

**Sent:** Wednesday, August 25, 2010 10:30 AM

**To:** Norris, Tom; Sims, Thomas; Mills, Fred

**Cc:** Doyle, Richard; Figone, Debra

**Subject:** CPRA C.O.P. Position.

Pursuant to the California Public Records Act, I am requesting receipt of the following documents/records and any documents that contain the following information.

Copies of all email, USPS, FAX correspondences, between the City of San Jose and TBC Recruiting, ( Terri Black & Company ) relating to (or referring to) the recruitment of the next San Jose Police Chief to replace Chief Robert Davis. ( please include electronic routing data & CC recipient list )

Copies of all email, USPS, FAX correspondences and memo's between The San Jose City Manager's Office & SJPD Deputy Chiefs: Diane Urban, David Cavalaro, David Hober & Phan Ngo relating to (or referring to) the replacement of San Jose Police Chief: Robert Davis.

Copies of all email, USPS, FAX, correspondences between Mayor Chuck Reed, Jose Salsido, Council Member: Pete Constant ( or any District 1 staff) relating to (or referring to) the replacement of San Jose Police Chief: Robert Davis.

Any References or Endorsements by any Elected Official, City Staff Member, or member of the public mentioning any candidate (potential candidate & suggestion for candidate) for the position of San Jose Chief Of Police Position.

Thank You

Cary-Andrew Crittenden

Attached Message

**From:** [project.integrity@santa-clara.county-california.us](mailto:project.integrity@santa-clara.county-california.us)

**To:** Norris, Tom <[tom.norris@sanjoseca.gov](mailto:tom.norris@sanjoseca.gov)>

**Subject:** CPRA Revision

**Date:** Wed, 25 Aug 2010 10:38:22 -0700

Pursuant to the California Public Records Act, I request the following revision to my most recent previous request:

Copies of all email, USPS, FAX, correspondences between Mayor Chuck Reed, Jose Salsido,

Council Member: Pete Constant ( or any District 1 staff) AND THE SAN JOSE CITY MANAGERS OFFICE relating to (or referring to)

the replacement of San Jose Police Chief: Robert Davis.

Thanks

Cary-Andrew Crittenden

Attached Message

**From:** Norris, Tom <[tom.norris@sanjoseca.gov](mailto:tom.norris@sanjoseca.gov)>

**To:** [open.government@san-jose-california.info](mailto:open.government@san-jose-california.info)

**Cc:** Doyle, Richard <[Richard.Doyle@sanjoseca.gov](mailto:Richard.Doyle@sanjoseca.gov)>; Figone, Debra <[Debra.Figone@sanjoseca.gov](mailto:Debra.Figone@sanjoseca.gov)>; [dgreene@thefirstamendment.org](mailto:dgreene@thefirstamendment.org); [egonov@gmail.com](mailto:egonov@gmail.com); [webmaster@san-jose-california.us](mailto:webmaster@san-jose-california.us); Nader, Nadine <[Nadine.Nader@sanjoseca.gov](mailto:Nadine.Nader@sanjoseca.gov)>; Manheim, Tom <[tom.manheim@sanjoseca.gov](mailto:tom.manheim@sanjoseca.gov)>; Herrick, Lisa <[lisa.herrick@sanjoseca.gov](mailto:lisa.herrick@sanjoseca.gov)>

**Subject:** RE: CPRA Request - C.O.P Selection / Recruitment.

**Date:** Wed, 25 Aug 2010 08:30:50 -0700

Dear Mr. Crittenden:

9/10/2010

The contract between the City and Teri Blackwell & Company that you are requesting has not yet been fully executed and therefore is not available for disclosure. Please submit your request again in the next several days and, if the contract has been finalized, I will supply you with a copy.

The other information you are seeking is still being developed and will be shaped by the community input process that is only just beginning. Attached is a copy of an Information Memorandum from City Manager Figone to the Mayor and City Council that explains that process.

Regards,

Thomas D. Norris, CA  
Public Records Manager  
Office of the City Manager  
City of San Jose, CA  
(408) 535-8120

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**From:** [open.government@san-jose-california.info](mailto:open.government@san-jose-california.info) [mailto:[open.government@san-jose-california.info](mailto:open.government@san-jose-california.info)]  
**Sent:** Tuesday, August 24, 2010 10:54 PM  
**To:** Norris, Tom  
**Cc:** Doyle, Richard; Figone, Debra; ; [reene@thefirstamendment.org](mailto:reene@thefirstamendment.org); [egonov@gmail.com](mailto:egonov@gmail.com);  
[webmaster@san-jose-california.us](mailto:webmaster@san-jose-california.us); Nader, Nadine  
**Subject:** CPRA Request - C.O.P Selection / Recruitment.

Dear Mr. Norris

Pursuant to the California Public Records Act, I request prompt receipt of the following records / documents & any records / documents that contain the following information.

A copy of the contract between the City of San Jose and TBC Recruiting concerning the recruiting of the new police chief to replace chief Robert Davis. ( Including any attachments to this contract and any other records / documents relating to such )

Names of individuals on the selection panel assisting City Manager: Debra Figone in decision making process of choosing the next Police Chief, and specific responsibilities / duties of each member.

Protocol of weighing and processing public input and any factors & steps in the selection process of hiring the next Police Chief and screening applicants.

---

If you believe that I am not entitled to the requested records I am requesting that you justify your refusal within 10 days in writing pursuant to California Government code & 6255. You may only refuse to release these records if there is an express law prohibiting you from doing so.

Thank You.

Cary-Andrew Crittenden \_\_\_\_\_

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**Davis, Tamara**

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**From:** Norris, Tom  
**Sent:** Thursday, September 09, 2010 4:10 PM  
**To:** 'san.jose@california.usa.com'  
**Subject:** RE: Appeal to Rules & Open Government Committee - Civil Suit  
**Attachments:** RE: CPRA Request - C.O.P Selection / Recruitment.; FW Teri Black Brann conference call (Mark Heather Deanna to attend).rtf; 20100911045038897.zip

Dear Mr. Crittenden:

I have reviewed your appeal of your August 25 request for records that was denied.

At the time of your request, the City had just begun the recruitment process. The first community outreach meeting on the selection of a new Chief had occurred just the day before and the contract for recruitment consulting services was not yet executed—as I wrote to you in response to a request for records received on August 24 (see attached). The contract with Teri Black & Company was executed on September 7. I forwarded that to you on September 8 in partial response to another ongoing records request received from you on September 3.

My response regarding the unavailability of the yet to be executed consulting contract covered associated contract development documents and I apologize for not stating so clearly. Because the contract has now been executed and forwarded to you, I am releasing the documents associated with its development. Most of the individuals and offices you referenced in your request, including the Office of the City Manager, San Jose Police Department Deputy Chiefs, the Mayor's Office, and Council District 1 Office, informed me that they had no responsive records, with the exception of a calendar appointment for a conference call on August 4 (see attached). The Human Resources Department (HRD) does have documents responsive to your request that relate to the development of a contract between Teri Black & Company and the City for recruitment consulting services. The HRD documents also include documents concerning the availability of various staff and Ms. Black for meetings, plans for community outreach, and some publications provided by Ms. Black. These records and those associated with contract development may be found in the attached zipped PDF file. Please let me know if you have any trouble opening or otherwise accessing this file.

I have previously made available to you a memorandum, dated August 6, from the City Manager to the Mayor and Council regarding recruitment of a new Chief of Police. This and other documents on this topic are accessible on the City's website at <http://www.sanjoseca.gov/>. Please let me know if you have any problem accessing these documents and I will make other arrangements to provide them.

The attached documents and the documents on the City's website constitute all the records responsive to your request that I have been able to locate. Please let us know, by noon on Friday, September 10, whether or not you wish to proceed with your appeal.

Please contact me if you have any questions for me on this subject.

Regards,

Thomas D. Norris, CA  
Public Records Manager  
Office of the City Manager  
City of San Jose, CA  
(408) 535-8120

---

**From:** san.jose@california.usa.com [mailto:san.jose@california.usa.com]  
**Sent:** Tuesday, September 07, 2010 12:24 PM  
**To:** Price, Lee; City Clerk

9/10/2010

**Cc:** svdebug@newamericamedia.org; ; fap@thefirstamendment.org;  
swebby@mercurynews.com; Norris, Tom; Chirco, Judy; Pyle, Nancy; Reed, Chuck; Constant, Pete; cje@usa.com  
**Subject:** Appeal to Rules & Open Government Committee - Civil Suit

Lee.

I wish to appeal this CPRA denial issued by Tom Norris of the City Managers Office to the Rules and Open Government Committee.

I am also preparing to sue for the release of these documents in Civil Court pursuant to the California Government Code.

Thank You.  
Cary-Andrew Crittenden

-----Original Message-----

**From:** Dean Wallraff <dw@aenv.org>  
**To:** san.jose@california.usa.com  
**Sent:** Tue, Sep 7, 2010 11:51 am  
**Subject:** RE: Copy of CPRA Denial

You should probably appeal. You might have to do that before filing a lawsuit. I would say they haven't demonstrated that "the public interest served by not disclosing the records clearly outweighs the public interest served by disclosure of the record." Make your case for public disclosure – why it is in the public interest. Say why you think the process won't be harmed by disclosure. Send this as a response to this email and find out when the committee meetings for your appeal. If it's too far from now, complain about that, too.

--Dean Wallraff

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**From:** [san.jose@california.usa.com](mailto:san.jose@california.usa.com) [<mailto:san.jose@california.usa.com>]  
**Sent:** Tuesday, September 07, 2010 10:38 AM  
**To:** [abjpd1@juno.com](mailto:abjpd1@juno.com); [fap@thefirstamendment.org](mailto:fap@thefirstamendment.org); [svdebug@newamericamedia.org](mailto:svdebug@newamericamedia.org); [dw@aenv.org](mailto:dw@aenv.org); [info@calpubrec.org](mailto:info@calpubrec.org)  
**Subject:** Copy of CPRA Denial

To All.

Below is a copy of a CPRA denial that I received. I believe the Public Interest clearly outweighs the right to privacy for the applicants. I was surprised that the city of San Jose denied the entire request.

Any Suggestions?

Cary-Andrew Crittenden

-----Original Message-----

**From:** Norris, Tom <[tom.norris@sanjoseca.gov](mailto:tom.norris@sanjoseca.gov)>  
**To:** [project.integrity@santa-clara.county-california.us](mailto:project.integrity@santa-clara.county-california.us)  
**Cc:** Doyle, Richard <[Richard.Doyle@sanjoseca.gov](mailto:Richard.Doyle@sanjoseca.gov)>; Figone, Debra <[Debra.Figone@sanjoseca.gov](mailto:Debra.Figone@sanjoseca.gov)>; Herrick, Lisa <[lisa.herrick@sanjoseca.gov](mailto:lisa.herrick@sanjoseca.gov)>; Sims, Thomas <[THOMAS.SIMS@sanjoseca.gov](mailto:THOMAS.SIMS@sanjoseca.gov)>; Mills,

9/10/2010

Fred <[FRED.MILLS@sanjoseca.gov](mailto:FRED.MILLS@sanjoseca.gov)>

Sent: Wed, Aug 25, 2010 3:55 pm

Subject: RE: CPRA C.O.P. Position.

Dear Mr. Crittenden:

The City of San Jose will not be providing the records you have requested regarding the recruitment of a new San Jose Police Department Chief of Police (see below and attached). Government Code Section 6255 of the California Public Records Act permits the City to withhold records from disclosure when the public benefit derived from withholding the records clearly outweighs the public benefit in disclosing them. Because the City's recruitment effort is currently in process, disclosure of any such records responsive to your request which may currently exist would be premature and not in the public interest.

If you believe that you have been inappropriately denied access to records that you have requested, you may appeal that denial with the Rules and Open Government Committee. For more information, contact the Office of the City Clerk at (408)535 -1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov).

Regards,

Thomas D. Norris, CA  
Public Records Manager  
Office of the City Manager  
City of San Jose, CA  
(408) 535-8120

---

**From:** [project.integrity@santa-clara.county-california.us](mailto:project.integrity@santa-clara.county-california.us) [mailto:[project.integrity@santa-clara.county-california.us](mailto:project.integrity@santa-clara.county-california.us)]

**Sent:** Wednesday, August 25, 2010 10:30 AM

**To:** Norris, Tom; Sims, Thomas; Mills, Fred

**Cc:** Doyle, Richard; Figone, Debra

**Subject:** CPRA C.O.P. Position.

Pursuant to the California Public Records Act, I am requesting receipt of the following documents/records and any documents that contain the following information.

Copies of all email,USPS, FAX correspondences, between the City of San Jose and TBC Recruiting, ( Terri Black & Company ) relating to (or referring to) the recruitment of the next San Jose Police Chief to replace Chief Robert Davis. ( please include electronic routing data & CC recipient list )

Copies of all email,USPS,FAX correspondences and memo's between The San Jose City Manager's Office & SJPD Deputy Chiefs: Diane Urban, David Cavalaro, David Hober & Phan Ngo relating to (or referring to) the replacement of San Jose Police Chief: Robert Davis.

Copies of all email, USPS, FAX, correspondences between Mayor Chuck Reed, Jose Salsido, Council Member: Pete Constant ( or any District 1 staff) relating to (or referring to) the replacement of San Jose Police Chief: Robert Davis.

Any References or Endorsements by any Elected Official, City Staff Member, or member of the public mentioning any candidate (potential candidate & suggestion for candidate) for the position of San Jose Chief Of Police Position.

Thank You

Cary-Andrew Crittenden

408-401-8940

Attached Message

**From:** [project.integrity@santa-clara.county-california.us](mailto:project.integrity@santa-clara.county-california.us)

**To:** Norris, Tom <[tom.norris@sanjoseca.gov](mailto:tom.norris@sanjoseca.gov)>

**Subject:** CPRA Revision

**Date:** Wed, 25 Aug 2010 10:38:22 -0700

Pursuant to the California Public Records Act, I request the following

9/10/2010

revision to my most recent previous request:

Copies of all email, USPS, FAX, correspondences between Mayor Chuck Reed, Jose Salsido, Council Member: Pete Constant ( or any District 1 staff) AND THE SAN JOSE CITY MANAGERS OFFICE relating to (or referring to) the replacement of San Jose Police Chief: Robert Davis.

Thanks

Cary-Andrew Crittenden

**Norris, Tom**

---

**From:** Ruiz, Heather  
**Sent:** Monday, July 26, 2010 3:15 PM  
**To:** Cranford, Sandra  
**Cc:** Morales, Cristina  
**Subject:** FW: Purchase Order for Shawn Spano

**Sensitivity:** Confidential

Sandy – I have asked Teri for availability, and will send that when I get it. Mark is back on Thursday. Can you and Cristina set something up for Thursday or Friday on the topic of Police Chief search? Thanks! - Heather

**Heather Ruiz**

Deputy Director of Human Resources, City of San Jose  
(408) 975-1439

**What's new in H.R?**

*Wellness Screenings are coming to a worksite near you in 2010!*

*To maintain wellness, it's important that you know your health risk indicators for cholesterol, glucose, BMI and blood pressure. Worksite wellness screenings are free and effective way for employees to monitor their current health status. Visit [www.sanjoseca.gov/wellness](http://www.sanjoseca.gov/wellness) to learn more.*

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**From:** Santana, Deanna  
**Sent:** Monday, July 26, 2010 3:10 PM  
**To:** Ruiz, Heather; Danaj, Mark  
**Subject:** RE: Purchase Order for Shawn Spano  
**Sensitivity:** Confidential

Yes, Deb would like a meeting with Mark and Teri and "us" when Mark gets back. thanks.

---

**From:** Ruiz, Heather  
**Sent:** Monday, July 26, 2010 1:21 PM  
**To:** Santana, Deanna; Danaj, Mark  
**Subject:** RE: Purchase Order for Shawn Spano  
**Sensitivity:** Confidential

Deanna – I have not initiated a PO. My notes from our last meeting was that we were holding on that pending Deb's preference, and not going to purchasing until the announcement. I was to initiate a contract with Teri, and ask her for blocks of time and a draft timeline for the recruitment, which I have begun. I saw this morning the announcement is out, so I will approach purchasing today, and move forward on the PO. I also noted we were going to have a meeting this week with all parties to check-in. I don't have that on my calendar, so I am not sure that got scheduled. I will work on getting something for later this week with you, Deb, Mark and I and Teri on the phone. Should I include anyone else? We can go over Teri's proposed timeline, and status of PO/contract issues. Let me know if there is anything else we need to

do. Thanks! - Heather

**Heather Ruiz**

Deputy Director of Human Resources, City of San Jose  
(408) 975-1439

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---

**From:** Santana, Deanna  
**Sent:** Monday, July 26, 2010 7:09 AM  
**To:** Danaj, Mark; Ruiz, Heather  
**Subject:** Purchase Order for Shawn Spano  
**Sensitivity:** Confidential

Has HR made any movement on this issue? Deb favored the PO approach for the next set of work that Shawn will be completing.

**Norris, Tom**

---

**From:** Ruiz, Heather  
**Sent:** Tuesday, July 27, 2010 11:35 AM  
**To:** Morales, Cristina  
**Subject:** FW: Police Chief Recruitment

Cristina – Can you work with Sandy to set up the meeting with Mark, Deanna, Teri, Deb and I? Thanks! - Heather

**Heather Ruiz**

Deputy Director of Human Resources, City of San Jose  
(408) 975-1439

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**From:** Teri Black-Brann [mailto:teri@tbcrecruiting.com]  
**Sent:** Tuesday, July 27, 2010 9:05 AM  
**To:** Ruiz, Heather  
**Subject:** RE: Police Chief Recruitment

Hi Heather –

Great to hear from you. I look forward to working with you again as well!! I will get you a timeline and #s by tomorrow a.m. It's a crazy week for me as my assistant is on vacation and we have 3 final processes starting this eve. If there is any way we can push the conf call into early next week, that would be terrific. Otherwise, I'll be doing it from the car or an airport and that's typically not good. In terms of next week, I can totally work around your schedules on 8/2 or 8/3. On Wed., 8/4 – I'm open before 12:30 and after 2:30 p.m.

In terms of meeting w/ the Council and being present for community meetings, here is what is currently open in the coming weeks:

Thurs., Aug. 12<sup>th</sup>  
Fri., Aug. 13<sup>th</sup>  
Wed., Aug. 18<sup>th</sup>  
Thurs., Aug. 19<sup>th</sup> (until to 2:00 p.m.)  
Tues., Aug. 24  
Wed., Aug. 25  
Thurs., Aug. 26 (until 12:00 p.m.)  
Wed., Sept. 1  
Thurs., Sept. 2

I'll hold these dates for as long as possible, but you know the drill – the sooner we can nail down the ones you want, the better.

9/9/2010

Teri

Teri Black-Brown, President  
teri@tbcrecruiting.com



**Teri Black & Company**  
Your Executive Search Solution  
4232 Pascal Place  
Palo Alto, CA 94304  
Tel: 310.377.2612  
Fax: 310.377.1362  
www.tbcrecruiting.com

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**From:** Ruiz, Heather [mailto:heather.ruiz@sanjoseca.gov]  
**Sent:** Monday, July 26, 2010 1:43 PM  
**To:** teri@tbcrecruiting.com  
**Subject:** Police Chief Recruitment

Teri – I understand we get the pleasure of working together again on our Police Chief recruitment. You may have seen the news that Chief Davis announced his retirement today, so we need to get things moving on this one. I am attaching a draft of the contract; all I need from you are the numbers to fill in on professional fee and expenses, as well as the timeline. I used the template from your last contract, which should hopefully speed things along in the attorney's review, since the language is identical, and I have already sent it to CAO to facilitate moving quickly this time once I get the numbers from you to fill in. I was hoping to you give me a couple of things:

- 1) A draft timeline for the recruitment with the goal of having someone onboard in January
- 2) Some availability for you later this week for a conference call with Deb to go over the timeline and recruitment in general
- 3) Any blocks of time you have to be up here for community outreach meetings on candidate profile information. We are going to have a number of them, and would like you to be at as many as possible.
- 4) Your insight or thoughts on anything else we need to be thinking about.

I look forward to working with you again on this recruitment. Thanks! - Heather

**Heather Ruiz**

Deputy Director of Human Resources  
City of San Jose  
200 E. Santa Clara St. 2nd Floor Wing  
San Jose, CA 95113-1905  
(408) 975-1439 - phone  
(408) 920-0863 - fax

**What's new in H.R.?**

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9/9/2010

*originator is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.*

**Norris, Tom**

---

**From:** Morales, Cristina  
**Sent:** Tuesday, July 27, 2010 1:47 PM  
**To:** 'teri@tbcrecruiting.com'  
**Cc:** Ruiz, Heather  
**Subject:** RE: Police Chief Recruitment

Teri,

A meeting has been set for Wednesday, August 4<sup>th</sup> at 8AM w/Deb, Deanna, Mark, Heather and you.

What is a good number to reach you at that morning?

*Cristina Morales  
City of San Jose  
Human Resources Department  
Ph: 408.975-1476  
Fax: 408.920.0863*

---

**From:** Ruiz, Heather  
**Sent:** Tuesday, July 27, 2010 11:35 AM  
**To:** Morales, Cristina  
**Subject:** FW: Police Chief Recruitment

Cristina – Can you work with Sandy to set up the meeting with Mark, Deanna, Teri, Deb and I? Thanks! - Heather

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**From:** Teri Black-Brann [mailto:teri@tbcrecruiting.com]  
**Sent:** Tuesday, July 27, 2010 9:05 AM  
**To:** Ruiz, Heather  
**Subject:** RE: Police Chief Recruitment

Hi Heather –

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9/9/2010

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Tues., Aug. 24  
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Thurs., Aug. 26 (until 12:00 p.m.)  
Wed., Sept. 1  
Thurs., Sept. 2

I'll hold these dates for as long as possible, but you know the drill – the sooner we can nail down the ones you want, the better.

Teri

Teri Black-Brann, President  
teri@tbcrecruiting.com



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Palos Verdes Peninsula, CA 90274  
tel: 310.377.2612  
fax: 310.377.1802  
www.tbcrecruiting.com

---

**From:** Ruiz, Heather [mailto:heather.ruiz@sanjoseca.gov]  
**Sent:** Monday, July 26, 2010 1:43 PM  
**To:** teri@tbcrecruiting.com  
**Subject:** Police Chief Recruitment

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**Heather Ruiz**

Deputy Director of Human Resources  
City of San Jose  
200 E. Santa Clara St. 2nd Floor Wing  
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**Norris, Tom**

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**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Tuesday, July 27, 2010 2:40 PM  
**To:** Morales, Cristina  
**Subject:** RE: Police Chief Recruitment

Hi Cristina –

I'll be in the office (310.377.2612). I look forward to working w/ you again!! Thx for coordinating.

Teri

Teri Black-Brann, President  
teri@tbcrecruiting.com



**Teri Black & Company**  
Your Executive Search Solution  
4232 Pascal Place  
Palo Verde Peninsula, CA 90274  
Tel: 310.377.2612  
Fax: 310.377.1982  
www.tbcrecruiting.com

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**From:** Morales, Cristina [mailto:Cristina.Morales@sanjoseca.gov]  
**Sent:** Tuesday, July 27, 2010 1:47 PM  
**To:** teri@tbcrecruiting.com  
**Cc:** Ruiz, Heather  
**Subject:** RE: Police Chief Recruitment

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**Sent:** Tuesday, July 27, 2010 11:35 AM  
**To:** Morales, Cristina  
**Subject:** FW: Police Chief Recruitment

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9/9/2010

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Deputy Director of Human Resources, City of San Jose  
(408) 975-1439

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Teri

9/9/2010

Ted Black-Grann, President  
ted@tbcrecruiting.com



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Palo Alto Peninsula, CA 94374  
tel: 310.377.2612  
fax: 310.377.3282  
www.tbcrecruiting.com

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**Sent:** Monday, July 26, 2010 1:43 PM  
**To:** teri@tbcrecruiting.com  
**Subject:** Police Chief Recruitment

Teri – I understand we get the pleasure of working together again on our Police Chief recruitment. You may have seen the news that Chief Davis announced his retirement today, so we need to get things moving on this one. I am attaching a draft of the contract; all I need from you are the numbers to fill in on professional fee and expenses, as well as the timeline. I used the template from your last contract, which should hopefully speed things along in the attorney's review, since the language is identical, and I have already sent it to CAO to facilitate moving quickly this time once I get the numbers from you to fill in. I was hoping to you give me a couple of things:

- 1) A draft timeline for the recruitment with the goal of having someone onboard in January
- 2) Some availability for you later this week for a conference call with Deb to go over the timeline and recruitment in general
- 3) Any blocks of time you have to be up here for community outreach meetings on candidate profile information. We are going to have a number of them, and would like you to be at as many as possible.
- 4) Your insight or thoughts on anything else we need to be thinking about.

I look forward to working with you again on this recruitment. Thanks! - Heather

**Heather Ruiz**

Deputy Director of Human Resources  
City of San Jose  
200 E. Santa Clara St. 2nd Floor Wing  
San Jose, CA 95113-1905  
(408) 975-1439 - phone  
(408) 920-0863 - fax

**What's new in H.R.?**

**Wellness Screenings are coming to a worksite near you in 2010!**

**To maintain wellness, it's important that you know your health risk indicators for cholesterol, glucose, BMI and blood pressure. Worksite wellness screenings are free and effective way for employees to monitor their current health status. Visit [www.sanjoseca.gov/wellness](http://www.sanjoseca.gov/wellness) to learn more.**

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Your Executive Search Solution

**CITY OF SAN JOSE – POLICE CHIEF**

**PROPOSED RECRUITMENT SCHEDULE**

<b><u>Activity</u></b>	<b>Completion Date (No Later Than)</b>
1. Chief Davis announces his retirement	7/26
2. Recruitment planning conference call w/ CMO and HR	8/4
3. Community and stakeholder outreach meetings	8/9 – 9/10
4. Draft ad & recruitment brochure for client review	8/30
5. Client submits approval/changes to ad & brochure	9/3
6. Print / distribute recruitment brochure	9/13
7. Launch advertising campaign	9/15
8. Identify and contact potential candidates (direct marketing campaigns + extensive personal outreach)	9/13 – 10/17
9. Final filing date	10/17
10. Resume review and screening interviews	
▪ Final screening of resumes	10/18
▪ Screening interviews	10/31
11. Submit Client Report (summarizes results of recruitment & screening interviews)	11/2
12. Meeting with Client; selection of finalists	11/4 or 11/5
13. Interviews in San Jose	11/18 or 11/19
14. Follow-up interviews with top candidates	Week of 11/22 Thanksgiving Week
15. Complete background & reference checks; initiate negotiations	immediately following final client interviews
16. Final offer issued/City makes appointment	Approx 2 wks from last interview

**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Wednesday, July 28, 2010 7:06 PM  
**To:** Ruiz, Heather  
**Cc:** Morales, Cristina  
**Subject:** Police Chief Materials  
**Attachments:** Proposed Recruitment Schedule for Police Chief.doc

Hi Heather –

Attached is a draft schedule for the upcoming Police Chief search for our discussion/conf call next week. In terms of the fees/expenses, let's do:

**Professional fees:** \$26,000

**Expenses:** NTE \$13,000 (will allow for max attendance at community meetings and sufficient trips to SJ)

Lastly, there has been a slight change to my availability. We'll do our best to hold onto these dates for as long as possible until some things are confirmed on SJ's end.

**Availability (updated)**

Thurs., Aug. 12<sup>th</sup>

Fri., Aug. 13<sup>th</sup>

**Mon., Aug. 16<sup>th</sup>** (new)

**Tues., Aug. 17<sup>th</sup>** (new)

~~Wed., Aug. 18<sup>th</sup>~~

Thurs., Aug. 19<sup>th</sup> (until 2:00 p.m.)

Tues., Aug. 24

Wed., Aug. 25

Thurs., Aug. 26 (until 12:00 p.m.)

Wed., Sept. 1

Thurs., Sept. 2

Let me know if you have any questions or need additional info. I hit the road tonight for the rest of the week, so cell will be best way to reach me (310-781-0878).

Thanks much – looking forward to getting started (quickly if we want someone here in Jan. 2011!).

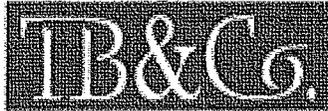
Teri

Teri Black-Brann, President  
teri@tbcrecruiting.com



**Teri Black & Company**  
Your Executive Search Solution  
4232 Pascal Place  
Palos Verdes Peninsula, CA 90274  
tel 310.377.2642  
fax 310.377.1362  
www.tbcrecruiting.com

9/9/2010



Your Executive Search Solution

**CITY OF SAN JOSE – POLICE CHIEF**

**PROPOSED RECRUITMENT SCHEDULE**

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15. Complete background & reference checks; initiate negotiations	immediately following final client interviews
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**Norris, Tom**

---

**From:** Ruiz, Heather  
**Sent:** Thursday, July 29, 2010 9:53 PM  
**To:** Danaj, Mark  
**Cc:** Morales, Cristina  
**Subject:** FW: Police Chief Materials  
**Attachments:** Proposed Recruitment Schedule for Police Chief.doc

Mark – For our meeting tomorrow morning with Deb and Deanna. I just realized you were not cc'd. I also have some additional information from talking with Mark Giovanetti in Purchasing regarding sole sourcing and Shawn Spano. Let me know if you need anything else.

Cristina – Can you print and make copies for us to bring? Thanks!

Heather

**Heather Ruiz**

Deputy Director of Human Resources, City of San Jose  
(408) 975-1439

**What's new in H.R.?**

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**Sent:** Wednesday, July 28, 2010 7:06 PM  
**To:** Ruiz, Heather  
**Cc:** Morales, Cristina  
**Subject:** Police Chief Materials

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9/9/2010

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Wed., Sept. 1  
Thurs., Sept. 2

Let me know if you have any questions or need additional info. I hit the road tonight for the rest of the week, so cell will be best way to reach me (310-781-0878).

Thanks much – looking forward to getting started (quickly if we want someone here in Jan. 2011!).

Teri

Teri Black-Brann, President  
teri@tbcrcruiting.com



**Teri Black & Company**  
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4232 Pascal Place  
Pasadena, California, CA 91274  
tel 310.377.2612  
fax 310.377.1362  
www.tbcrcruiting.com

**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Sunday, August 01, 2010 2:00 PM  
**To:** Danaj, Mark  
**Cc:** Ruiz, Heather; Morales, Cristina  
**Subject:** RE: Info needed

Hey Mark -

Here is the list since 2000 - all the Police Chiefs I have placed are still are still serving in their jobs (the "oldest" one being Denver which goes back to 2000).

Denver\* (Chief Whitman appointed by Mayor Wellington Webb in 2000; re-appointed by Mayor Hickenlooper in Aug. 2003)  
West Sacramento  
East Palo Alto\*  
Anaheim\*  
Costa Mesa  
Buena Park  
Tustin  
Manhattan Beach  
Hermosa Beach  
Future engagement: Murrieta (fall 2010)

*\*Conducted in partnership w/ Joe Brann.*

Fire Chiefs

San Jose  
San Diego  
Long Beach  
Livermore-Pleasanton  
Costa Mesa  
Santa Monica  
Manhattan Beach  
Hermosa Beach  
Anaheim (current)  
Newport Beach (current)  
Future engagement: Murrieta (late summer 2010)

There is a conf call scheduled for Wed a.m. so I think we are set. Let me know if you need more info.

Teri

TERI BLACK & COMPANY, LLC  
tel 310.377.2612  
fax 310.377.1362  
www.tbcrecruiting.com

9/9/2010

-----Original Message-----

From: Danaj, Mark [mailto:Mark.Danaj@sanjoseca.gov]

Sent: Sunday, August 01, 2010 12:51 PM

To: Teri Black-Brann

Cc: Heather Ruiz; Cristina Morales

Subject: Info needed

We're drafting an info memo to council on the PD chief search and will be noting your selection. Can you send (i.e., remind) me ASAP notable searches you have conducted that are worth listing in the memo.

Also, I will be looking to set a conference call with you soon to get us started in earnest. Thx!

9/9/2010

**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Sunday, August 01, 2010 2:00 PM  
**To:** Danaj, Mark  
**Cc:** Ruiz, Heather; Morales, Cristina  
**Subject:** RE: Info needed

Hey Mark -

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San Diego

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Manhattan Beach

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Anaheim (current)

Newport Beach (current)

Future engagement: Murrieta (late summer 2010)

There is a conf call scheduled for Wed a.m. so I think we are set. Let me know if you need more info.

Teri

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9/9/2010

-----Original Message-----

From: Danaj, Mark [mailto:Mark.Danaj@sanjoseca.gov]  
Sent: Sunday, August 01, 2010 12:51 PM  
To: Teri Black-Brann  
Cc: Heather Ruiz; Cristina Morales  
Subject: Info needed

We're drafting an info memo to council on the PD chief search and will be noting your selection. Can you send (i.e., remind) me ASAP notable searches you have conducted that are worth listing in the memo.

Also, I will be looking to set a conference call with you soon to get us started in earnest. Thx!

**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Sunday, August 01, 2010 2:09 PM  
**To:** DanaJ, Mark  
**Cc:** Ruiz, Heather; Morales, Cristina  
**Subject:** Bio  
**Attachments:** Teri - Public Safety Bio.doc

Mark –

Just in case you need my bio – middle paragraph may be helpful for Council memo.

Teri

Teri Black-Brann, President  
teri@tbcrecruiting.com



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**Teri Black, President**

Following a distinguished career in local and federal government, Teri has been dedicated to public sector executive search since 1999. Serving communities with populations in the millions to as small as 1,500 over the last 11 years, she has built a substantial base of clients across the Western United States that continually rely on her personalized service and recruitment expertise. In addition to cities and counties, Teri's clients also include special districts, utility agencies and non-profit organizations. She has managed a multitude of high profile and sensitive recruitments over the years. Prior to starting her own firm in 2006, Teri was affiliated with Shannon Executive Search/CPS Human Resource Services and The Oldani Group.

Before entering the executive search profession, Teri served as a Chief of Staff in the Office of Community Oriented Policing Services/U.S. Department of Justice in the Clinton Administration. Her local government experience includes management positions in the Cities of Santa Ana, Lakewood and Oakland, California with a special concentration on public safety. As a consultant, clients find her prior government service to be of tremendous value as they often comment, "She has walked in our shoes and understands our business."

Teri earned her Master's degree in Public Administration from the University of Southern California and holds a Bachelor's degree in Criminal Justice from California State University, Fullerton. She is a recent graduate of the UCLA Anderson School's invitational Management Program for Entrepreneurs. She is a founding member of Cal-ICMA's *Preparing the Next Generation*.

*Teri will serve as the lead and primary consultant on this engagement.*

**Joseph E. Brann, Senior Consultant/Advisor**

For the past three decades, Joe has been a nationally recognized expert in community and problem oriented policing and contemporary law enforcement practices. Having established his own consulting firm 12 years ago, a substantial portion of his practice is dedicated to organizational performance improvement. He provides assistance to TB&Co.'s law enforcement and criminal justice related recruitments.

After coming up through the ranks in the Santa Ana Police Department, Joe served as Chief in the Hayward, CA Police Department before becoming the first Director of the Office of Community Oriented Policing Services/U.S. Department of Justice at the request of President Clinton. While in Washington, he administered over \$8 billion in community policing grants for local government entities across the nation. Since leaving federal service, he has served as a consultant to numerous cities, counties, state and federal agencies.

Joe holds a Master's in Public Administration from the University of Southern California and a Bachelor's degree in Criminal Justice from California State University, Fullerton. He is a graduate of the FBI National Academy and holds memberships in the California Association of Police Chiefs, IACP and PERF.

**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Sunday, August 01, 2010 2:15 PM  
**To:** Danaj, Mark  
**Cc:** Ruiz, Heather; Morales, Cristina  
**Subject:** Bio #2  
**Attachments:** Joe Brann Bio.doc

Oops – forgot this one just in case you need it. Use as you wish.

TB

Teri Black-Brann, President  
teri@tbcrecruiting.com



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Palo Verde Peninsula, CA 95274  
Tel: 310.377.2612  
Fax: 310.377.1362  
www.tbcrecruiting.com

9/9/2010

**Norris, Tom**

---

**From:** Figone, Debra  
**Sent:** Tuesday, August 03, 2010 8:29 AM  
**To:** pete@siliconvalleyadvisors.com; Figone, Debra  
**Cc:** 'Richard Konda'; Cranford, Sandra; Duenas, Norberto; Santana, Deanna; Danaj, Mark  
**Subject:** Staff folo up needed-RE: Selection of Police Chief

Hi Pete

I am in the process of making my final decisions on the questions you've asked and will be issuing an info memo soon. We will ensure you receive a copy.

I will review my calendar to determine if I can take you up on your 8/23 invitation. Sandy will advise if this date works as soon as possible.

Thank you for your interest and invitation.

Debra  
Sent from my Windows Mobile® phone.

-----Original Message-----

From: Pete Carrillo <pete@siliconvalleyadvisors.com>  
Sent: Tuesday, August 03, 2010 8:20 AM  
To: 'Figone, Debra' <Debra.Figone@sanjoseca.gov>  
Cc: 'Richard Konda' <sccala@pacbell.net>; 'Cranford, Sandra' <Sandra.Cranford@sanjoseca.gov>; 'Duenas, Norberto' <Norberto.Duenas@sanjoseca.gov>; pete@siliconvalleyadvisors.com <pete@siliconvalleyadvisors.com>  
Subject: Selection of Police Chief

Good Morning Debra:

I hope this email finds you well rested for what appears to be a busy August and beyond for you. As you can imagine the Coalition for Justice and Accountability has paid close attention to the recent news indicating that Police Chief Davis will be departing sometime in October, 2010. In this regard and in preparation for our imput, we are respectfully seeking the following information:

1. What will be the proposed process for selection of the new police chief?
2. Has a national search firm been selected; if so what is the name of the firm and was this selection process conducted via an RFP?
3. Has your office established the timeline and criteria for selection of the police chief?

Finally, CJA would like to invite you to it's meeting of August 23, 2010, so that we can discuss this and other related matters in more detail.

Pete Carrillo  
Principal  
Silicon Valley Advisors LLC  
P.O BOX 26920

San Jose, California 95159-6920

408-999-7350 direct line

408-439-7100 cell

offices to serve you in

San Jose

Sacramento

Phoenix

From: Figone, Debra [mailto:Debra.Figone@sanjoseca.gov]  
Sent: Monday, March 01, 2010 6:26 PM  
To: pete@siliconvalleyadvisors.com  
Cc: Richard Konda; Figone, Debra; Cranford, Sandra  
Subject: RE: Thanks

Dear Pete,

Thank you - I look forward to the same.

Sincerely,

Debra

---

Debra Figone, City Manager, City of San Jose  
City Hall, 200 East Santa Clara Street, 17th Floor  
San Jose, CA 95113  
P: 408.535.8111  
F: 408.920.7007  
debra.figone@sanjoseca.gov

---

From: Pete Carrillo [mailto:pete@siliconvalleyadvisors.com]  
Sent: Monday, March 01, 2010 5:02 PM  
To: Figone, Debra  
Cc: 'Richard Konda'  
Subject: Thanks

Good Afternoon Debra:

On behalf of the Coalition for Justice and Accountability, I am writing this short note to say thank you for attending today's meeting; for listening to our concerns and comments and for your frank responses. We hope that today is the beginning of building the framework for future meetings where we can each probe deeper into the important questions of building trust, confidence and timely dialogue. Our members are absolutely committed to creating a safer San Jose and silicon valley and we recognize the need and value of working with you and team of leaders. I look forward to our next meeting. Best regards.

Pete Carrillo

Principal

Silicon Valley Advisors LLC

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San Jose, California 95159-6920

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offices to serve you in

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## Norris, Tom

---

**From:** Pete Carrillo [pete@siliconvalleyadvisors.com]  
**Sent:** Tuesday, August 03, 2010 8:34 AM  
**To:** Figone, Debra  
**Cc:** 'Richard Konda'; Cranford, Sandra; Duenas, Norberto; Santana, Deanna; Danaj, Mark  
**Subject:** RE: Staff folo up needed-RE: Selection of Police Chief

Thanks Debra:

We appreciate your prompt response. The selection of the national search firm is imminently important. This firm will set the tone for the important process of community building and imput. I look forward to hearing from you.  
Thanks

Pete Carrillo  
Principal  
Silicon Valley Advisors LLC  
P.O BOX 26920  
San Jose, California 95159-6920  
408-999-7350 direct line  
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Sacramento  
Phoenix

-----Original Message-----

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**Sent:** Tuesday, August 03, 2010 8:43 AM  
**To:** pete@siliconvalleyadvisors.com; 'Figone, Debra'  
**Cc:** 'Richard Konda'; 'Cranford, Sandra'; 'Duenas, Norberto'; Deanna Santana; Mark Danaj  
**Subject:** Staff folo up needed-RE: Selection of Police Chief

Hi Pete

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Debra  
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**To:** 'Figone, Debra' <Debra.Figone@sanjoseca.gov>  
**Cc:** 'Richard Konda' <sccala@pacbell.net>; 'Cranford, Sandra' <Sandra.Cranford@sanjoseca.gov>; 'Duenas, Norberto' <Norberto.Duenas@sanjoseca.gov>; pete@siliconvalleyadvisors.com <pete@siliconvalleyadvisors.com>  
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Sincerely,

Debra

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Debra Figone, City Manager, City of San Jose  
City Hall, 200 East Santa Clara Street, 17th Floor  
San Jose, CA 95113  
P: 408.535.8111  
F: 408.920.7007  
debra.figone@sanjoseca.gov

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Cc: 'Richard Konda'  
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408-999-7350 direct line  
408-439-7100 cell

offices to serve you in  
San Jose  
Sacramento

Phoenix

**Norris, Tom**

---

**From:** Ruiz, Heather  
**Sent:** Tuesday, August 03, 2010 3:13 PM  
**To:** Santana, Deanna  
**Cc:** Danaj, Mark; Morales, Cristina  
**Subject:** Update on Teri's availability

Deanna – Teri gave me an update on her available dates, with a slight change (see below). I think this only impacts the Aug 18<sup>th</sup> date based on what you provided in our meeting with Deb. How close are we to confirming these, for her to hold them? We can discuss tomorrow. Thanks! - Heather

Teri Availability

Thurs., Aug. 12<sup>th</sup>  
Fri., Aug. 13<sup>th</sup>  
**Mon., Aug. 16<sup>th</sup>** (new)  
**Tues., Aug. 17<sup>th</sup>** (new)  
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**Heather Ruiz**

Deputy Director of Human Resources  
City of San Jose  
200 E. Santa Clara St. 2nd Floor Wing  
San Jose, CA 95113-1905  
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**Norris, Tom**

---

**From:** Santana, Deanna  
**Sent:** Tuesday, August 03, 2010 4:34 PM  
**To:** Ruiz, Heather  
**Cc:** Danaj, Mark; Morales, Cristina  
**Subject:** RE: Update on Teri's availability

we are assessing the community meeting schedule and targeted outreach, so it is not likely that we could close this up tomorrow. sorry.

---

**From:** Ruiz, Heather  
**Sent:** Tuesday, August 03, 2010 3:13 PM  
**To:** Santana, Deanna  
**Cc:** Danaj, Mark; Morales, Cristina  
**Subject:** Update on Teri's availability

Deanna – Teri gave me an update on her available dates, with a slight change (see below). I think this only impacts the Aug 18<sup>th</sup> date based on what you provided in our meeting with Deb. How close are we to confirming these, for her to hold them? We can discuss tomorrow. Thanks! - Heather

Teri Availability

Thurs., Aug. 12<sup>th</sup>

Fri., Aug. 13<sup>th</sup>

**Mon., Aug. 16<sup>th</sup>** (new)

**Tues., Aug. 17<sup>th</sup>** (new)

~~Wed., Aug. 18<sup>th</sup>~~

Thurs., Aug. 19<sup>th</sup> (until to 2:00 p.m.)

Tues., Aug. 24

Wed., Aug. 25

Thurs., Aug. 26 (until 12:00 p.m.)

Wed., Sept. 1

Thurs., Sept. 2

**Heather Ruiz**

Deputy Director of Human Resources  
City of San Jose  
200 E. Santa Clara St. 2nd Floor Wing  
San Jose, CA 95113-1905  
(408) 975-1439 - phone  
(408) 920-0863 - fax

**What's new in H.R.?**

***Wellness Screenings are coming to a worksite near you in 2010!***

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9/9/2010

**Norris, Tom**

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**From:** Morales, Cristina  
**Sent:** Wednesday, August 04, 2010 8:58 AM  
**To:** Teri Black-Brann  
**Subject:** FW: Law Enforcement Leadership Competencies  
**Attachments:** Law Enforcement Leadership Competencies.doc

Teri,

Per Mark's request here are the PD competencies.

*Cristina Morales  
City of San Jose  
Human Resources Department  
Ph: 408.975-1476  
Fax: 408.920.0863*

---

**From:** Neil Reichenberg [mailto:nreichenberg@ipma-hr.org]  
**Sent:** Thursday, June 10, 2010 12:33 PM  
**To:** Danaj, Mark  
**Subject:** Law Enforcement Leadership Competencies

Mark,

Attached is the draft report with the Law Enforcement Leadership Competencies. As mentioned, since this is a draft, please treat it as a confidential document.

Thanks.

Neil

9/9/2010



**BJA** Bureau of Justice Assistance  
Office of Justice Programs • U.S. Department of Justice

**LAW ENFORCEMENT LEADERSHIP INITIATIVE**

**Core Competencies**

**DRAFT**

**Completed by FirstPic, Inc.**

**July 31, 2008**

**DRAFT: FOR INTERNAL USE ONLY**

# Core Competencies

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## I. Overview

One of the primary tasks of the Law Enforcement Leadership Initiative is to identify the core competencies required for effective law enforcement leadership in today's environment. Those core competencies must identify the knowledge, skills, and abilities that prepare leaders for their roles at all levels of law enforcement, but especially at an agency's top levels. The core competencies must also provide benchmarks for promoting, hiring, and selecting or electing law enforcement leaders. In short, the core competencies for a law enforcement leader must begin with entry-level positions and grow through the level of senior executive.

This work is not intended to redefine law enforcement leadership, but rather to complement existing law enforcement leadership training programs by defining results that need to be translated from the classroom to the squad room. That includes developmental opportunities for those individuals moving up through the ranks with the goal to prepare officers for their eventual roles before they get there as opposed to training them after the fact.

This chapter will discuss the process utilized to identify the core competencies and define each core competency in detail and describe its value to law enforcement leadership.

## II. Background

From the 1960s through the 1980s, crime in America rose dramatically. Rising crime coupled with deteriorating social conditions and urban unrest threatened the safety of many cities. During this period, the entire criminal justice system repeatedly came under extensive public scrutiny. Local governments, State and Federal legislators, citizen groups, and national commissions asked hard questions about why government at all levels seemed to be failing in their

responsibility to protect communities. Between 1965 and 1975, five major national studies were conducted on the state of law enforcement. Those studies included:

1. The President's Commission on Law Enforcement and the Administration of Justice (1965-1967)
2. The National Advisory Commission on Civil Disorders (1968)
3. The National Advisory Commission on the Causes and Prevention of Violence (1969)
4. The President's Commission on Campus Unrest (1970)
5. The National Advisory Commission on Criminal Justice Standards and Goals (1971-1973)

In addition to these national studies of law enforcement organizations, many studies on the general subject of law enforcement leadership were conducted during this period. Prior to about 1960, leadership studies tended to focus on how leaders used their innate abilities to become successful. In 1967, the President's Commission on Law Enforcement and the Administration of Justice noted that the popular image of police officers focused almost exclusively on physical strength and aggressiveness. However, the Commission noted that this expectation was entirely inconsistent with the true requirements of a modern police officer. Today's complexities required officers who are self-motivated, creative, guided by values and principles, and adept at exercising independent judgment. The Commission also noted that the actions of individual officers have far-reaching consequences in that a single officer can trigger a riot, permanently damage someone's reputation or alienate an entire community.

Modern leadership studies have shown that the knowledge, skills and abilities required for effective leadership can be acquired or enhanced significantly through training.<sup>1</sup> For example, people are not born with the skill to interact socially, solve problems, plan for events, initiate action, and accept responsibility. Effective leaders must acquire and refine those skills throughout their careers and develop additional skills such as facilitation, communication, and effective group problem-solving if they are to succeed at higher levels in the organization.<sup>2</sup>

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<sup>1</sup> Meese, Edwin III & Ortmeier, P. J. (2004), *Leadership, Ethics and Policing*, Pearson Education, Inc.

<sup>2</sup> Ortmeier, P. J. (1996), *Community Policing Leadership: A Delphi Study to Identify Essential Competencies*, Ann Arbor, MI: University Microfilms International (Bell & Howell Information & Learning) Dissertation Services.

responsibility to protect communities. Between 1965 and 1975, five major national studies were conducted on the state of law enforcement. Those studies included:

1. The President's Commission on Law Enforcement and the Administration of Justice (1965-1967)
2. The National Advisory Commission on Civil Disorders (1968)
3. The National Advisory Commission on the Causes and Prevention of Violence (1969)
4. The President's Commission on Campus Unrest (1970)
5. The National Advisory Commission on Criminal Justice Standards and Goals (1971-1973)

In addition to these national studies of law enforcement organizations, many studies on the general subject of law enforcement leadership were conducted during this period. Prior to about 1960, leadership studies tended to focus on how leaders used their innate abilities to become successful. In 1967, the President's Commission on Law Enforcement and the Administration of Justice noted that the popular image of police officers focused almost exclusively on physical strength and aggressiveness. However, the Commission noted that this expectation was entirely inconsistent with the true requirements of a modern police officer. Today's complexities required officers who are self-motivated, creative, guided by values and principles, and adept at exercising independent judgment. The Commission also noted that the actions of individual officers have far-reaching consequences in that a single officer can trigger a riot, permanently damage someone's reputation or alienate an entire community.

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<sup>2</sup> Ortmeier, P. J. (1996), *Community Policing Leadership: A Delphi Study to Identify Essential Competencies*, Ann Arbor, MI: University Microfilms International (Bell & Howell Information & Learning) Dissertation Services.

In their book *Leadership, Ethics and Policing*, Meese and Ortmeier caution against confusing leadership competencies with leadership qualities. “Although critical to effective and ethical leadership, qualities such as understanding, courage, compassion, respectfulness, and genuineness are difficult to measure by any objective standard. Competencies (skills), however, can be learned, and competency acquisition and practice can be measured objectively. Accordingly, contemporary authors often focus on leadership competencies—that is, the abilities to do things rather than feel things.”<sup>3</sup>

The core competencies required for effective law enforcement leadership must reflect the complexities of today’s law enforcement mission. Communities demand more of their officers today than simply responding quickly to radio calls after a crime has been committed. They want officers to prevent crime and deal with community disorder. More importantly, the community wants to be a partner with their officers in the identification and resolution of community problems. George Kelling called it a “quiet revolution” wherein law enforcement began to act on their own initiative to deal with the causes of crime and disorder instead of merely responding to radio calls.<sup>4</sup> Thus far, that “revolution” has focused primarily on the role of the front line officer, rather than the head of the organization. If the role of the front line officer had changed so dramatically, one can only imagine how the role of the agency’s chief executive has changed. While applicable to varying degrees throughout an agency’s rank structure, the core competencies developed for this initiative focus on the knowledge, skills, and abilities required for effective law enforcement leadership at the executive level.

### **III. Core Competencies**

At its meeting in May 2007, the LELI Steering Committee agreed that a Working Group needed to be formed to examine the data obtained through the Internet-based needs assessment survey as well as the information developed through the project’s needs assessment. The Working Group would review this material in detail and make recommendations to the Steering Committee on the specific knowledge, skills, and abilities that should be addressed through this

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<sup>3</sup> Meese, Edwin III & Ortmeier, P. J. (2004), *Leadership, Ethics and Policing*, Pearson Education, Inc.

<sup>4</sup> Kelling, G.L. (June 1988), *Police and Communities: The Quiet Revolution, Perspectives on Policing No. 1*, Washington D.C., National Institute of Justice

initiative. The Steering Committee would then consider those recommendations and come to its own conclusions.

In July 2007, the Core Competency Working Group met in Baltimore, Maryland. Their objective was to:

1. Reach consensus on the assumptions that underpin law enforcement leadership core competency development and training.
2. Identify the broad categories of core competencies needed to be a successful law enforcement leader in today's environment.
3. Prioritize and consolidate the Knowledge, Skills, and Abilities (KSAs) that were used for the internet survey and categorize those KSAs under the core competency categories using the identified assumptions.

### Assumptions

For several months prior to the meeting, Project Staff had gleaned a number of broad training "assumptions" from the various documents they had been reviewing. Those assumptions were discussed at length both by the Working Group and then the Steering Committee. From those discussions, consensus was reached on the sixteen assumptions listed below. Those assumptions were then used to identify six broad core competency categories and eventually the specific knowledge, skills and abilities within each of those categories.

1. Leaders are developed through a progressive process of experiences seasoned with education, training, and ongoing mentoring by more experienced leaders.
2. Law enforcement leadership competencies are perishable because they are highly sensitive to both internal and external factors.
3. The competencies of a leader, which are derived from innate capabilities and built from experience, education and training, can be improved through deliberate development and practice.
4. Deliberate development is a systematic process that gives present and future leaders a broad perspective of the law enforcement mission while simultaneously developing individual skills and enduring competencies.

5. The increasing complexity of our communities, as well as other external pressures such as budgets and evolving technology, demands that leadership development keep pace with changing environments.
6. Leadership development is a career long series of experiences and challenges, combined with education and training opportunities, directed at producing leaders who possess the knowledge, skills, abilities, motivation, competence, and wisdom to lead their organizations effectively.
7. The competency, credibility, and character needed for effective organizational leadership are honed over time. A variety of demanding duty assignments normally proves more effective in developing that depth of experience and professional competence.
8. The principle of "leader as teacher" is especially critical at senior levels of leadership in that people at that level develop the next generation of executive leadership. They motivate teams, mentor subordinates, and prepare successors.
9. Education and training are critical components of the leadership construct and constitute a significant investment of financial and personnel resources.
10. Proficiency is developed by learning, practicing, and teaching.
11. Education and Training are distinct, but related developmental activities.
  - **Education**—prepares people for unpredictable scenarios by providing critical thinking skills, exploring unknown areas and encouraging creative problem-solving. The knowledge attained through education also promotes an understanding of broad concepts, offers insights into complex issues, and encourages ethical and innovative decision-making.
  - **Training**—focuses on a previously structured skill set and its goal is usually proficiency and consistency in performance.
12. An effective leadership development program must maintain a balance of academic concepts, operational reality, and case studies.
13. Within most organizations there are several distinct but interrelated levels of leadership each of which requires a different mix of competencies and experience.
  - **Line**—focuses on the face-to-face delivery of law enforcement services consistent with the organization's vision, values and principles and the development of

interpersonal relations that directly influence human behavior. They learn about themselves as leaders and how their leadership skills can affect and influence others.

- **First Line Managers/Supervisors**—focuses on interpersonal relations and team building. They refine their leadership skills by learning how to create an environment in which subordinates are motivated, build ethical and effective work units, and operationalize the organization's goals and mission.
- **Mid Management**—focuses on directing others through effective communications, mid-range planning, multi tasking, and fostering a healthy and ethical organizational culture that reflects the organization's principles, values and vision. At this level operational integration and maintaining a balance between one's assigned duties and larger organizational responsibilities become more acute.
- **Upper Management**—focuses on organizational structure and administration, resource allocation, inter-agency coordination, policy, and strategic visioning. At this level, effective external relationships, partnerships, collaborations, and communications are critical.

14. At the mid and upper-management levels, education assumes an integral role in leadership development.

15. Law enforcement training programs must stay abreast of and fully utilize adult learning innovations and best practices.

16. Training programs must maintain their relevance using operational feedback mechanisms such as case studies, after action reports, and management studies. Without such feedback, training programs will become stagnant and less effective in preparing leaders to meet their responsibilities.

### **Core Competency Categories**

In addition to the assumptions, exemplars from the U.S. Air Force and U. S. Senior Executive Service were reviewed. The Working Group as well as the Steering Committee had several discussions regarding the broad categories of competencies that are applicable to law enforcement leadership in today's environment. From those discussions, consensus was reached on the following six broad categories of core competencies:

- Managing the Organization
- Developing the Organization
- Developing & Managing the Organizational Culture
- Developing Personal Leadership
- Engaging the Community
- Ensuring Effective Public Safety

### **Dimensions**

Once the broad categories were identified, the Working Group and then the Steering Committee reached consensus on the specific functionality or “dimensions” of competency for each of the six categories.

### **Knowledge, Skills and Abilities**

With the Assumptions, Categories and Dimensions identified, the specific KSAs developed for the internet survey was evaluated and placed in the Core Competency category that best matched the specific KSA. That process resulted in the following core competency categories with their specific dimensions and KSAs.

#### **1. Core Competency: Managing the Organization**

##### ***Dimensions:***

- Budgeting
- Resource allocation
- Human resource management
- Recruitment, selection, and retention
- Financial management
- Training
- Acquisition and management of technology
- Strategic planning
- Legal aspects of management
- Risk management

***Knowledge, Skills & Abilities:***

- Effective organizational structure management practices (k)
- Budgeting and financial management (k)
- Strategic plan development (k)
- Recruitment, selection, and retention practices (k)
- Employee performance appraisal systems (k)
- Labor agreement administration (k)
- Technology and its application (k)
- Workload information to create patrol areas (k)
- Patrol workload measurement (k)
- Workload information to schedule personnel (k)
- Labor agreement negotiation (k)
- Investigative case management/workload (k)
- Statistical analysis and interpretation (k)
- Forensic resource and evidence management (k)
- Jail operation management (k)
- Inmate control management (k)
- Offender management and tracking (k)
- Civil process and warrant management (k)
- Risk management and liability exposure (k)
- Effective disciplinary system maintenance (s)
- Strategic plan implementation (s)
- Subordinate supervision (s)
- Personal and staff time management (s)
- Strategic analytical resource management (s)
- Work process evaluation (s)
- Performance measures for programs and individuals development (s)
- Financial resources development (s)
- Workload information to schedule personnel (s)
- Statistical analysis and interpretation (s)

- Workload information for creating patrol areas (s)
- Assurance of effective continuity of operations (a)

## 2. Core Competency: Developing the Organization

### *Dimensions:*

- Recognition of the organization's strengths, weaknesses and potential
- Professional development
- Management of failure
- Team building
- Management for excellence and continuous improvement
- On-going assessment of organizational needs
- Program evaluation
- Strategic planning
- Creativity and innovation

### *Knowledge, Skills and Abilities:*

- Effective training programs and activities for subordinates (k)
- Strategic plan development (k)
- Agency program evaluation (k)
- Continuous quality improvement practices (k)
- Emerging management and leadership trends and literature (k)
- Current law enforcement research (k)
- Development of organizational vision, mission, and values (s)
- Goals and objectives establishment (s)
- Implementation of organizational change and improvement (s)
- Work with employee groups (s)
- Organizational succession planning (s)
- Development performance measures for programs and individuals (s)
- Promotion of teamwork (a)
- Anticipation and planning for potential problems (a)
- Motivation of first line supervisors (a)

- Mentoring and development of key subordinates (a)
- Motivation of front line employees (a)
- Promotion of creativity and innovation (a)

### **3. Core Competency: Developing and Managing the Organizational Culture**

#### ***Dimensions:***

- Team building
- Interpersonal communications
- Ensuring compliance with organizational policies and procedures
- Bringing the organization's vision, mission and values to life
- Holding people accountable
- Ensuring compliance with professional standards
- Recognition of emerging trends and issues

#### ***Knowledge, Skills and Abilities:***

- Standards for ethical conduct (k)
- Promotion of compliance with policies and procedures (k)
- Investigation of complaints (k)
- Acceptance of standards of inspection and audit practices and processes (k)
- Maintenance of an effective disciplinary system (s)
- Management and review use of force incidents (s)
- Management the organization's culture (s)
- Promotion of accountability in the exercise of decision-making & lawful discretion (s)
- Supervision of subordinates (s)
- Development of effective teams (s)
- Work with employee groups (s)
- Adherence to democratic principles (a)
- Promotion of integrity, honesty, and ethical conduct (a)
- Solicitation of feedback and constructive criticism (a)
- Maintenance of environment of respect and fairness (a)

- Development, communication, and modeling of vision, mission, and core agency values (a)
- Development and implementation of an effective inspection and audit system (a)

#### **4. Core Competency: Developing Personal Leadership**

##### ***Dimensions:***

- Conflict and conflict resolution
- Professional development
- Communication
- Recognition of one's strengths, weakness and potential
- Modeling organizational values
- Self awareness
- Dealing with failure
- Accessibility
- Competence
- Character
- Networking

##### ***Knowledge, Skills and Abilities:***

- Current law enforcement research (k)
- Federal, State, and local legislative process (k)
- Effective listening (s)
- Problem-solving (s)
- Effective oral and written communication (s)
- Implementation of organizational change and improvement (s)
- Effective public speaking (s)
- Participation in professional associations (s)
- Demonstration of personal integrity, confidence, and courage (a)
- Demonstration of personal accountability and acceptance of responsibility (a)
- Maintenance of internal credibility (a)
- Maintenance of perception of fairness (a)

- Demonstration of effective decision-making (a)
- Utilization of critical thinking and analysis (a)
- Promotion of teamwork (a)
- Solicitation of feedback and constructive criticism (a)
- Creativity and generation of new ideas (a)
- Assessment of situations and taking calculated risks (a)

## 5. Core Competency: Engaging the Community

### *Dimensions:*

- Interpersonal communication
- Public/media relations
- Proactive policing
- Responsiveness to community needs and issues
- Citizen involvement and satisfaction
- Impact of policing on business and economic development
- Multicultural awareness
- Awareness of contemporary issues
- Partnerships/collaborations
- Human resources/resource allocation
- Crime prevention/reduction
- Strategic planning
- Team building
- Accessibility/transparency
- Trust building
- Political awareness

### *Knowledge, Skills and Abilities:*

- Federal, State, and local legislative process (k)
- Community economic development (k)
- Contemporary community issues, e.g., immigration (k)
- Community partnership development (s)

- Work with the political structure (s)
- Effective public speaking (s)
- Effective and appropriate response to and interaction with culturally diverse communities (s)
- Work with the media (s)
- Development and practice of political acumen (s)
- Development of criminal justice system partnerships (s)
- Building of community confidence and trust (a)
- Maintenance of external credibility (a)
- Solicitation of feedback and constructive criticism (a)
- Adherence to democratic principles in policing (a)
- Demonstration of creative approaches to law enforcement services (a)
- Demonstration of honesty in community interactions (a)
- Implementation of effective community policing strategies (a)

#### **6. Core Competency: Ensuring Effective Public Safety**

##### ***Dimensions:***

- Professional awareness
- Application of technology to law enforcement operations
- Operational planning, analysis, and evaluation
- Professional development and training
- Application of criminal and civil law
- Public and private partnerships
- Inter-agency collaboration
- Calculated risk taking and decision making
- Effective delivery of law enforcement services
- Economics of policing

##### ***Knowledge, Skills and Abilities***

- Current law enforcement programs and strategies (k)
- Applicable Federal, State, and local laws and regulations (k)

- Court decisions (k)
- Emerging law enforcement and crime trends (k)
- Crime prevention and reduction strategies (k)
- Major event management (k)
- Effective application and utilization of technology in law enforcement (k)
- Current law enforcement research (k)
- Homeland security and counter-terrorism strategies, programs, & practices (k)
- National Incident Management System and Incident Command System (k)
- Analysis and interpretation of statistics (k)
- Traffic management strategies (k)
- Public health crisis management (k)
- Jail operation management (k)
- Offender supervision strategies (k)
- Inmate control management (k)
- Alternatives to incarceration (k)
- Management of high-risk functions and events (s)
- Analysis, interpretation, and use of statistics and information regarding law enforcement programs and activities(s)
- Management of operational analytical resources (s)
- Assessment of situation and taking of calculated risks (a)
- Effective use of information-sharing practices (a)
- Effective use of information in delivery of police services (a)
- Effective use of measurement techniques and statistical analysis of law enforcement programs and activities (a)

#### **IV. Conclusion**

These core competencies have been developed in cooperation with the professional organizations that have historically shaped American law enforcement. Additionally, we have

been fortunate to have the participation of those who are ultimately responsible for providing public safety policy within their communities—mayors and city managers. All too often we forget the importance of those civic leaders who have a significant influence over the nature and scope of law enforcement within their communities. These community leaders must know how to establish a framework that supports high quality law enforcement leadership.

While much has been accomplished, much remains to be done. It is now time to seek endorsement of these core competencies from key local government officials, educational/research institutions, and law enforcement professional and private organizations. Endorsement by those organizations will set the bar for the quality of law enforcement leadership that will be taught in training sessions, to develop policies and practices, and to select law enforcement leaders.

DRAFT

**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Wednesday, August 04, 2010 8:59 AM  
**To:** Danaj, Mark; Ruiz, Heather  
**Subject:** Schedule Today

Mark/Heather –

FYI – I have a bunch of appts today but will be planted back in the office at 2:15 p.m. for the rest of the day. In the office all day Thursday as well. In terms of next week, I'll fly up the afternoon of the 11<sup>th</sup> and will leave some time for meetings before the 4pm w/ Deb and the Mayor and plan on being in SJ all day on the 12<sup>th</sup> to meet w/ as many key stakeholders as possible (IPA, POA, PMA, Rob, etc.). Sooner the better.

Teri

Teri Black-Brann, President  
teri@tbcrecruiting.com



**Teri Black & Company**  
Your Executive Search Solution  
4217 Fiscal Place  
Palos Verdes Peninsula, CA 90274  
Tel: 310.377.3612  
Fax: 310.377.3262  
www.tbcrecruiting.com

**Norris, Tom**

---

**From:** Danaj, Mark  
**Sent:** Wednesday, August 04, 2010 9:46 AM  
**To:** [teri@tbcrecruiting.com](mailto:teri@tbcrecruiting.com)  
**Cc:** Ruiz, Heather; Morales, Cristina  
**Subject:** Re: Schedule Today

Thx.

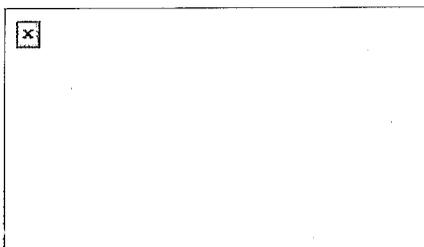
Cristina- pls clear my calendar as much as possible to match Teri's time in town.

On Aug 4, 2010, at 8:59 AM, "Teri Black-Brann" <[teri@tbcrecruiting.com](mailto:teri@tbcrecruiting.com)> wrote:

Mark/Heather –

FYI – I have a bunch of appts today but will be planted back in the office at 2:15 p.m. for the rest of the day. In the office all day Thursday as well. In terms of next week, I'll fly up the afternoon of the 11<sup>th</sup> and will leave some time for meetings before the 4pm w/ Deb and the Mayor and plan on being in SJ all day on the 12<sup>th</sup> to meet w/ as many key stakeholders as possible (IPA, POA, PMA, Rob, etc.). Sooner the better.

Teri



**Norris, Tom**

---

**From:** Cervantes, Yolanda  
**Sent:** Wednesday, August 04, 2010 12:46 PM  
**To:** Morales, Cristina  
**Subject:** Meetings regarding Police Chief Recruitment

*Hi Cristina,*

*There are three more dates for the meetings, sorry I forgot Deanna was going to be on vacation The dates are:*

- *8/23/10*
  - *2-3 pm CM Oliverio*
  - *4-5 CM Constant*
  
- *8/26*
  - *3-4 pm CM Nguyen*

*Let me know if this works with Mark's schedule.*

***Yolanda M. Cervantes***

City of San José | City Manager's Office  
200 E. Santa Clara Street | San Jose, CA 95113  
408.535.8102 | [yolanda.cervantes@sanjoseca.gov](mailto:yolanda.cervantes@sanjoseca.gov)

9/9/2010

**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Thursday, August 05, 2010 10:23 AM  
**To:** Danaj, Mark  
**Subject:** RE: 8-1-10 DF's Recruitment Info Memo.doc

Looks good to me Mark. Under Recruitment Schedule – last word, 3<sup>rd</sup> line – I think “affect” should be “effect.”  
Wasn't proofing for that, but it jumped out.

Good to go from my standpoint. Thx much –

Teri

Teri Black-Brann, President  
teri@tbcrecruiting.com



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Palos Verdes Peninsula, CA 90274  
tel 310.377.2612  
fax 310.377.1362  
www.tbcrecruiting.com

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**From:** Danaj, Mark [mailto:Mark.Danaj@sanjoseca.gov]  
**Sent:** Thursday, August 05, 2010 8:09 AM  
**To:** Teri Black-Brann  
**Subject:** Fwd: 8-1-10 DF's Recruitment Info Memo.doc

Teri-

Please review and provide any feedback ASAP. Thanks.

<< File: 8-1-10 DF's Recruitment Info Memo.doc >>

9/9/2010

**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Thursday, August 05, 2010 10:23 AM  
**To:** Danaj, Mark  
**Subject:** RE: 8-1-10 DF's Recruitment Info Memo.doc

Looks good to me Mark. Under Recruitment Schedule – last word, 3<sup>rd</sup> line – I think "affect" should be "effect."  
Wasn't proofing for that, but it jumped out.

Good to go from my standpoint. Thx much –

Teri

Teri Black-Brann, President  
teri@tbcrecruiting.com



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Palms Verdes Peninsula, CA 90234  
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fax 310.377.1382  
www.tbcrecruiting.com

---

**From:** Danaj, Mark [mailto:Mark.Danaj@sanjoseca.gov]  
**Sent:** Thursday, August 05, 2010 8:09 AM  
**To:** Teri Black-Brann  
**Subject:** Fwd: 8-1-10 DF's Recruitment Info Memo.doc

Teri-

Please review and provide any feedback ASAP. Thanks.

<< File: 8-1-10 DF's Recruitment Info Memo.doc >>

9/9/2010

**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Thursday, August 05, 2010 2:43 PM  
**To:** Danaj, Mark  
**Subject:** Wed., Aug. 11th - flight arrives 12:45 p.m.

Should be able to get to city hall by 1:30 p.m.

Teri Black-Brann, President  
teri@tbcrecruiting.com



**Teri Black & Company**  
Your Executive Search Solution  
4232 Pascal Place  
Palo Alto Peninsula, CA 94274  
tel 310.377.2612  
fax 310.377.1362  
www.tbcrecruiting.com

**Norris, Tom**

---

**From:** Cervantes, Yolanda  
**Sent:** Friday, August 06, 2010 11:46 AM  
**To:** Cranford, Sandra; Morales, Cristina; Reyes, Tess  
**Subject:** Chief of Police Recruitment Outreach  
**Importance:** High  
**Attachments:** COP Community Meeting Schedule.doc

*Hi Ladies,*

*Attached you will find a matrix of the upcoming community outreach meetings for the Police Chief Recruitment. The matrix includes the dates and times of the meetings and is organized under each person's name. So, for example you will see Deb's name and the column under her name will have all the meetings. If you look across the matrix you will find everyone who will be at the meeting.*

*Please check on your respective Supervisors availability and let me know if there are any conflicts or if you have any questions.*

*Thanks,*

*Yolanda*

***Yolanda M. Cervantes***  
City of San José | City Manager's Office  
200 E. Santa Clara Street | San Jose, CA 95113  
408.535.8102 | [yolanda.cervantes@sanjoseca.gov](mailto:yolanda.cervantes@sanjoseca.gov)

9/9/2010

## Chief of Police Draft Community Outreach Meeting Schedule

Debra Figone	Norberto Duenas	Mark/Heather	Deanna Santana
	August 11 Neighborhoods Commission 6:30 pm W 118-119	August 11 Neighborhoods Commission 6:30 pm W 118-119	
		August 13 Downtown Association 8:00 am Tech Museum	August 13 Downtown Association 8:00 am Tech Museum
August 23 Coalition for Justice and Accountability, AACI, 12:1:30	August 23 Coalition for Justice and Accountability, AACI, 12:1:30	August 23 Coalition for Justice and Accountability, AACI, 12:1:30	
August 24 Community Outreach Meeting, 6- 8 pm, location TBD		August 24 Community Outreach Meeting, 6-8 pm, location TBD	August 24 Community Outreach Meeting, 6-8 pm, location TBD
August 25 Southern Command Unit Community Meeting, Franklin Mckinley School District (d 2,8, 9, 10) 6-8 pm	August 25 Southern Command Unit Community Meeting, Franklin Mckinley School District (d 2,8, 9, 10) 6-8 pm	August 25 Southern Command Unit Community Meeting, Franklin Mckinley School District (d 2,8, 9, 10) 6-8 pm	August 25 Southern Command Unit Community Meeting, Franklin Mckinley School District (d 2,8, 9, 10) 6-8 pm
	August 25 Family/Domestic Violence Advisory Board, CH T-550, 11- 12 noon,		August 25 Family/Domestic Violence Advisory Board, CH T-550, 11-12 noon,
August 27 La Raza Round Table, 5:30-7:00 pm, CTC 749 Story Rd	August 27 La Raza Round Table, 5:30-7:00 pm, CTC 749 Story Rd		
August 27 MGPTF 7:30-9:00 am, Union School District	August 27 MGPTF 7:30-9:00 am, Union School District	August 27 MGPTF 7:30-9:00 am, Union School District	August 27 MGPTF 7:30-9:00 am, Union School District
August 30 PD Shift Change 6:00 am, 6:30 am, 3 pm, 9 pm			August 30 PD Shift Change 6:00 am, 6:30 am, 3 pm, 9 pm

Debra Figone	Norberto Duenas	Mark/Heather	Deanna Santana
September 1 Community Outreach Meeting, location tbd, 6-8 pm		September 1 Community Outreach Meeting, location tbd, 6-8 pm	September 1 Community Outreach Meeting, location tbd, 6-8 pm
September 2 PD Shift Change 6:00 am, 6:30 am, 3 pm, 9 pm			September 2 PD Shift Change 6:00 am, 6:30 am, 3 pm, 9 pm
September 2 Community Outreach Meeting, location tbd, 6-8 pm		September 2 Community Outreach Meeting, location tbd, 6-8 pm	September 2 Community Outreach Meeting, location tbd, 6-8 pm
September 9 CMO Downtown Advisory Group 12-1:30 pm			September 9 CMO Downtown Advisory Group 12-1:30 pm
September 14 (Tentative) Mayor's Faith Based Breakfast, 8-10 am, City Hall			September 14 (Tentative) Mayor's Faith Based Breakfast, 8-10 am, City Hall

**Norris, Tom**

---

**From:** sanjoseinfo@sanjoseca.gov  
**Sent:** Friday, August 06, 2010 11:47 AM  
**To:** Morales, Cristina  
**Subject:** Police Chief Recruitment

would like to unsubscribe from this list, please send an email to [webmaster.manager@sanjoseca.gov](mailto:webmaster.manager@sanjoseca.gov).

*DATE: August 06, 2010 11:46:t*

**Police Chief Recruitment**

---

Download Document: 08-06-10 CMO.PDF (84.21 KB)

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City of San José Media Site  
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**Norris, Tom**

---

**From:** Reyes, Tess  
**Sent:** Friday, August 06, 2010 11:57 AM  
**To:** Cervantes, Yolanda  
**Cc:** Cranford, Sandra; Morales, Cristina  
**Subject:** RE: Chief of Police Recruitment Outreach

All dates work for ND. Yolanda, I just noticed one thing: The 8/23 meeting with AACI is not on Deanna's column but she was invited by Sandy when the Outlook invite was sent out.

Thanks.

tess

---

**From:** Cervantes, Yolanda  
**Sent:** Friday, August 06, 2010 11:46 AM  
**To:** Cranford, Sandra; Morales, Cristina; Reyes, Tess  
**Subject:** Chief of Police Recruitment Outreach  
**Importance:** High

*Hi Ladies,*

*Attached you will find a matrix of the upcoming community outreach meetings for the Police Chief Recruitment. The matrix includes the dates and times of the meetings and is organized under each person's name. So, for example you will see Deb's name and the column under her name will have all the meetings. If you look across the matrix you will find everyone who will be at the meeting.*

*Please check on your respective Supervisors availability and let me know if there are any conflicts or if you have any questions.*

*Thanks,*

*Yolanda*

***Yolanda M. Cervantes***  
City of San José | City Manager's Office  
200 E. Santa Clara Street | San Jose, CA 95113  
408.535.8102 | [yolanda.cervantes@sanjoseca.gov](mailto:yolanda.cervantes@sanjoseca.gov)

9/9/2010

**Norris, Tom**

---

**From:** Cervantes, Yolanda  
**Sent:** Friday, August 06, 2010 4:12 PM  
**To:** Morales, Cristina  
**Subject:** RE: Chief of Police Recruitment Outreach

*Actually I just forgot to add his name, but he is also scheduled to be there on 8/30 and 9/2.*

***Yolanda M. Cervantes***

City of San José | City Manager's Office  
200 E. Santa Clara Street | San Jose, CA 95113  
408.535.8102 | [yolanda.cervantes@sanjoseca.gov](mailto:yolanda.cervantes@sanjoseca.gov)

---

**From:** Morales, Cristina  
**Sent:** Friday, August 06, 2010 3:56 PM  
**To:** Cervantes, Yolanda  
**Subject:** RE: Chief of Police Recruitment Outreach

Yolanda,

I have placed all meetings in Mark's calendar he is able to attend all of them.

Mark has requested to attend the PD shift change meetings that are scheduled on August 30<sup>th</sup> and September 2<sup>nd</sup>.

Can you check w/Deanna?

Thanks!

*Cristina Morales  
City of San Jose  
Human Resources Department  
Ph: 408.975-1476  
Fax: 408.920.0863*

---

**From:** Cervantes, Yolanda  
**Sent:** Friday, August 06, 2010 11:46 AM  
**To:** Cranford, Sandra; Morales, Cristina; Reyes, Tess  
**Subject:** Chief of Police Recruitment Outreach  
**Importance:** High

*Hi Ladies,*

*Attached you will find a matrix of the upcoming community outreach meetings for the Police Chief Recruitment. The matrix includes the dates and times of the meetings and is organized under each person's name. So, for example you will see Deb's name and the column under her name will have all the meetings. If you look across the matrix you will find everyone who will be at the meeting.*

9/9/2010

*Please check on your respective Supervisors availability and let me know if there are any conflicts or if you have any questions.*

*Thanks,*

*Yolanda*

***Yolanda M. Cervantes***

City of San José | City Manager's Office

200 E. Santa Clara Street | San Jose, CA 95113

408.535.8102 | [yolanda.cervantes@sanjoseca.gov](mailto:yolanda.cervantes@sanjoseca.gov)

**Norris, Tom**

---

**From:** Cervantes, Yolanda  
**Sent:** Friday, August 06, 2010 4:12 PM  
**To:** Morales, Cristina  
**Subject:** RE: Chief of Police Recruitment Outreach

*Actually I just forgot to add his name, but he is also scheduled to be there on 8/30 and 9/2.*

*Yolanda M. Cervantes*

City of San José | City Manager's Office  
200 E. Santa Clara Street | San Jose, CA 95113  
408.535.8102 | [yolanda.cervantes@sanjoseca.gov](mailto:yolanda.cervantes@sanjoseca.gov)

---

**From:** Morales, Cristina  
**Sent:** Friday, August 06, 2010 3:56 PM  
**To:** Cervantes, Yolanda  
**Subject:** RE: Chief of Police Recruitment Outreach

Yolanda,

I have placed all meetings in Mark's calendar he is able to attend all of them.

Mark has requested to attend the PD shift change meetings that are scheduled on August 30<sup>th</sup> and September 2<sup>nd</sup>.

Can you check w/Deanna?

Thanks!

*Cristina Morales  
City of San Jose  
Human Resources Department  
Ph: 408.975-1476  
Fax: 408.920.0863*

---

**From:** Cervantes, Yolanda  
**Sent:** Friday, August 06, 2010 11:46 AM  
**To:** Cranford, Sandra; Morales, Cristina; Reyes, Tess  
**Subject:** Chief of Police Recruitment Outreach  
**Importance:** High

*Hi Ladies,*

*Attached you will find a matrix of the upcoming community outreach meetings for the Police Chief Recruitment. The matrix includes the dates and times of the meetings and is organized under each person's name. So, for example you will see Deb's name and the column under her name will have all the meetings. If you look across the matrix you will find everyone who will be at the meeting.*

9/9/2010

*Please check on your respective Supervisors availability and let me know if there are any conflicts or if you have any questions.*

*Thanks,*

*Yolanda*

***Yolanda M. Cervantes***

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9/9/2010

**Norris, Tom**

---

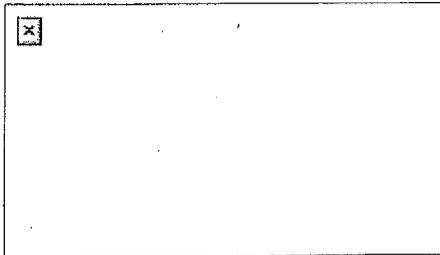
**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Friday, August 06, 2010 7:55 PM  
**To:** Danaj, Mark  
**Subject:** RE: Police Chief Recruitment

Mark –

Thanks so much for facilitating this major decision. I am honored and thrilled!! Our seatbelts are on and we're ready to go. Looking forward to getting started next week.

Many thanks again!!

Teri



---

**From:** Danaj, Mark [mailto:Mark.Danaj@sanjoseca.gov]  
**Sent:** Friday, August 06, 2010 1:13 PM  
**To:** teri@tbcrecruiting.com  
**Subject:** FW: Police Chief Recruitment

9/9/2010

It's official. You're it!

---

**From:** sanjoseinfo@sanjoseca.gov [mailto:sanjoseinfo@sanjoseca.gov]  
**Sent:** Friday, August 06, 2010 11:47 AM  
**To:** Danaj, Mark  
**Subject:** Police Chief Recruitment

You are receiving this email because you are on the City's of San Jose's mailing list for news and information. If you would like to unsubscribe from this list, please send an email to [webmaster.manager@sanjoseca.gov](mailto:webmaster.manager@sanjoseca.gov).

## Police Chief Recruitment

*DATE: August 06, 2010 11:46:59 PST*

---

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City of San José Media Site

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**Norris, Tom**

---

**From:** Santana, Deanna  
**Sent:** Monday, August 09, 2010 10:09 AM  
**To:** Danaj, Mark  
**Cc:** Norris, Tom; Ruiz, Heather; Morales, Cristina  
**Subject:** RE: 8\_10 DF's Recruitment Info Memo\_Labor.doc

Yes, please book meeting with Teri on the below folks.

I will have Sandy send you and invite, but would like to talk off line with you first. Call me if you are at your desk, 58280.

---

**From:** Danaj, Mark  
**Sent:** Monday, August 09, 2010 10:05 AM  
**To:** Santana, Deanna  
**Cc:** Norris, Tom; Ruiz, Heather; Morales, Cristina  
**Subject:** FW: 8\_10 DF's Recruitment Info Memo\_Labor.doc  
**Importance:** High

Looks good to me. Added one suggestion in the last paragraph to specifically mention POA.

Also, if OK, I'd like to join the meeting with George Beattie for process introductory and continuity purposes.

Lastly, is it OK for me to book Teri's open time Wed PM and all day Thur for key appointments like POA, Rob, LaDores, etc.?

---

**From:** Santana, Deanna  
**Sent:** Monday, August 09, 2010 9:24 AM  
**To:** Manheim, Tom; Danaj, Mark; Ruiz, Heather  
**Subject:** 8\_10 DF's Recruitment Info Memo\_Labor.doc

here is a draft memo from Deb to PD workforce. I'd like your edits sometime before tomorrow morning. Deb is meeting with George Beattie tomorrow and sharing a draft with him first would be a very good gesture.

<< File: 8\_10 DF's Recruitment Info Memo\_Labor.doc >>

**Norris, Tom**

---

**From:** Cervantes, Yolanda  
**Sent:** Monday, August 09, 2010 10:46 AM  
**To:** Cranford, Sandra; Reyes, Tess; Morales, Cristina  
**Subject:** Calendar of Meetings  
**Importance:** High  
**Attachments:** COP Outreach Calendar.doc

*Hi Ladies,*

*Attached is a color coded calendar of the upcoming Police Chief Recruitment Outreach meetings. The only pages you need to pay attention to are 8, 9, 10. Please let me know if you see any mistakes or discrepancies on the calendar.*

*Thanks,*

*Yolanda*

***Yolanda M. Cervantes***

City of San José | City Manager's Office  
200 E. Santa Clara Street | San Jose, CA 95113  
408.535.8102 | [yolanda.cervantes@sanjoseca.gov](mailto:yolanda.cervantes@sanjoseca.gov)

9/9/2010

# January 2010

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

1

8

15

22

29

7

14

21

28

6

13

20

27

5

12

19

26

4

11

18

25

10

17

24

31

# February 2010

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						



# April 2010

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

# May 2010

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

# June 2010

SUNDAY MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY

	1	2	3	4	5
6	7	8	9	10	11
12	13	14	15	16	17
18	19	20	21	22	23
24	25	26	27	28	29
30					

# July 2016

SUNDAY MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY

			1	2	3
4	5	6	7	8	9
11	12	13	14	15	16
18	19	20	21	22	23
25	26	27	28	29	30

DF-Debra Figone  
DS-Deanna Santana

HR-Heather Ruiz  
ND-Norberto Duenas

SS-Shawn Spano  
MD-Mark Dana

TBB-Terri Black Brown

Community Outreach

Targeted Outreach

# August 2010

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

13 Community Outreach  
Association 3:00  
ATI Tech Lab  
W/COX/DS/ND

11 Mayor's Meeting  
TBB/DF 4:00 PM  
Neighborhoods  
Commission 6:30  
GHW 11:30-1:30  
IND/MD/TBB

16 CM Karate 2-3  
pm DF/DS  
CM Circle 4 pm  
(DF/DS)

23 CM Outreach 2-3  
pm DF/MD  
CM Outreach 4-5  
pm DF/MD  
AAO  
Coalition for Justice  
and Accountability  
12-1:30 pm  
DF/ND/MS  
Youth Commission  
6:30 am @ 16-100  
UBD

19 CM Soccer 1:30-2:30 pm (DF/MD)  
CM Terera 2:30-3:30 pm (DF/MD)

18 CM Campos  
1-3:30 pm  
(DF/DS)

24 Community Outreach Meeting  
(SS/TBB/DF/DS/MD)  
6-8 pm

26 CM Nguyen 5-7 pm (DF/MD)

27 Terera  
Roundtable 5-8:30  
7:00 pm @ OIC  
7:45 Slow Ro  
(ND/DF)  
MGHE 7:30-9:00  
am @ UIC  
School Distric  
(ND/DF/DS/MD)

25 Southern Command Unit  
Franklin-Mckinley School Distric (D)  
2-8:45, 10:16-8 pm (SS/TBB/DF/D S/MD)  
HDVAB 11:12 pm  
11:55  
IND/DS/TBB

30

DF-Debra Figone  
DS-Deanna Santana

HR- Heather Ruiz  
ND-Norberto Duenas

SS-Shawn Spano  
MD-Mark Dana

TBB-Terri Black Brann

Community Outreach

Community Outreach

Community Outreach

Community Outreach

# September 2010

SUNDAY MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY

5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

3 SALG 8:30-9:00 AM (TBB)

2 MICO 11:00-11:30 AM (DF/DS)  
Community Outreach Meeting (SS/TBB/DF)  
6-8 pm

1 Community Outreach Meeting (SS/TBB/DF/DS/M)  
6-8 pm

1 Community Outreach Meeting (SS/TBB/DF/DS/M)  
6-8 pm

9 MICO DOWNTOWN ADVISORY GROUP 12:30-3:00 PM (DF/DS)

7 MICO 2:30-3:30 PM (DF/DS)

16 Chamber of Commerce 8:30 AM (TBB)

14 Mayor's Staff Baseco Breakfast 8:30 AM (Tentative) (DF/DS)

DF-Debra Figone  
DS-Deanna Santana

HR- Heather Ruiz  
ND-Norberto Duenas

SS-Shawn Spano  
MD-Mark Dana

TBB-Terri Black Brann



October 2010						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
	4	5	6	7	8	9
10	11	12	13 Schools/OLV Collaborative 7:30 9:00am @ Union School District	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

# November 2010

SUNDAY MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY

	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

# December 2010

SUNDAY MONDAY TUESDAY WEDNESDAY THURSDAY FRIDAY SATURDAY

		1	2	3	4
5	6	7	8	9	10
11	12	13	14	15	16
17	18	19	20	21	22
23	24	25	26	27	28
29	30	31			

**Norris, Tom**

---

**From:** Manheim, Tom  
**Sent:** Monday, August 09, 2010 12:00 PM  
**To:** Danaj, Mark; Santana, Deanna  
**Cc:** Ruiz, Heather; Morales, Cristina  
**Subject:** RE: 8\_10 DF's Recruitment Info Memo\_Labor.doc

Hi all – Tom Norris forwarded this and another email to me that I assume were meant for me, not him. Tom

---

**From:** Danaj, Mark  
**Sent:** Monday, August 09, 2010 10:05 AM  
**To:** Santana, Deanna  
**Cc:** Norris, Tom; Ruiz, Heather; Morales, Cristina  
**Subject:** FW: 8\_10 DF's Recruitment Info Memo\_Labor.doc  
**Importance:** High

Looks good to me. Added one suggestion in the last paragraph to specifically mention POA.

Also, if OK, I'd like to join the meeting with George Beattie for process introductory and continuity purposes.

Lastly, is it OK for me to book Teri's open time Wed PM and all day Thur for key appointments like POA, Rob, LaDores, etc.?

---

**From:** Santana, Deanna  
**Sent:** Monday, August 09, 2010 9:24 AM  
**To:** Manheim, Tom; Danaj, Mark; Ruiz, Heather  
**Subject:** 8\_10 DF's Recruitment Info Memo\_Labor.doc

here is a draft memo from Deb to PD workforce. I'd like your edits sometime before tomorrow morning. Deb is meeting with George Beattie tomorrow and sharing a draft with him first would be a very good gesture.

<< File: 8\_10 DF's Recruitment Info Memo\_Labor.doc >>

**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Monday, August 09, 2010 3:34 PM  
**To:** Danaj, Mark  
**Subject:** RE: CONFIDENTIAL: Police Chief Recruitment Outreach (Draft)

Got it - thx

Teri Black-Brann, President  
teri@tbcrecruiting.com



**Teri Black & Company**  
Your Executive Search Solution  
4232 Pascal Place  
Palms Verde Peninsula, CA 90274  
tel 310.377.2632  
fax 310.377.1362  
www.tbcrecruiting.com

---

**From:** Danaj, Mark [mailto:Mark.Danaj@sanjoseca.gov]  
**Sent:** Monday, August 09, 2010 11:51 AM  
**To:** teri@tbcrecruiting.com  
**Subject:** FW: CONFIDENTIAL: Police Chief Recruitment Outreach (Draft)  
**Importance:** High

FYI.

---

**From:** Santana, Deanna  
**Sent:** Monday, August 09, 2010 9:13 AM  
**To:** Danaj, Mark; Rulz, Heather  
**Subject:** FW: CONFIDENTIAL: Police Chief Recruitment Outreach (Draft)  
**Importance:** High

here is a draft of the schedule....subject to refinement of course. I have asked Yolanda to set a meeting for us on Wednesday, ideally with Teri in the room, so that we can get on the same page.

---

**From:** Santana, Deanna  
**Sent:** Friday, August 06, 2010 2:22 PM  
**To:** Davis, Robert  
**Subject:** CONFIDENTIAL: Police Chief Recruitment Outreach (Draft)  
**Importance:** High

Hi Rob,

Here is a very preliminary draft of the proposed calendar of outreach and the groups. I'd like it if you good add your insights and perspective to the list....particularly, which groups need adding, etc. Thanks so much for all of your help.

Deanna

9/9/2010

**Norris, Tom**

---

**From:** Cervantes, Yolanda on behalf of Santana, Deanna  
**Sent:** Tuesday, August 10, 2010 8:17 AM  
**To:** Danaj, Mark; Ruiz, Heather; 'teri@tbrecruitment.com'; Santana, Deanna  
**Subject:** RE: Fw: Police Chief Recruitment-Updated Room

**Importance:** High

*The meeting has been moved to room 262 in HR.*

**Yolanda M. Cervantes**  
City of San José|City Manager's Office  
200 E. Santa Clara Street|San Jose, CA 95113  
[408.535.8102](tel:408.535.8102)|[yolanda.cervantes@sanjoseca.gov](mailto:yolanda.cervantes@sanjoseca.gov)

-----Original Appointment-----

**From:** Cervantes, Yolanda  
**Sent:** Monday, August 09, 2010 6:52 PM  
**To:** Cervantes, Yolanda; Santana, Deanna; Cervantes, Yolanda  
**Subject:** Fw: Police Chief Recruitment  
**When:** Wednesday, August 11, 2010 1:00 PM-2:00 PM (GMT-08:00) Pacific Time (US & Canada).  
**Where:** 1744

Did this mtg get moved to the wing?

When: Aug 11, 2010 1:00 PM-2:00 PM (GMT-08:00) Pacific Time (US & Canada)  
Where: 1744  
Deanna  
(From my PDA)

**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Thursday, August 12, 2010 10:46 AM  
**To:** Danaj, Mark  
**Subject:** RE: Police Chief Recruitment SurveyMonkey Link

Mark –

Something else we can catch up on today – I think we need to post community and police both at the same time.

Teri

Teri Black & Co., LLC  
tel 310.377.2612  
[www.tbcrecruiting.com](http://www.tbcrecruiting.com)

---

**From:** Orogas, Alexandra [mailto:Alexandra.Orogas@sanjoseca.gov]  
**Sent:** Thursday, August 12, 2010 10:41 AM  
**To:** teri@tbcrecruiting.com  
**Cc:** Santana, Deanna; Nader, Nadine  
**Subject:** Police Chief Recruitment SurveyMonkey Link  
**Importance:** High

Hi Teri:

It was nice meeting you yesterday. Below is the link to the surveymonkey for the Police Chief Recruitment. Please post this on your website at your earliest convenience. The instructions will not be disseminated to the department until Monday.

Please let us know if you have any questions.

Thank you,  
Alexandra

<http://www.surveymonkey.com/s/pdpolicechiefsurvey>

Alexandra Orogas, MPA  
City of San José | City Manager's Office  
200 East Santa Clara Street, 17th Floor | San José, CA | 95113  
(408) 535-8254 | [alexandra.orogas@sanjoseca.gov](mailto:alexandra.orogas@sanjoseca.gov)

9/9/2010

**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Thursday, August 12, 2010 11:02 AM  
**To:** Orogas, Alexandra  
**Cc:** Danaj, Mark  
**Subject:** RE: Police Chief Recruitment SurveyMonkey Link

Alexandra –

I think Mark will be speaking with Deanna about making a survey available to the public as well. I mentioned to Mark after the Neighborhood Commission last night after one of the members asked for our website address that I think we/the City may be opening ourselves open to criticism if we have a survey available for the police dept and not the community.

Depending on how we do this, my firm may need to alter the design of our home page which may take a couple days.

Teri

Teri Black & Co., LLC  
tel 310.377.2612  
[www.tbcrecruiting.com](http://www.tbcrecruiting.com)

---

**From:** Orogas, Alexandra [mailto:Alexandra.Orogas@sanjoseca.gov]  
**Sent:** Thursday, August 12, 2010 10:41 AM  
**To:** teri@tbcrecruiting.com  
**Cc:** Santana, Deanna; Nader, Nadine  
**Subject:** Police Chief Recruitment SurveyMonkey Link  
**Importance:** High

Hi Teri:

It was nice meeting you yesterday. Below is the link to the surveymonkey for the Police Chief Recruitment. Please post this on your website at your earliest convenience. The instructions will not be disseminated to the department until Monday.

Please let us know if you have any questions.

Thank you,  
Alexandra

<http://www.surveymonkey.com/s/pdpolicechiefsurvey>

Alexandra Orogas, MPA  
City of San José | City Manager's Office  
200 East Santa Clara Street, 17th Floor | San José, CA | 95113  
(408) 535-8254 | [alexandra.orogas@sanjoseca.gov](mailto:alexandra.orogas@sanjoseca.gov)

9/9/2010

**Norris, Tom**

---

**From:** sanjoseinfo@sanjoseca.gov  
**Sent:** Thursday, August 12, 2010 11:15 AM  
**To:** Danaj, Mark  
**Subject:** Police Chief Recruitment Community Outreach Meetings

would like to unsubscribe from this list, please send an email to [webmaster.manager@sanjoseca.gov](mailto:webmaster.manager@sanjoseca.gov).

*DATE: August 12, 2010 11:12:3*

**Police Chief Recruitment Community Outreach Meetings**

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**Norris, Tom**

---

**From:** sanjoseinfo@sanjoseca.gov  
**Sent:** Thursday, August 12, 2010 11:15 AM  
**To:** Morales, Cristina  
**Subject:** Police Chief Recruitment Community Outreach Meetings

would like to unsubscribe from this list, please send an email to [webmaster.manager@sanjoseca.gov](mailto:webmaster.manager@sanjoseca.gov).

*DATE: August 12, 2010 11:12:3*

**Police Chief Recruitment Community Outreach Meetings**

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**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Friday, August 13, 2010 9:36 AM  
**To:** Orologas, Alexandra  
**Cc:** Danaj, Mark; Santana, Deanna  
**Subject:** RE: Police Chief Recruitment SurveyMonkey Link  
**Importance:** High

Hi Alexandra –

Rather than just putting the links on our website, I'd like to make a nice graphic so it's easy for people to see and looks attractive on our home page. Can you get me a jpg version of the Police Dept's logo/badge as soon as possible? I'd also like the memo going out to the Police Dept to be released on **Wednesday** instead of **Monday** so that we can get everything in order assuming we can get the logo today. Given today's editorial in the Merc, we don't want to make any more "missteps"!!

Feel free to call if you have any questions.

Teri

Teri Black-Brann, President  
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**From:** Orologas, Alexandra [mailto:Alexandra.Orologas@sanjoseca.gov]  
**Sent:** Thursday, August 12, 2010 12:36 PM  
**To:** teri@tbcrecruiting.com  
**Cc:** Danaj, Mark; Santana, Deanna; Nader, Nadine  
**Subject:** RE: Police Chief Recruitment SurveyMonkey Link  
**Importance:** High

Hi Teri,

Thanks for the insight, Deanna likes the idea of creating a community survey. I created a separate survey for the community, below is the link. In addition to placing this on your website, we will provide this on the City's website.

<http://www.surveymonkey.com/s/communitypolicechiefsurvey>

Thanks,  
Alexandra

9/9/2010

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**From:** Teri Black-Brann [mailto:teri@tbcrecruiting.com]  
**Sent:** Thursday, August 12, 2010 11:02 AM  
**To:** Orologas, Alexandra  
**Cc:** Danaj, Mark  
**Subject:** RE: Police Chief Recruitment SurveyMonkey Link

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**From:** Orologas, Alexandra [mailto:Alexandra.Orologas@sanjoseca.gov]  
**Sent:** Thursday, August 12, 2010 10:41 AM  
**To:** teri@tbcrecruiting.com  
**Cc:** Santana, Deanna; Nader, Nadine  
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Please let us know if you have any questions.

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Alexandra

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9/9/2010

**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Monday, August 16, 2010 3:43 PM  
**To:** Manheim, Tom  
**Cc:** Danaj, Mark  
**Subject:** Texas Public Info  
**Importance:** High  
**Attachments:** Texas Public Info Act.pdf

Tom –

Attached is a guide that may be helpful.

Most cities have the following language posted somewhere on their website or application materials for all positions.

From the City of El Paso's HR website:

**In accordance with the Texas Public Information Act, information from your application and/or résumé may be subject to release to the public.**

Teri

Teri Black-Brann, President  
teri@tbcrecruiting.com



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**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Monday, August 16, 2010 3:48 PM  
**To:** Manheim, Tom  
**Cc:** Danaj, Mark  
**Subject:** Dallas

Tom –

It looks like PERF handled the Dallas recruitment on their own (vs. partnering w/ a search firm as they frequently do as it's not their major line of business).

Teri

Teri Black-Brann, President  
teri@tbcrecruiting.com



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9/9/2010

# TEXAS PUBLIC INFORMATION ACT MADE EASY

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*Answers to the most frequently asked questions  
about the Texas Public Information Act*

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ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

## **Texas Public Information Act Made Easy**

After each legislative year, the Attorney General's Office has produced this publication that addresses certain key issues that public officials face in their day-to-day operations.<sup>1</sup> In a question-and-answer format, this article will provide guidance to public officials on the most frequently asked questions on the Texas Public Information Act. For example, the article addresses the types of records and entities that fall under the Act, the time deadlines and mandatory notices that apply when a governmental body handles an open records request, and when a governmental body is required to ask for an Attorney General open record ruling.

The stakes are high for public officials that handle open record requests. There are strict time lines for making determinations on what records to release and public officials must make such decisions knowing that there are potential criminal penalties if the governmental body releases information that is considered confidential under state law. Similarly, public officers face criminal penalties if they refuse to release information that is considered open to the public.

This "made easy" article provides answers in easy to understand language to the most frequently asked questions regarding the Public Information Act. The Act does apply to a variety of governmental entities, so although this information is geared towards the Act's application to local public bodies, it will be useful to other officials and Texas citizens as well.

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## **I. Application of the Public Information Act**

### ***What types of information generally fall under the Public Information Act?***

Public information includes any information that is collected, assembled, or maintained by or for a governmental entity. The Public Information Act (hereinafter "The Act") applies to records regardless of their format. It includes information that is maintained in paper, tape, microfilm, video, electronic data held in a computer memory, as well as other mediums specified under law.<sup>2</sup>

### ***What types of entities are subject to the Public Information Act?***

The Act applies to information that is held by or for any "governmental body".<sup>3</sup> The term governmental body has a broad definition that includes, in applicable part:

1. City governmental bodies;
2. County governmental bodies;
3. Deliberative bodies that have rule-making or quasi-judicial power and that are classified as a department, agency, or political subdivision of a city or county;
4. The part, section or portion of a public or private entity that spends or that is supported in whole or in part by public funds;
5. Local workforce development board;
6. Non-profit corporations that are eligible to receive funds under the federal community services block grant program and that are authorized by this state to serve a geographic area of the state;
7. Certain property owners' associations.<sup>4</sup>

In other words, governmental entities and certain non-governmental entities are subject to the Act. Additionally, entities that are considered departments, agencies, or political subdivisions of a city or county are also subject to the Act if the involved entity has rule-making or quasi-judicial powers.<sup>5</sup> For example, zoning boards of adjustment have rule-making or quasi-judicial powers and are considered agencies or departments of a city. Therefore, the records of such entities would be subject to the Act.

### ***Are the records of nonprofit and for-profit entities that receive public funds subject to the Public Information Act?***

Records in the hands of non-governmental entities may also be covered by the Act to the extent that they reflect the expenditure or support of public funds, or to the extent that a governmental body has a right of access to the records. For example, when governmental bodies make unrestricted grants of funds to nonprofit and for-profit entities, the records relating to the part of the entity that is publicly funded would be subject to the Act.<sup>6</sup>

Rulings in this regard have held that the records of volunteer fire departments and records of certain chambers of commerce that involve expenditures of public funds are subject to the Public Information Act. However, the portion of the entity that is not supported by public funds is not necessarily subject to the Act.

Finally, it should be noted that certain entities are specifically made subject to the open records laws under the state law that governs that entity. For example, economic development corporations are specifically made subject to the provisions of the Public Information Act under the Development Corporation Act of 1979 found in Texas Revised Civil Statutes Article 5190.6.

***Are records that are kept or owned by a consultant to the governmental body subject to the Public Information Act?***

The fact that a private entity may own or retain a record does not prevent the record from being subject to release under the Public Information Act. For example, if a consultant maintains or holds records for a governmental body, the documents are still considered public information if the governmental body owns the information or has a right of access to it.<sup>7</sup>

It is important to note that a governmental body usually cannot contract away its right to access documents that are held by a consultant if the information would otherwise be considered public. For example, an open record decision has held that a city manager could not contract away the city's right to inspect a list of applicants for a city job even though the list was developed by a private consultant for the city.<sup>8</sup>

***Are court records subject to the Public Information Act?***

Records of the judiciary are not subject to the Public Information Act.<sup>9</sup> Courts must look to the rules adopted by the Texas Supreme Court to determine the court's duty to provide access to court records.<sup>10</sup> Additionally, courts must consider court rulings, Attorney General opinions, and certain state statutes that give the public a right to obtain copies of court records. For example, higher courts have held that there is an "open courts" concept that must guide judges in giving public access to court documents. This legal concept provides that the public has a right to inspect and copy judicial records subject to the court's inherent power to control access to such records to preserve justice. In other words, the public's right of access to court documents is not an absolute right.<sup>11</sup>

It should be noted that the public's right to access court records is in addition to the right of parties to a lawsuit to obtain information through discovery or through other court procedures. Legislation has clarified that subpoenas and motions for discovery are not considered a request for information under the Public Information Act.<sup>12</sup> Such requests should be handled as required by the applicable civil or criminal procedural statutes. Additionally, state law indicates that probable cause affidavits for a search warrant are considered public records once the warrant has been executed. The magistrate who issued the warrant must make the affidavits available for public inspection in the court clerk's office.<sup>13</sup>

***Do the elected officials of the governmental body have a special right of access to the governmental body's records?***

The elected officials have an inherent right of access to the governmental body's records if the official is requesting the records in his/her official capacity. The transfer of information to officials

of the governmental body is not considered a release to the public as long as the official is asking for the information in his official capacity.<sup>14</sup> However, the ability to release such information to elected officials may be limited by the state or federal law that pertains to such documents.

## **II. What Constitutes an Open Records Request**

### ***Must an open records request be directed to a specific governmental officer?***

Except in the case of faxed and e-mailed requests, the Public Information Act does not require that the public direct its open records requests to any specific public employee or officer.<sup>15</sup> Generally, the deadlines involved in handling an open records request are not tolled merely because the wrong staff member received the request. For this reason, it is important that a governmental body clearly inform all of its employees what to do if they receive a request for records.

### ***What is the governmental body's duty to respond to e-mailed or faxed requests for copies of records?***

The governmental body has a duty to respond to any written requests for open records including those that are made through e-mail or by fax. However, state law provides that the governmental body can designate a person that is authorized to receive e-mail or faxed requests for open records. If the governmental body makes such a designation, the Act is only activated if the e-mail or faxed request is directed to the assigned individual.<sup>16</sup> If the governmental body has not made such a designation, the e-mail or faxed request can be directed to any official or staff member.

### ***Must a governmental body respond to verbal requests for copies of records?***

The Act is only activated by a written request for information.<sup>17</sup> Governmental bodies often develop forms for the public to use to request public records, but the governmental body cannot require the requestor to use that form. The governmental body's duty to provide the record would apply to any written request for the information, regardless of the format of the document used by the requestor. For example, an open records request is often contained within a complaint letter or within other citizen correspondence sent to a governmental body.

If a governmental body provides copies of records upon a verbal request, the governmental body must be consistent in its treatment of all requestors. In other words, if the governmental body doesn't require a written request from certain individuals, it should not insist on a written request from others.

### III. Administration of Open Records Requests

#### Timing Issues Under the Public Information Act

*How much time does a governmental body generally have to comply with an open records request?*

There is often a misconception that the Public Information Act requires that copies of public information must be produced within 10 business days of the written request to the governmental body for the record. However, the standard under the Act is actually that the governmental body must "promptly produce" the public information.<sup>18</sup> Further, the Act states that all open records requests must be handled with good faith and must be accomplished within a reasonable time period.<sup>19</sup> What is considered reasonable and prompt will vary depending on the number of documents sought by the requestor. In certain circumstances, the records can be produced in less than 10 days. However, requests for a substantial number of documents may take several weeks to produce.

If it will take a governmental body longer than 10 business days to provide the records, the governmental body must certify that fact in writing to the requestor. In the notice to the requestor, the governmental body must indicate a set date and hour within a reasonable time that the information will be available for inspection or duplication.<sup>20</sup>

*When does a governmental body have a time deadline for handling an open records request?*

The amount of time that governmental bodies have to produce copies of governmental records will vary depending on the amount of information that is requested. However, there are six situations that present a timing deadline for governmental bodies to take a particular action when handling an open records request. These six situations are described below:

1. **Notice to Requestor that Governmental Body Needs Additional Time to Produce Records.** If the governmental body is unable to produce a requested record within 10 business days for inspection or for duplication, the governmental body must certify that fact in writing to the requestor and set a date and hour within a reasonable time that the information will be available for inspection or for duplication.<sup>21</sup>
2. **Notice to Requestor that Governmental Body Needs Additional Time to Produce Records That Are in Active Use or in Storage.** If the governmental body needs additional time to produce a record because it is in active use or because it is in storage, the governmental body must notify the requestor of this fact in writing. This notice must be given within 10 business days of the governmental body's receipt of the request for the documents. The notice must set a date and hour within a reasonable time that the information will be available for inspection or duplication.<sup>22</sup> It should be noted that the fact that a document has not been formally approved by the governmental body usually would not justify a delay of the document's release under the "active use" provision.<sup>23</sup>

- 3. Notice to Requestor of Programming or Manipulation Costs.** If production of the requested information in a particular format would require additional computer programming or manipulation of data, the governmental body must provide a written notice of this fact to the requestor. The notice must indicate: (1) that the information is not available in the requested format; (2) a description of the forms in which the information is available; (3) a description of any contract or services that would be required to provide the information in the requested form; (4) an estimated cost of providing the information in the requested form; and (5) the time that it would take to provide the information in that format.<sup>24</sup> Generally, this notice must be provided to the requestor within 20 days of the governmental body's receipt of the request.<sup>25</sup>
- 4. Request by Governmental Body for an Open Record Ruling from the Attorney General.** If a governmental body plans to withhold certain documents or information, it usually must request an Attorney General's ruling on the ability to withhold such information.<sup>26</sup> The written request for an Attorney General's ruling must be made within 10 business days after the date the governmental body receives the written request for information.<sup>27</sup> However, the ten-day deadline is tolled during the time that the governmental body and the requestor are actively clarifying or narrowing the scope of the information requested.<sup>28</sup>
- 5. Notice to Requestor that Governmental Body Sought an Attorney General Open Record Ruling.** The city must give written notice to a requestor if the governmental body seeks an Attorney General open record ruling on the request. This notice must be given within 10 business days of the governmental body's receipt of the request for the documents. Also, the governmental body must send a copy of their written comments to the requestor.<sup>29</sup> If the written comments contain any information that the governmental body is trying to withhold, they can redact that information from the copy they send to the requestor.
- 6. Notice to Person or Entity with Proprietary Interest in Information of Attorney General Open Record Ruling Request.** If an open records request may result in the release of proprietary information, the governmental body must make a good faith attempt to notify the person or entity that has such an interest in the open record ruling request. The written notice must be sent by the governmental body within 10 business days of the date the governmental body received the original request for the information.<sup>30</sup>

This notice must include: (1) a copy of the written request for the information; and (2) a statement that the person is entitled to submit a letter, brief, or memorandum to the Attorney General in support of withholding the information. The notice must inform the person that any briefing must include each reason why the person believes the information should be withheld. The person with a proprietary interest must submit their brief within 10 business days of the date the person receives the written notice from the governmental body.<sup>31</sup> Also, the person who submits a brief to withhold the information, must provide a copy of their brief to the requestor.<sup>32</sup>

***What can a governmental body do if it is unclear about what information is being requested or that the scope of the information is unduly broad?***

If a governmental body in good faith has determined that the request for information is unclear or that the scope of the information being asked for is unduly broad, the governmental body should ask the requestor to clarify or narrow the scope of the request.<sup>33</sup> The time used in clarifying or narrowing the scope of a request does not count as part of the governmental body's statutory allotment of 10 business days to request an open records decision.<sup>34</sup>

The Texas Attorney General has concluded that the Public Information Act allows a tolling of the statutory 10 business days during the interval in which the governmental body and a requestor is communicating in good faith to clarify or narrow a request. However, this does not give the governmental body an additional 10 full business days from the date the requestor responds to the request for clarity. Once the requestor's clarification or narrowing response is received, the original 10 business days resumes.<sup>35</sup>

For example, the governmental body receives a request on May 1<sup>st</sup>. Its 10 business days start on May 2<sup>nd</sup>. The governmental body is not clear about what the requestor is asking for and, in good faith, sends a clarification letter on May 3<sup>rd</sup> (2<sup>nd</sup> business day) to the requestor. On May 8<sup>th</sup>, the governmental body receives clarification from the requestor. The governmental body's 10 business days would start back up on May 9<sup>th</sup> (3<sup>rd</sup> business day).

***When is a governmental body required to ask for an open records ruling from the Attorney General?***

A governmental body is required to ask the Attorney General for an open record ruling in almost all cases if the governmental body wants to withhold requested documents or information.<sup>36</sup> The fact that a particular document request may arguably fall within one of the statutory exceptions to disclosure does not in itself eliminate the need to ask for an open records ruling. Unless, the governmental body can point to a previous determination that addresses the exact information that the governmental body now wants to withhold, the governmental body must request a ruling to withhold the information.<sup>37</sup>

A request for an Attorney General open records ruling must be made within 10 business days of the date the governmental body received the written request. Such a request can only be made by the governmental body.<sup>38</sup> If the governmental body does not make such a request within the deadline, the information is presumed as a matter of law to be open to the public and the information must be released. The presumption of openness and the duty to release the information can only be overcome by a compelling reasoning that the information should not be released.<sup>39</sup> A compelling reasoning may in certain cases involve a showing that the information is deemed confidential by some other source of law or that third-party interests are at stake.<sup>40</sup> It should be noted that if the governmental body is going to release all of the requested information, there is no need to ask for a ruling. The governmental body can seek advice on any of these issues from the Attorney General's Open Government Hotline at (877) 673-6839 or (512) 478-6736.

***Can a governmental body request an Attorney General decision when the governmental body has determined the requested information is not subject to one of the Act's exceptions?***

The Texas Attorney General has concluded a governmental body may not request an open records decision from the Attorney General if the governmental body reasonably believes the requested information is not excepted from required disclosure. Instead, the governmental body must promptly produce the requested public information to the requestor.<sup>41</sup>

***Can a governmental body withhold information because of a previous determination?***

The Public Information Act provides that a governmental body must request an Attorney General open records ruling if the governmental body wishes to withhold requested information unless there has been a previous determination about that particular information.<sup>42</sup> The Act does not define previous determination. However, the Attorney General has concluded there are two types of "previous determinations."<sup>43</sup> If you have any questions regarding whether your governmental body has a previous determination, you should contact the Open Government Hotline at (877) 673-6839 or (512) 478-6736.

***What must the governmental body do when it requests an Attorney General open records ruling?***

If a governmental body wants to withhold a record, it has 10 business days from the date it receives the request to ask for an open records ruling from the Attorney General. On the tenth business day, the governmental body must do the following<sup>44</sup>:

1. **Write the attorney general requesting an open records decision and state which exceptions apply to the requested information:** The original request for a ruling must indicate the specific exception that the governmental body is relying on to withhold the information. If the governmental body fails to cite the applicable exceptions in this request, the governmental body will generally be barred from raising them in any additional briefing that it may provide.
2. **Provide the requestor with a written statement that the governmental body wishes to withhold the information and that it has asked the attorney general for a decision.**
3. **Provide the requestor with a copy of the governmental body's correspondence to the attorney general.**
4. **Make a good faith attempt to notify any affected third parties of the request.**

The governmental body has an additional five business days (a total of fifteen business days from the date the governmental body received the original request for the record) to provide the Attorney General with a signed statement that indicates when the governmental body received the request, or other evidence that establishes that date.<sup>45</sup> During the additional five business days, the governmental body may also provide additional written documentation that supports withholding the requested information. By the fifteenth business day, the governmental body must:

1. **Write the attorney general and explain how the claimed exceptions apply.**

2. **Provide a copy of the written request for information to the attorney general.**
3. **Provide a signed statement or evidence sufficient to establish the date the request for information was received:** It is important to note that the initial deadline for requesting an Attorney General open records ruling is put on hold during the time the governmental body and the requestor are actively discussing the scope of the information requested.<sup>46</sup> If the governmental body contends that the 10 business-day deadline has been tolled while the governmental body and the requestor have been narrowing or clarifying the request, the governmental body must explain this fact in its request for an open records ruling. Along with tolling, the governmental body must explain if there were holidays, natural disasters, and any other days when the governmental body was officially closed. In its explanation, the governmental body should include all dates relevant to the calculation of the 10 business-day deadline.
4. **Provide copies of documents requested or a representative sample of the documents to the attorney general:** The documents must be labeled to show which exceptions apply to which parts of the documents. Representative samples are not appropriate when each document sought to be withheld contains substantially different information or when third-party proprietary information is at issue.
5. **Provide the requestor with a copy of the written comments submitted to the attorney general:** This does not mean that the governmental body has to send the requestor a copy of the information that you are trying to withhold. The governmental body must send copy of its comments. If there is information contained in the comments that the governmental body is trying to withhold, the governmental body can redact that information.<sup>47</sup>

The Attorney General may also ask the governmental body for additional information. The governmental body must respond to an Attorney General's request of additional information within seven calendar days.<sup>48</sup> If the governmental body fails to respond, the information is presumed to be open and must be released unless there is a compelling reason to withhold the information.<sup>49</sup>

***How long does the Attorney General have to respond to a request for an open records ruling?***

The Attorney General has 45 working days from the date the request was received from the governmental body. However, if the Attorney General is unable to issue the decision within the 45-day period, the Attorney General may extend the time to respond for an additional 10 working days. Such an extension may only be taken if the Attorney General notifies the governmental body and the requestor of the reason for the delay. This notification must take place within the original 45-day time period.<sup>50</sup>

***Can a governmental body take longer than 15 business days to determine whether the requested information is confidential if the request is for an excessive amount of information?***

There is no statutory provision that provides the governmental body with an extension of time to seek an open records ruling from the Attorney General's office. Even if the request is for an

excessive amount of information, the governmental body must still meet the 15 business-day deadline for making an open records ruling request to the Attorney General. As noted earlier, this request must include the legal arguments that support withholding the information, a marked-up representative sample of the requested information (marked to show which legal arguments apply to what portion of the sample documents), a copy of the open records request, and a signed statement or other evidence of when the governmental body received the request.<sup>51</sup>

***May a governmental body seek a reconsideration of an open records ruling that was issued by the Attorney General?***

If the Attorney General or a court has already ruled that the exact information that is at issue in a particular request is open to the public, the governmental body must release the information and is prohibited from seeking a reconsideration of that issue from the Attorney General.<sup>52</sup> If the governmental body wants to challenge the ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days.<sup>53</sup>

**Rights and Duties of the Governmental Body and the Open Records Requestor**

***Is a governmental body required to post information regarding the Public Information Act?***

A governmental body's public information officer is responsible for posting a sign which informs the public about its right to access public information.<sup>54</sup> The sign must be displayed in the governmental body's administrative offices. The Attorney General's Office is responsible for determining what specific information must be displayed on the sign. For more information, a governmental body may contact the Open Government Hotline at (512) 478-6736 or (877) 673-6839 or our website, [www.oag.state.tx.us](http://www.oag.state.tx.us).

***What inquiries can a governmental body make of an open records requestor?***

Generally, there are only two permissible lines of inquiry that can be made of a requestor. First, the governmental body can ask a requestor for proper identification, but may not inquire into the motives or use that a requestor may have for public information that has been requested.<sup>55</sup> This inquiry for proper identification should be done if needed, but if the information can be given without any identification, then the inquiry is not necessary. This identification requirement is generally imposed by a governmental body when a state statute limits who may gain access to certain information (e.g., certain state statutes limit who can receive copies of ambulance run information). It should be noted that state law does not indicate how such identification could be accomplished if the request is completely handled through the mail, e-mail, or by fax. It should also be noted that certain statutes regulate who can gain access to information within motor vehicle records such as copies of drivers' licenses. These statutes contain specific rules on what inquiries can be made to determine if the requestor is eligible to receive the information.<sup>56</sup> If an open records request involves such information, the governmental body should visit with its local legal counsel regarding the applicable law.

Second, a governmental body may ask the requestor for a clarification of what type of information is actually being requested. Often, an initial open records request may involve the production of more documents than the requestor intended. Similarly, many open records requests ask for

information that is not kept by the governmental body in the requested format. In either case, the governmental body can ask the requestor whether a potential narrowing or variation of the request would meet the requestor's needs.<sup>57</sup> In this way, the governmental body can potentially save its resources and the requestor can avoid receiving unnecessary information.

***Does the name and address of an open records requestor become public information?***

In certain cases, an open records requestor can be required to provide identification, which may include his or her name or address.<sup>58</sup> If the governmental body receives this information and it becomes part of a governmental record, there is no statutory provision that would except it from disclosure.

***Can a requestor choose the format (paper, computer disc, etc.) in which the governmental body must provide requested information?***

If the governmental body has the technological ability to produce the information in the requested format, it is usually required to do so. For example, if a requestor wants a copy of information on a computer floppy disc, he can ask that it be provided in that format. The governmental body cannot insist on providing the information in only a paper format if the governmental body has the ability to provide it in the requested format. However, the governmental body is not required to buy additional hardware or software to accommodate an open records request.<sup>59</sup>

***Can an open records request require a governmental body to create a record if none exists?***

An open records request does not generally require the governmental body to produce information which is not in existence. If such information could be produced through a minimal computer search, the governmental body would be expected to make such an effort.<sup>60</sup> However, such a request may be denied if it would require extensive research to create the information.<sup>61</sup> In such cases, the governmental body should inform the requestor in writing of the existing formats in which the records are available and of any costs that may be applicable to gain the information in the requested format.

***Does a governmental body have to comply with standing requests for copies of records?***

A governmental body has no duty to comply with standing requests for copies of records.<sup>62</sup> If a requestor seeks documents that are not in existence at the time of the request, the governmental body should notify the requestor of this fact and ask the requestor to resubmit the request at a later time when such a record may be available. The governmental body also has no duty to notify the requestor in the future that the information has come into existence.<sup>63</sup> However, some governmental bodies have chosen to accommodate standing requests for certain records. Whether to enter into such agreements is at the governmental body's discretion. Nonetheless, if such an arrangement is made, it should be available to any requestor on an equal basis.

***Can an open records request require the governmental body to compile statistics, perform research, or provide answers to questions?***

An open records request only requires a governmental body to provide copies of documents that relate to the information sought by the requestor. The Public Information Act does not require a

governmental body to calculate statistics, to perform legal research, or to prepare answers to questions.<sup>64</sup>

***Does an open records request require a governmental body to locate information that is not organized or retrievable by the type of information that is requested?***

Sometimes an open records request will ask for certain documents or information that is not organized or retrievable by the type of information that is requested. For example, a requestor could ask for a list of all of the out-of-state contractors that a governmental body had hired. However, it is unlikely that the governmental body would have its files or computer data organized by whether a contractor's business was located inside or outside of the state.

If the governmental body could provide this information by making a simple computer search or by some other basic task, it should make such an effort. However, if providing the information would require extensive research or considerable manipulation of data, the governmental body has no duty to take such action. Instead, the governmental body may notify the requestor of the format in which the information is currently available. Additionally, the notice must include a cost estimate for providing the information in the format that meets the requestor's preferences.<sup>65</sup> In the preceding example, the governmental body could offer to make available all governmental documents that involve government contractors. The requestor could then review the records to determine which contractor businesses were located outside of the state.

***Must a governmental body buy new software or equipment to accommodate a request for information in a certain format?***

A governmental body has no duty to purchase new software or hardware to accommodate an open records request.<sup>66</sup> If the governmental body is unable with existing resources to provide the information in the requested format, the record should be provided in a paper format or in another medium that is acceptable to the requestor.<sup>67</sup> In certain cases, a governmental body can provide the information in the requested format by manipulating the data within a computer system or by making a programming change that allows access to the information. If an open records request would require such manipulation of data or programming, the governmental body can notify the requestor of the applicable cost of putting the information together in that format and require the requestor to agree to pay the cost of production of the material.<sup>68</sup>

***Can requestors insist on the right to personally use the governmental body's equipment to access public information?***

The Texas Attorney General has concluded that a member of the public does not have the right to personally use a government computer terminal to search for public information.<sup>69</sup> Instead, the governmental body may require that searches of public information be conducted by government personnel who then provide the requestor with access to or copies of the requested items. Of course, a governmental body may adopt a policy to allow the public to use their computer terminals to access information, but the public cannot demand that such a policy be implemented.

***Do requestors have a right to bring in their own copier to make copies of public records?***

A governmental body may refuse to allow the use of a requestor's portable copier if such activity would: (1) be unreasonably disruptive, (2) cause a safety hazard, (3) interfere with others' right to

inspect and copy records, or (4) if the requested records contain confidential information that needs to be excised.<sup>70</sup>

***Can requestors require the governmental body to copy information onto supplies provided by the requestor?***

The Texas Public Information Act specifically provides that a governmental body is not required to copy information onto material provided by an open records requestor. For example, a governmental body does not have to copy information onto paper or onto a computer disk that is provided by the requestor. Instead, the governmental body may choose to use its own materials.<sup>71</sup>

***Does the governmental body have to release information that is also available commercially?***

Generally, a governmental body is not required to allow access to or to make a copy of information from a commercial book or publication that is in the governmental body's possession. If the publication was purchased by the governmental body and it is still available commercially, the governmental body can alert requestors of this fact. However, a governmental body is under a duty to allow inspection of the commercial book or publication if portions of the publication are specifically made a part of, incorporated into, or referred to in a governmental body rule or policy.<sup>72</sup>

***Does a governmental body have to release information that is copyrighted?***

If a request is made for documents that are copyrighted, the governmental body will have to provide access to those records, unless there is an applicable exception that would allow those records to be withheld. However, the governmental body is not required to make copies of copyrighted material for a requestor.<sup>73</sup> Instead, the governmental body should provide the requestor access to the information; the requestor bears the duty of compliance with federal copyright law.

***Must a governmental body respond to repeated requests for the same information?***

If a governmental body has previously provided copies of certain information, the governmental body has no duty to provide the same information to the requestor again.<sup>74</sup> Similarly, if a governmental body has previously made the information available and the requestor has not paid the costs associated with the prior request, the governmental body may respond to a second request for such documents by providing a special notice to the requestor.<sup>75</sup> The governmental body's public information officer or his agent must provide the requestor a letter or form which certifies that all or part of requested information was previously furnished to the requestor, or was made available upon payment of costs. Additionally, the certification must include: (1) a description of the information that was previously furnished or made available; (2) the date the governmental body received the previous request; (3) the date the governmental body previously furnished or made available the information to the requestor; (4) a statement that no further additions, deletions, or corrections have been made to that information; and (5) the name, title, and signature of the public information officer or his agent who is making the certification.<sup>76</sup> A governmental body may not charge the requestor for the preparation of the certification.<sup>77</sup>

Of course, a governmental body may choose to provide the requested information, which makes providing a certification to the requestor unnecessary.<sup>78</sup> It is important to note that a governmental body must furnish or make available upon payment of applicable charges any information that has not been previously supplied to the requestor.<sup>79</sup>

## **IV. Statutory Exceptions That Allow Information To Be Withheld**

### **Information Which is Presumed Public**

#### *Is there a list of items which are presumed to be public information?*

The Public Information Act lists 18 categories of information which are presumed to be public information. Texas Government Code section 552.022 (a) states that “(w)ithout limiting the amount that is public information under this chapter, the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other laws.” For example, completed reports<sup>80</sup>, public court record information<sup>81</sup>, and settlement agreements to which a governmental body is a party<sup>82</sup> are just a few of the items that are presumed public.

#### *Is a discretionary exception considered “other laws” for the purpose of withholding information that is presumed public?*

Generally, information that falls within the 18 categories of information that is presumed public cannot be withheld under a discretionary exception in the Act. Discretionary exceptions are designed to protect the interests of the governmental body and are not considered “other laws” for purposes of section 552.022 of the Texas Government Code.<sup>83</sup> Information that is presumed public can only be withheld if it is “expressly confidential” by law.<sup>84</sup> However, there are two exceptions to this general rule. Sections 552.104 (Information Related to Competition or Bidding) was amended to allow a governmental body to withhold information under these sections even if the information falls within one of the categories of information listed in section 552.022(a).<sup>85</sup>

#### *Are there “other laws” which may be relied upon to withhold information under section 552.022 of the Texas Government Code?*

The Texas Supreme Court has concluded the term “other laws” as it is used in section 552.022 of the Government Code does include the Texas Rules of Civil Procedure and Texas Rules of Evidence.<sup>86</sup> Accordingly, the attorney-client privilege and work-product doctrine could be considered “other laws” for the purpose of withholding public information.<sup>87</sup>

### **General Issues Regarding Confidential Records**

#### *Is there a laundry list of items that are confidential under the Public Information Act and other state laws?*

At this time, there does not appear to be an entity that publishes a single, comprehensive list of all the types of information that are confidential under state law. A governmental body will want to review the Attorney General’s *Public Information Handbook* and consult closely with its attorney regarding what records that state or federal law specifically require to be withheld from the public.

***Can staff promise confidentiality for certain records that are provided to the governmental body?***

A promise of confidentiality from staff or a related promise within a governmental contract generally does not give the governmental body the right to withhold certain information from public disclosure. Such promises are only enforceable if a state statute specifically allows the governmental body to guarantee the confidentiality of the information.<sup>88</sup>

***Can a governmental body substitute a new document or produce a redacted copy of a record in response to an open records request?***

The governmental body is required to make copies of the actual records that exist. If authorized by law, the city can cross through or otherwise excise the confidential information. However, a governmental body may not substitute a new document in which only the non-confidential information is presented, unless the requestor consents to the substitution.<sup>89</sup>

**Information about Public Officials/Employees**

***Can a governmental body disclose a public official or public employee's home address, home phone, social security number, or family information?***

Public employees may request that the governmental body not reveal their home address, home phone number, social security number, or information about family members. In fact, governmental bodies are required to ask each employee whether they want such information to be treated as confidential. This inquiry to each employee must be made within 14 days of the employee being hired, appointed, elected or ending service with the governmental body. If the employee indicates in writing a preference for such confidentiality, the governmental body must refuse to release the personal information.<sup>90</sup>

Although the governmental body is required to make this inquiry to employees at the time of their starting or leaving employment with the governmental body, the ultimate duty to make a written request for confidentiality rests with the employee. If the governmental body receives a request for this information and no confidentiality request has been filed by the employee, it is too late for the governmental body to ask the employee whether such confidentiality is preferred. In such a case, the governmental body would have to release the personal information to the requestor. However, if the employee makes a request for confidentiality afterwards, that request would be good for any future open records requests.

It is important to note that a peace officer is not required to file a written request to keep his/her personal information confidential. A peace officer's home address, home phone number, social security number, and any information about family members are all automatically confidential while employed by the governmental body.<sup>91</sup> Additionally, the home address, home phone number, social security number, and any information about family members relating to a peace officer killed in the line of duty will remain confidential after his death.<sup>92</sup>

***Can a governmental body withhold social security numbers without requesting an Attorney General ruling?***

A governmental body can withhold the social security number of a living person from any information without requesting an Attorney General ruling.<sup>93</sup> Governmental bodies must release the requestor's social security number to the requestor or an authorized representative of the requestor.

***Are personal notes kept by an official subject to the Public Information Act?***

Personal notes that are made by an official are generally considered a public record. A governmental body should consider the following factors if it receives a request for such information: (1) who prepared the notes; (2) who possesses or controls the document; (3) who has access to it; (4) the nature of its contents; (4) whether the document is used in conducting the business of the governmental body; and (5) whether public funds were expended in creating or maintaining the document.<sup>94</sup>

***Are e-mail addresses protected from disclosure under the Public Information Act?***

A governmental body cannot release the e-mail address of a member of the public that is provided for the purpose of communicating electronically with the governmental body. However, the member of the public can allow their e-mail address to be disclosed if the member of the public affirmatively consents to its release. Also, if the email address is provided to the governmental body either: 1) by a person who has a contractual relationship with the governmental body; 2) by a vendor who seeks a contract with the governmental body; 3) during the bidding process; or 4) to the governmental body on a letterhead, coversheet, printed document or other document made available to the public it is not excepted under section 552.137.<sup>95</sup>

**General Exceptions That May Permit Withholding Records**

***What information is protected from disclosure under the exception for intra-agency and inter-agency memoranda or letters?***

The Public Information Act allows a governmental body, in limited circumstances, to withhold certain information that is contained in an inter-agency or intra-agency memorandum or letter.<sup>96</sup> This exception has been held to only apply to internal staff communications consisting of advice, recommendations, or opinions that reflect the policymaking process.<sup>97</sup> This exception does not apply, however, to purely factual information that could be severed from the opinion portions of the document. Additionally, this exception does not protect routine memoranda or letters on administrative and personnel matters, unless those matters involve policy issues of a broad scope.<sup>98</sup> For example, the evaluation of an individual employee would probably not be protected from disclosure under this exception.<sup>99</sup> On the other hand, a university report addressing systematic discrimination against minorities has been found to be protected by this exception.<sup>100</sup> It should be noted that information created by outside consultants acting on the governmental body's behalf may in certain cases be covered by this exception.<sup>101</sup>

## **Personnel Information**

### ***What information within a public employee's personnel file is an open record?***

The vast majority of information within a public employee's personnel file is considered an open record and accessible to the public. For example, information about a public employee's job performance, dismissal, demotion, promotion, resignation, and salary information are generally considered open.<sup>102</sup> Similarly, job-related test scores of public employees or applicants for public employment are generally treated as open records,<sup>103</sup> as are letters of recommendation, and opinions and recommendations concerning other routine personnel matters.<sup>104</sup> However, Attorney General rulings have required information about an employee's withholding information on a federal tax form to be withheld, as well as information about an employee's beneficiary under governmental body life insurance programs. A governmental body may seek a ruling to withhold information under the "personnel exception" if its release would constitute an unwarranted invasion of the employee's privacy.<sup>105</sup> In making its determination whether information falls within the "personnel exception," the Attorney General considers:

1. whether the information contains highly intimate or embarrassing facts about the person; and
2. whether there is any legitimate public interest in the release of or access to this information.

Under the above two part-test, a court has held that a governmental body did not have to release the names and statements of victims and witnesses alleging sexual harassment.<sup>106</sup> The court found that the information at issue was intimate or embarrassing and that the public had no legitimate interest in the release of that information.

### ***Do employees have a special right of access to information contained in their own personnel file?***

Most information within an employee's personnel file can be accessed by the involved employee or the employee's designated representative.<sup>107</sup> However, a governmental body may withhold the employee's personnel information from the employee under some exceptions. For example, under some circumstances, the governmental body may be able to refuse to release information to an employee from his personnel file if the information relates to issues that are currently under civil or criminal litigation.<sup>108</sup>

## **Law Enforcement Information**

### ***What information within the records of a law enforcement entity may be withheld?***

Section 552.108 of the Government Code contains what is generally referred to as the "law enforcement exception." This exception allows the governmental body to withhold four types of information:

- 1) Information that if released would affect the governmental body's ability to investigate or prosecute;**

**2) Information pertaining to investigations and prosecutions of crime that did not result in a conviction or a deferred adjudication;**

**3) Threats Against Peace Officers:** Information that deals with threats against a peace officers collected or disseminated under Government Code section 411.048; or

**4) Attorney Work Product:** Information that the attorney of the governmental body prepared for use in criminal litigation or information reflecting the mental impressions or legal reasoning of the attorney regarding such litigation.

It is important to note that the law enforcement exception does not except from disclosure basic information about an arrested person or basic information within a criminal citation or police offense report.<sup>109</sup> Information that has been held to be open includes:

1. The name, age, address, race, sex, occupation, and condition of an arrested person.
2. The date and time of the arrest.
3. The offense charged and the booking information.
4. The location of the crime and the involved property.
5. The names of the arresting and investigating officers.

Section 552.108 only applies to criminal investigations and prosecutions. Where no criminal investigation or prosecution results from an investigation of a police officer for alleged misconduct, section 552.108 is inapplicable.<sup>110</sup>

It is also important to note that the law enforcement exception may apply to departments other than the police department if those departments are, by law, charged with the detection, investigation, or prosecution of crime. For example, the Attorney General has determined that the arson investigation unit of a fire department may cite the law enforcement exception to protect some of its records.<sup>111</sup>

***Can motor vehicle accident report information be disclosed under the Public Information Act?***

The disclosure of motor vehicle accident reports, also known as ST-3 or CRB-3 forms, are governed by the Texas Transportation Code.<sup>112</sup> In order to obtain a copy of a motor vehicle accident report, the requestor must: (1) make the request in writing, (2) pay any required fee, and (3) provide the governmental body with two or more of the following information:

- (a) the date of the accident;
- (b) the specific address or the highway or street where the accident occurred; or
- (c) the name of any person involved in the accident.<sup>113</sup>

## **Purchasing / Public Works Information**

### ***What information must be disclosed if there is an open records request regarding a competitive bid?***

Section 552.104 allows governmental bodies to withhold information that is submitted for competitive bids if its disclosure would give advantage to a competitor or bidder.<sup>114</sup> This exception does not apply, however, if there is only one entity that is bidding on the project.<sup>115</sup> Additionally, this exception does not apply to bid information after the bidding is completed and the contract has been awarded.<sup>116</sup> However, section 552.104 (b) allows a governmental body to withhold information under section 552.104(a) even if the information falls within one of the categories of information listed in section 552.022(a).<sup>117</sup> It is also possible that certain information that is not protected under the bidding exception may still be withheld if it is protected under section 552.110 of the Government Code or is confidential under other statutory or common law provisions.<sup>118</sup> This exception can be used only by governmental bodies, not third parties.

### ***What information may be withheld regarding the acquisition of real estate or personal property by a city?***

Section 552.105 provides governmental bodies with limited authority to withhold information that relates to the governmental body's acquisition of real estate or personal property.<sup>119</sup> The authority to withhold this information generally ends once the governmental body acquires the involved property.<sup>120</sup> This exception also has equal application to information pertaining to a lease of real or personal property.<sup>121</sup> Similarly, the information about the lease is considered an open record once the governmental body enters into the lease agreement. It should be noted that if the information falls under section 552.022, the governmental body cannot withhold it under this exception.

### ***What information is protected under the exception for trade secrets or for commercial or financial information that would give an advantage to competitors?***

Section 552.110 provides that certain information within bids and other documents may be protected as trade secrets or commercial or financial information that would give an advantage to competitors. A "trade secret" that is privileged or confidential by court order or by statute must be withheld.<sup>122</sup> In determining whether particular information constitutes a trade secret, the Attorney General's office considers the Restatement of Torts' definition of trade secret as well as the Restatement's list of six trade secret factors.<sup>123</sup> These factors are:

- (1) the extent to which the information is known in the market place;
- (2) the extent to which the information is known by employees and others involved in the business;
- (3) the measures taken to guard the secrecy of the information;
- (4) the value of the information to the company and to its competitors;
- (5) the amount of effort or money spent to develop the information; and
- (6) the ease or difficulty with which the information could be properly acquired or duplicated by others.<sup>124</sup>

It should be noted that information submitted to a governmental body is not automatically protected from disclosure just because the company submitting that information claims the information is a trade secret or is "proprietary." This office cannot conclude that section 552.110(a) applies unless

it has been shown that the information meets the definition of a trade secret and the necessary factors have been demonstrated to establish a trade secret claim.<sup>125</sup>

Alternatively, there are varying standards that determine whether information is protected under the exception for commercial or financial information. The information is confidential if its release is likely to cause substantial harm to the competitive position of the entity that provided the information.<sup>126</sup> To qualify under this prong of section 552.110, it must be shown with specific factual evidence that disclosure of the commercial or financial information would cause substantial competitive harm to the person or business that supplied the information to the governmental body.<sup>127</sup> The substantial injury or harm must be more than speculative, it must be likely to occur if disclosure is made.<sup>128</sup>

## **Economic Development Information**

### ***What information is protected under the exception for economic development negotiations?***

Section 552.131 allows governmental bodies to withhold certain information related to economic development negotiations between a governmental entity and a business that the governmental body is seeking to have locate, stay or expand within or near the territory of the governmental body. Under this provision, the governmental body must withhold trade secrets of the business prospect that were related to economic development negotiations.<sup>129</sup> Similarly, governmental bodies must withhold certain commercial and financial information about the business prospect that was acquired during economic development negotiations if release of the information would result in substantial competitive harm to the business prospect.<sup>130</sup> The test for trade secret and commercial and financial information is the same for this exception as it is in section 552.110.

Additionally, until an agreement is made with the business prospect, the governmental body may withhold information about a financial or other incentive being offered to the business prospect if the incentive directly or indirectly results in the expenditure of public funds or in a reduction of funds received by a governmental body.<sup>131</sup> Any information about a financial or other incentive that is withheld under this provision would have to be released after an agreement is executed with the business prospect.<sup>132</sup>

## **Litigation or Other Legal Information**

### ***What type of information is excepted from disclosure under the attorney-client privilege?***

Section 552.107(1) of the Government Code protects information coming within the attorney-client privilege. When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue.<sup>133</sup> First, a governmental body must demonstrate that the information constitutes or documents a communication.<sup>134</sup> Second, the communication must have been made "for the purpose of facilitating the rendition of professional legal services" to the client governmental body.<sup>135</sup> The privilege does not apply when an attorney or representative is involved in some capacity other than that of providing or facilitating professional legal services to the client governmental body.<sup>136</sup> Governmental attorneys often act in capacities other than that of professional legal counsel, such as administrators, investigators, or managers. Thus, the mere fact that a communication involves an attorney for the government does not demonstrate this element. Third, the privilege applies only to

communications between or among clients, client representatives, lawyers, and lawyer representatives.<sup>137</sup> Thus, a governmental body must inform this office of the identities and capacities of the individuals to whom each communication at issue has been made. Lastly, the attorney-client privilege applies only to a confidential communication,<sup>138</sup> meaning it was "not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication."<sup>139</sup> Whether a communication meets this definition depends on the intent of the parties involved at the time the information was communicated.<sup>140</sup> Moreover, because the client may elect to waive the privilege at any time, a governmental body must explain that the confidentiality of a communication has been maintained. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body.<sup>141</sup>

***When is information relating to pending or anticipated litigation excepted from disclosure?***

Under Section 552.103, a governmental body can seek a ruling to withhold information about pending or reasonably anticipated civil or criminal litigation. The litigation must be pending or reasonably anticipated as of the date the open records request is received by the governmental body.<sup>142</sup> The governmental body, its officials, or its staff must be a party to such litigation.

Whether litigation is reasonably anticipated is a question that involves both factual and legal issues.<sup>143</sup> There must be concrete evidence that litigation is likely; it must be more than mere conjecture. When a governmental body requests an open record ruling to withhold information under the litigation exception, the governmental body's request must identify the issues that are involved in the litigation and explain how the information to be withheld relates to those issues. The governmental body should also provide a copy of the relevant pleadings if the case has been filed. Information that falls under the litigation exception generally can be withheld until the litigation has concluded or is no longer anticipated.<sup>144</sup> Criminal litigation is considered concluded once the statute of limitations has expired or when the defendant has exhausted all appellate and post-conviction remedies in state and federal court.<sup>145</sup> State law does not specifically define when civil litigation is considered to be concluded. Generally, civil litigation is considered to be concluded when all right of appeal has been exhausted and/or a final judgment has been entered. However, if the parties to civil or criminal litigation have inspected the records under discovery or through other means, the litigation exception would no longer apply.

## **V. Ability to Recover Costs for Providing Copies of Open Records**

***What is the general ability of a governmental body to charge for documents?***

The Public Information Act allows governmental bodies to set a charge for providing copies of public information.<sup>146</sup> The Attorney General's Office has set a charge of 10 cents per page for making simple photocopies or printouts. A governmental body may not charge more than 25% above the charges set by the Attorney General's Office. If a governmental body's actual cost for producing copies of open records exceeds the Attorney General's Office charges by more than 25%, the governmental body may apply to the Attorney General's Office for permission to charge more. In no case may the charge by the governmental body exceed the actual cost of producing the requested copies.

***When can a governmental body recover labor charges for an open records request?***

**Labor to Produce Paper Copies:** A governmental body may recover labor charges to handle an open records request for paper copies in three circumstances: 1) If the responsive records will result in over fifty pages of paper copies; 2) If the records to be copied are located in two or more separate buildings or in a remote storage facility;<sup>147</sup> or 3) If the governmental body provides access to paper documents that meet certain specifications.<sup>148</sup> The Attorney General's office presently allows a maximum labor charge of \$15 per hour.

**Labor to Produce Electronic or Microfilm Copies:** Charges for copies of records that are stored in other formats such as electronic information or microfilm may include reasonable costs of materials, labor, and overhead. If the governmental body assesses a charge for labor, the requestor may require the governmental body to provide a statement of the amount of time that was needed to prepare the requested copies. This statement must be signed by the officer for public information or the agent of that officer with the signer's name clearly typed below the signature. The governmental body is not permitted to charge for providing this statement.<sup>149</sup>

A governmental body can also recover labor charges for providing access to electronic records if providing such access requires programming or manipulation of data. In such a case, the governmental body must provide a special written notice to the requestor as provided under the Public Information Act.<sup>150</sup> The governmental body must also obey the rules of the Attorney General's Office in determining how much to charge for the labor.<sup>151</sup>

***Can a governmental body charge for the labor cost to retrieve materials from remote locations?***

A governmental body may charge for the labor cost of retrieving records that are located in two or more separate buildings that are not connected to each other or in a remote storage facility.<sup>152</sup> Buildings are considered to be "separate" if they are not connected by a covered or open sidewalk, or by an elevated or underground walkway.<sup>153</sup> The charge for labor can be recovered in such a situation even if the requestor seeks fewer than 50 pages of copies.

***When and how much can a governmental body charge for overhead when handling an open records request?***

A governmental body may impose a charge for overhead whenever a personnel (labor) charge is applicable to an open records request. Any overhead charge cannot exceed 20% of the personnel charge.<sup>154</sup>

***Can a governmental body recover costs for any modifications to its computer program that are necessary to respond to an open records request?***

A governmental body may charge a requestor for the cost of any programming or manipulation of data that is necessary to answer an open records request.<sup>155</sup> The Attorney General's office presently allows a maximum programming charge of \$28.50 per hour. Unlike most other charges for public information, this charge may be imposed even if the requestor only wants access to the requested information and does not request any copies.<sup>156</sup> However, before a governmental body may impose such a charge, it must provide the requestor with certain written information in advance, including a statement of the estimated charges.<sup>157</sup>

***Can a governmental body require a requestor to pay the costs for producing the records prior to the governmental body mailing out the requested information?***

If a requestor asks the governmental body to mail the information, the governmental body can send the information by first class mail and can require that the requestor pay in advance for postage, along with other permitted charges related to producing the information.<sup>158</sup> A governmental body is not required to provide public information by mail until the requestor pays all applicable charges.

***What duty does a governmental body have to inform a requestor of the estimated charges for copies of or access to public information?***

A governmental body is required to provide detailed information to the requestor if the charges for an open records request are likely to exceed forty dollars.<sup>159</sup> The governmental body must do the following:

1. Furnish the requestor, an itemized estimate of the expected costs. The governmental body is required to keep a record of the statement;
2. Inform the requestor if there is an alternative method for supplying the requested records that is less costly;
3. Tell the requestor he has 10 business days to provide the governmental body with a written response stating whether the charges are accepted, the request is modified, or a complaint has been lodged with the Attorney General's office. The requestor's response may be made by hand delivery, mail, fax or e-mail, and must specify the method by which the requestor wants the information supplied;<sup>160</sup>
4. The notice must tell the requestor that failure to respond to the statement within 10 business days results in the automatic withdrawal of the open records request;<sup>161</sup>
5. If the governmental body finds that the costs will exceed more than 20 percent of the original estimate, the governmental body must provide the requestor with an updated itemized statement. The requestor again has 10 days to provide the governmental body with a written response to the updated statement, or the request will be considered to be withdrawn.<sup>162</sup>

If the actual charges are more than \$40, a governmental body may only charge the amount estimated in the latest itemized statement that was provided to the requestor. However, if the governmental body did not provide the requestor with an updated itemized statement, the governmental body is limited to charging no more than 20% more than the amount of the original itemized statement.<sup>163</sup>

***Can a governmental body require a monetary deposit in order to comply with an open records request?***

A governmental body must provide the requestor with an appropriate estimated itemized statement before the governmental body can require a deposit or bond. If such a statement is provided, a governmental body that has 16 or more full-time employees may require a deposit or bond if the estimated charge for producing copies of the requested records exceeds \$100. A governmental body

with fewer than 16 full-time employees may require a deposit if the estimated charges for producing copies of information are more than \$50.<sup>164</sup>

Additionally, a governmental body may in certain situations require a deposit for providing access to public records if the costs of providing access would exceed the above noted thresholds. If the requestor does not make a deposit by the 10<sup>th</sup> day after the date the deposit is required, then the open records request is considered withdrawn.<sup>165</sup> Governmental bodies are required to follow applicable state law and the guidelines established by the Attorney General's Office for any charges that they would impose for providing access.<sup>166</sup>

***Can a governmental body reduce or waive the cost for making copies of public information?***

A governmental body shall reduce or waive the normal charge for copies of public information if providing a reduced or no-cost copy would benefit the public. The governmental body may waive a charge for such copies if the cost of collecting the fee would exceed the amount of the charge.<sup>167</sup>

## **VI. Enforcement of the Public Information Act**

***Is a requestor allowed to sue a governmental body for failure to comply with the Public Information Act?***

A requestor is allowed to bring certain actions against a governmental body for violations of the Public Information Act. The requestor may file a complaint against a governmental body with the local county or district attorney.<sup>168</sup> The complaint must meet the following requirements:

- 1) Be in writing and signed by the complainant;
- 2) State the name of the governmental body that allegedly committed the violation as accurately as can be done by the complainant;
- 3) State the time and place of the alleged commission of the violation, as definitely as can be done by the complainant; and
- 4) Describe the violation, in general terms.<sup>169</sup>

Within 31 days of receiving such a complaint, the local prosecuting attorney must determine if a violation has been committed, decide whether to take action against the governmental body, and notify the person who filed the complaint of that decision.<sup>170</sup>

If the local prosecutor declines to proceed with an action against a governmental body, the complainant has 31 days to file a complaint with the Attorney General. The Attorney General must notify the complainant within 31 days of his decision whether to proceed with an action against the governmental body.<sup>171</sup>

If either the local prosecuting attorney or the Attorney General decides to bring a lawsuit against a governmental body, the governmental body must be notified prior to the filing of the lawsuit. The governmental body has three days to remedy the problem.<sup>172</sup>

***What civil remedies can be brought against a governmental body for failure to comply with the Public Information Act?***

If a governmental body refuses to release public information or refuses to request an Attorney General ruling, either the requestor or the Attorney General may bring a lawsuit to force the release of the records in question.<sup>173</sup> Even if the Attorney General has determined that the governmental body may withhold the requested information, the requestor may still file a lawsuit against the governmental body to seek disclosure of the requested information.<sup>174</sup> Under certain circumstances, a third party may also file litigation to prevent the release of records that implicate that person's privacy or proprietary interests.<sup>175</sup> In a lawsuit brought to compel the release of public information, a requestor or the attorney general is entitled to an award of attorney fees and costs if they prevail in their suit. In a lawsuit by a governmental body seeking relief from compliance with an Attorney General ruling, a court may order the losing side to pay litigation costs and attorneys' fees, but is not required to.<sup>176</sup>

In addition to a lawsuit of the types just discussed, a requestor that feels he or she has been overcharged for copies of public information may file a complaint with the Attorney General's office. The Attorney General's office may require the governmental body to pay the requestor the amount of any overcharge. If the Attorney General's office finds that the overcharge was due to bad faith on the part of the governmental body, the requestor who is overcharged may recover up to three times the amount of the overcharge from the governmental body.<sup>177</sup>

***What are the criminal penalties for noncompliance with the Public Information Act?***

There are three provisions of the Public Information Act which have criminal penalties if violated:

**Failure to Give Access to Public Information.** A person responsible for releasing public information commits a crime if he fails to give access to or fails to permit copying of public information as required by the Public Information Act. This violation is a misdemeanor punishable by a fine of up to \$1,000, a six-month jail term, or both. The Public Information Act also states that this sort of violation constitutes official misconduct.<sup>178</sup>

**Release of Confidential Information.** A person commits a crime if he or she distributes information considered confidential under the Public Information Act. Such a violation is a misdemeanor punishable by a fine of up to \$1,000, a six-month jail term, or both. The Act also states that this sort of violation constitutes official misconduct. Thus, a public official may be subject to removal from office for such an offense.<sup>179</sup>

**Illegal Destruction or Alteration of Public Information.** Finally, a person commits a crime if that person, in violation of the Public Information Act, willfully destroys, mutilates, or alters public information or removes such information without permission. An offense of this type is a misdemeanor and is punishable by a fine of between \$25 and \$4,000, three days to three months of jail time, or both.<sup>180</sup> It is important to note that there are provisions of Texas law outside of the Public Information Act that also criminalize tampering with a governmental record, and an offense under one of those provisions may constitute a felony.<sup>181</sup>

## **VII. Additional Information about the Public Information Act**

### ***Are all elected or appointed governmental officials required to complete training about the Act?***

Elected and appointed officials must have a minimum of one hour but no more than two hours of training. Officials who were in office before January 1, 2006 have until January 1, 2007, one year, to complete the required training.<sup>182</sup> Officials that are elected or appointed after January 1, 2006 have 90 days to complete the required training. If the governmental body has designated a public information coordinator, then the officials can opt out of taking the training provided that they designate their public information coordinator to receive the training in their place. The public information coordinator must be the person that is primarily responsible for the processing of open records requests for the governmental body. The official or public information coordinator should receive a certificate of completion. The governmental body shall maintain the certificates and make them available for public inspection.

### ***Where can a governmental body get more information about the Public Information Act?***

For additional copies of this article, a governmental body may contact the Municipal Affairs Section of the Attorney General's Office at (512) 475-4683 or the County Affairs Section of the Attorney General's Office at (512) 463-2060. Additionally, the Office of the Attorney General produces the *Public Information Handbook*, an in-depth publication about the Act and its interpretation by Attorney General rulings and court cases. That publication may be ordered by calling (512) 475-4428. Finally, the Open Records Division of the Attorney General's Office sponsors an Open Records Hotline where public officials and concerned citizens can get answers to basic questions about the Public Information Act. The phone number for the Open Government Hotline is (512) 478-6736 or (877) 673-6839.

## ENDNOTES

1. This article was originally written by Scott Joslove, and Robert Ray, and revised for 2006 by Zindia Thomas. Much of the material in the article is drawn from the Texas Attorney General's *2006 Public Information Handbook*. In addition, this article was reviewed by June Harden, Hadassah Schloss, Brenda Loudermilk and Julian Grant.
2. TEX. GOV'T CODE ANN. § 552.002 (Vernon 2004).
3. *Id.* § 552.003 (1).
4. *Id.* § 552.0036.
5. *Id.* § 552.003 (1)(A)(iv).
6. *Id.* § 552.003 (1)(A)(xii); *see, e.g.* Op. Tex. Att'y Gen. No. JM-821 (1987), Tex. Att'y Gen. ORD-621 (1993), ORD-602 (1992).
7. TEX. GOV'T CODE ANN. § 552.002 (a) (Vernon 2004). *See also* Tex. Att'y Gen. ORD-363 (1983).
8. Tex. Att'y Gen. ORD-585 (1991).
9. TEX. GOV'T CODE ANN. § 552.003 (1)(B)(Vernon 2004).
10. *Id.* § 552.0035. *See also* Texas Rules of Judicial Administration Rule 12, *reprinted in* TEX. GOV'T CODE ANN., title 2, subtitle F appendix (Vernon 2005).
11. *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 98 S.Ct. 1306, 55 L.Ed.2d 570 (1978); *Ashpole v. Millard*, 778 S.W.2d 169 (Tex.App. – Houston [1<sup>st</sup> Dist.] 1989, no writ); Op. Tex. Att'y Gen. No. DM-166 (1992), Tex. Att'y Gen. ORD-25 (1974).
12. TEX. GOV'T CODE ANN. § 552.0055 (Vernon 2004).
13. TEX. CRIM. PROC. CODE ANN. art. 18.01(b) (Vernon 2005); *See also Houston Chronicle Publishing Co. v. Woods*, 949 S.W.2d 492, 499 (Tex. App. -- Beaumont 1997, no writ).
14. Op. Tex. Att'y Gen. No. JM-119 (1983); Tex. Att'y Gen. LO-93-89 (1993). *See also*, Tex. Att'y Gen. OR99-2237 (1999).
15. Tex. Att'y Gen. ORD-497 (1988); ORD-44 (1974).
16. TEX. GOV'T CODE ANN. § 552.301 (c) (Vernon Supp. 2005).
17. *Id.* § 552.301 (a); Tex. Att'y Gen. ORD-304 (1982).
18. TEX. GOV'T CODE ANN. § 552.221(a) (Vernon 2004). *See also* Tex. Att'y Gen. ORD-664 (2000).
19. Tex. Att'y Gen. ORD-467 (1987); ORD-664 (2000).

20. TEX. GOV'T CODE ANN. § 552.221 (d) (Vernon 2004).
21. *Id.*
22. *Id.* § 552.221 (c).
23. Tex. Att'y Gen. ORD-148 (1976) (faculty member's file is not in active use the entire time the promotion is under consideration); *But see* Tex. Att'y Gen. ORD-225 (1979) (secretary's handwritten notes are in active use while the secretary is typing minutes of the meeting from them).
24. TEX. GOV'T CODE ANN. § 552.231(b) (Vernon 2004).
25. *Id.* § 552.231 (c).
26. *Id.* § 552.301 (a) (Vernon Supp. 2005).
27. *Id.* § 552.301 (b).
28. Tex. Att'y Gen. ORD-333 (1982); ORD-663 (1999).
29. TEX. GOV'T CODE ANN. § 552.301 (d), (e-1) (Vernon Supp 2005).
30. *Id.* § 552.305 (d)(1) (Vernon 2004).
31. *Id.* § 552.305 (d)(2)(B).
32. *Id.* § 552.305 (e).
33. *Id.* § 552.222 (b).
34. Tex. Att'y Gen. ORD-663 (1999).
35. *Id.*
36. TEX. GOV'T CODE ANN. § 552.301 (a) (Vernon Supp. 2005).
37. Tex. Att'y Gen. ORD-673 (2001) (what constitutes a "previous determination"). *See also* Tex. Att'y Gen. ORD-435 (1986) (city cannot unilaterally decide that material fits within exception unless the city has previously requested a determination involving the exact same material); *see also Houston Chronicle Publishing Co., v. Mattox*, 767 S.W.2d 695, 698 (Tex. 1989)(specifying that Attorney General is authorized to determine what constitutes "previous determination.").
38. Tex. Att'y Gen. ORD-542 (1990).
39. TEX. GOV'T CODE ANN. § 552.302 (Vernon Supp.2005).
40. Tex. Att'y Gen. ORD-150 (1977).
41. Tex. Att'y Gen. ORD-665 (2000).

42. TEX. GOV'T CODE ANN. § 552.301(a) (Vernon Supp. 2005).
43. Tex. Att'y Gen. ORD-673 (2001).
44. TEX. GOV'T CODE ANN. § 552.301 (b)-(d) (Vernon Supp 2005).
45. *Id.* § 552.301 (e).
46. Tex. Att'y Gen. ORD-333 (1982); ORD-663 at 5 (1999).
47. TEX. GOV'T CODE ANN. § 552.301(e-1) (Vernon Supp. 2005).
48. *Id.* § 552.303 (d) (Vernon 2004).
49. *Id.* § 552.303 (e).
50. *Id.* § 552.306 (a).
51. *Id.* § 552.301 (e) (Vernon Supp. 2005).
52. *Id.* § 552.301 (f).
53. *Id.* § 552.324 (b) (Vernon 2004).
54. *Id.* § 552.205 (Vernon Supp. 2005).
55. *Id.* § 552.222 (a) (Vernon 2004).
56. *Id.* § 552.222 (c).
57. *Id.* § 552.222 (b).
58. *Id.* § 552.222 (a).
59. *Id.* § 552.228.
60. *Id.* § 552.002 (a); *see also* Tex. Att'y Gen. ORD-452 (1986); Op. Tex. Att'y Gen. No. JM-672 (1987).
61. Op. Tex. Att'y Gen. No. JM-672 (1987).
62. *See Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App. -- San Antonio 1978, writ dismissed); Tex. Att'y Gen. ORD-476 at 1 (1987), ORD-452 at 3 (1986).
63. Tex. Att'y Gen. ORD-452 (1986), ORD-476 (1987); Op. Tex. Att'y Gen. No. JM-48 (1983).
64. Tex. Att'y Gen. ORD-563 at 8 (1990); ORD-555 at 1 (1990).
65. TEX. GOV'T CODE ANN. § 552.231 (b) (Vernon Supp. 2005).
66. *Id.* § 552.228 (b)(2) (Vernon 2004).
67. *Id.* § 552.228 (c).

68. *Id.* § 552.231 (Vernon Supp. 2005).
69. Tex. Att’y Gen. ORD-571 (1990).
70. Op. Tex. Att’y Gen. No. JM-757 (1987). *See also* Op. Tex. Att’y Gen. No. GA-400 (2006).
71. TEX. GOV’T CODE ANN. § 552.228 (c)(Vernon 2004). *See also* TEX. GOV’T CODE ANN. § 552.230 (governmental body may promulgate rules for efficient, safe, and speedy inspection and copying if not inconsistent with Public Information Act).
72. *Id.* § 552.027.
73. Op. Tex. Att’y Gen. No. JM-672 (1987); Tex. Att’y Gen. ORD-550 (1990).
74. TEX. GOV’T CODE ANN. § 552.232 (a) (Vernon 2004).
75. *Id.*
76. *Id.* § 552.232 (b).
77. *Id.* § 552.232 (c).
78. *Id.* § 552.232 (a)(1-2).
79. *Id.* § 552.232 (d).
80. *Id.* § 552.022(a)(1).
81. *Id.* § 552.022(a)(17).
82. *Id.* § 552.022(a)(18).
83. *Id.*
84. TEX. GOV’T CODE ANN. § 552.022(a) (Vernon 2004).
85. *Id.* §§ 552.104(b); 552.133(d).
86. *In re City of Georgetown*, 53 S.W.3d 328, 332 (Tex. 2001).
87. *Id.*
88. Op. Tex. Att’y Gen. Nos. H-258 (1974); JM-672 (1987); Tex. Att’y Gen. ORD-455 (1987).
89. Tex. Att’y Gen. ORD-633 (1995); ORD-606 (1992).
90. TEX. GOV’T CODE ANN. §§ 552.024; 552.117 (Vernon 2004).
91. *Id.* §§ 552.117; 552.1175 (Vernon Supp. 2005).
92. *Id.* § 552.117 (a)(4) (Vernon 2004).
93. *Id.* § 552.147 (Vernon Supp. 2005)

94. *See, e.g.*, Tex. Att'y Gen. ORD-635 (1995) (public official's or employee's appointment calendar may be subject to Act); ORD-626 (1994) (handwritten notes taken during D.P.S. promotion board oral interviews are subject to Act).
95. TEX. GOV'T CODE ANN. § 552.137 (Vernon 2004).
96. TEX. GOV'T CODE ANN. § 552.111 (Vernon 2004).
97. Tex. Att'y Gen. ORD-615 (1993). *See also* Tex. Att'y Gen. ORD-631 (1995) (report addressing systematic discrimination against minorities and the educational mission of the university in question was not open to public).
98. Tex. Att'y Gen. ORD-631 (1995).
99. Tex. Att'y Gen. ORD-615 (1993).
100. Tex. Att'y Gen. ORD-631 (1995).
101. Tex. Att'y Gen. ORD-462 (1987).
102. TEX. GOV'T CODE ANN. § 552.022 (a)(2) (Vernon 2004); *see also* Tex. Att'y Gen. ORD-444 (1986); ORD-405 (1983).
103. Tex. Att'y Gen. ORD-441 (1986).
104. Tex. Att'y Gen. ORD-615 (1993).
105. TEX. GOV'T CODE ANN. § 552.102 (a) (Vernon 2004).
106. *See Morales v. Ellen*, 840 S.W.2d 519 (Tex.App.-El Paso 1992, no writ).
107. Tex. Gov't Code Ann. §§ 552.023 (a); 552.102 (Vernon 2004); Tex. Att'y Gen. ORD-288 (1981).
108. Tex. Att'y Gen. ORD-288 (1981). (The Attorney General generally does not allow a governmental body to withhold information pursuant to the litigation exception if the opposing party has had previous access to the information. Thus, if a governmental body is engaged in litigation with its own employee, the litigation exception generally would not protect any information in the employee's personnel file to which the employee had previously had access.)
109. TEX. GOV'T CODE ANN. § 552.108 (c) (Vernon Supp. 2005); *see also* Tex. Att'y Gen. ORD-127 (1976).
110. *Morales v. Ellen*, 840 S.W.2d 519 (Tex. Civ. App.---El Paso 1992, writ denied) (Gov't Code § 552.108 not applicable where no criminal investigation or prosecution of police officer resulted from investigation of allegation of sexual harassment); Tex. Att'y Gen. ORD-350 (1982) (predecessor provision of Gov't Code § 552.108 not applicable to IAD investigation file when no criminal charge against officer results from investigation of complaint against police officer).
111. Tex. Att'y Gen. ORD-127 (1976).

112. TEX. TRANSP. CODE ANN. § 550.065 (Vernon Supp. 2005).
113. *Id.* § 550.065 (c)(4).
114. TEX. GOV'T CODE ANN. § 552.104 (Vernon 2004).
115. Tex. Att'y Gen. ORD-331 (1982).
116. Tex. Att'y Gen. ORD-541 (1990).
117. TEX. GOV'T CODE ANN. § 552.104 (b)(Vernon 2004).
118. Tex. Att'y Gen. ORD-319 (1982).
119. TEX. GOV'T CODE ANN. § 552.105 (Vernon 2004).
120. Tex. Att'y Gen. ORD-222 (1979). (The Attorney General has extended this protection to information about the appraisal of land parcels that were acquired in advance of other land for the same project.)
121. Tex. Att'y Gen. ORD-348 (1982).
122. TEX. GOV'T CODE ANN. § 552.110 (a) (Vernon 2004).
123. Restatement of Torts § 757 cmt. b (1939)
124. *Hyde Corp. v. Huffines*, 314 S.W.2d 763 (Tex.), *cert. denied*, 358 U.S. 898 (1958).
125. *See* Tex. Att'y Gen. ORD-402 (1983).
126. *National Parks and Conservation Ass'n v. Morton*, 498 F.2d 765 (D.C. Cir. 1974).
127. TEX. GOV'T CODE ANN. § 552.110 (b) (Vernon 2004).
128. Tex. Att'y Gen. ORD-639 (1996).
129. TEX. GOV'T CODE ANN. § 552.131 (a)(1) (Vernon 2004).
130. *Id.* § 552.131 (a)(2).
131. *Id.* § 552.131 (b).
132. *Id.* § 552.131(c).
133. Tex. Att'y Gen. ORD-676 at 6-7 (2002).
134. *Id.* at 7.
135. TEX. R. EVID. 503(b)(1).
136. *In re Texas Farmers Ins. Exch.*, 990 S.W.2d 337, 340 (Tex. App.---Texarkana 1999, orig. proceeding) (attorney-client privilege does not apply if attorney acting in a capacity other than

that of attorney).

137. TEX. R. EVID. 503(b)(1)(A), (B), (C), (D), (E).

138. *Id.* 503(b)(1)

139. *Id.* 503(a)(5).

140. *Osborne v. Johnson*, 954 S.W.2d 180, 184 (Tex. App.---Waco 1997, no writ).

141. *See Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein).

142. TEX. GOV'T CODE ANN. § 552.103 © (Vernon 2004).

143. *See University of Texas Law School v. Texas Legal Foundation*, 958 S.W.2d 479 (Tex. App. – Austin 1997, no pet.).

144. Tex. Att'y Gen. ORD-647 (1996).

145. TEX. GOV'T CODE ANN. § 552.103 (b) (Vernon 2004).

146. *Id.* § 552.262 (Vernon Supp. 2005). *See, generally, Id.* §§ 552.261 - 552.272 (Vernon 2004 & Supp. 2005).

147. *Id.* § 552.261(Vernon 2004).

148. *Id.* § 552.271 (c)-(d).

149. *Id.* § 552.261 (b).

150. *Id.* §§ 552.231 (Vernon Supp. 2005); 552.272 (c)(Vernon 2004).

151. *Id.* § 552.262 (Vernon Supp. 2005).

152. *Id.* § 552.261 (a) (Vernon 2004)

153. *Id.* § 552.261 (b).

154. 1 TEX. ADMIN. CODE §111.63 (West 2005).

155. TEX. GOV'T CODE ANN. § 552.231 (Vernon Supp. 2005).

156. *Id.* § 552.272 (Vernon 2004).

157. *Id.* § 552.231 (Vernon Supp. 2005).

158. *Id.* § 552.221 (b) (Vernon 2004).

159. *Id.* § 552.2615 (Vernon Supp. 2005).

160. *Id.* § 552.2615(a).

161. *Id.* § 552.2615(b).
162. *Id.* § 552.2615 (c).
163. *Id.* § 552.2615(d).
164. *Id.* § 552.263.
165. *Id.* § 552.263(f).
166. *Id.* § 552.262.
167. *Id.* § 552.267 (Vernon 2004).
168. *Id.* § 552.3215.
169. *Id.* § 552.3215 (e).
170. *Id.* § 552.3215 (g).
171. *Id.* § 552.3215 (I).
172. *Id.* § 552.3215 (j).
173. *Id.* § 552.321.
174. *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App. – Austin 1992, no writ). *See also* TEX. GOV'T CODE ANN. § 552.3215 (Vernon 2004).
175. *See, e.g., Morales v. Ellen*, 840 S.W. 2d 519 (Tex. App. – El Paso 1992, writ denied). *See also* TEX. GOV'T CODE ANN. § 552.325 (Vernon 2004).
176. TEX. GOV'T CODE ANN. § 552.323 (Vernon 2004).
177. *Id.* § 552.269 (Vernon Supp. 2005).
178. *Id.* § 552.353 (Vernon 2004).
179. *Id.* § 552.352.
180. *Id.* § 552.351.
181. *See, e.g.,* TEX. PEN. CODE ANN. § 37.10 (Vernon Supp. 2005).
182. TEX. GOV'T CODE ANN. § 552.012 (Vernon Supp. 2005).

**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Wednesday, August 18, 2010 8:25 AM  
**To:** Danaj, Mark; Santana, Deanna  
**Cc:** Orogas, Alexandra  
**Subject:** Police Chief Survey

FYI – Community and PD links have been posted on our homepage and will also appear with the job announcement (right now under "Upcoming Searches"): [www.tbcrecruiting.com](http://www.tbcrecruiting.com)

Teri

Teri Black-Brann, President  
teri@tbcrecruiting.com



**Teri Black & Company**  
Your Executive Search Solution  
4232 Pascal Place  
Rancho Verde, Peninsula, CA 94024  
Tel 310.377.2612  
Fax 310.377.1362  
[www.tbcrecruiting.com](http://www.tbcrecruiting.com)

**Norris, Tom**

---

**From:** SanJoseInfo@sanjoseca.gov  
**Sent:** Wednesday, August 18, 2010 3:45 PM  
**To:** Danaj, Mark  
**Subject:** Police Chief Recruitment Community Outreach Meetings  
**Attachments:** 08.18.10InfoMemo\_PoliceChiefRecruitmentMtgs.pdf

would like to unsubscribe from this list, please send an email to [webmaster.manager@sanjoseca.gov](mailto:webmaster.manager@sanjoseca.gov).

*DATE: August 18, 2010 3:44:10 P.*

## Police Chief Recruitment Community Outreach Meetings

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The "Download Document" link is currently down. To view the information memo, please click on the attached PDF.

We apologize for any inconvenience as we are experiencing a malfunction in our City News & Information System. Thank you for your patience.

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City of San Jose  
City of San José Media Site  
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**Norris, Tom**

---

**From:** SanJoseInfo@sanjoseca.gov  
**Sent:** Wednesday, August 18, 2010 3:45 PM  
**To:** Morales, Cristina  
**Subject:** Police Chief Recruitment Community Outreach Meetings  
**Attachments:** 08.18.10InfoMemo\_PoliceChiefRecruitmentMtgs.pdf

would like to unsubscribe from this list, please send an email to [webmaster.manager@sanjoseca.gov](mailto:webmaster.manager@sanjoseca.gov).

*DATE: August 18, 2010 3:44:10 P.*

## Police Chief Recruitment Community Outreach Meetings

---

The "Download Document" link is currently down. To view the information memo, please click on the a PDF.

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Distributed on:

SENT TO COUNCIL AUG 13 2010

by City Manager's Office

## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Debra Figone

**SUBJECT:** POLICE CHIEF RECRUITMENT  
COMMUNITY OUTREACH MEETINGS

**DATE:** August 18, 2010

### INFORMATION MEMO

This information memo transmits an update to the citywide community outreach meeting schedule with a change of location and time of the August 25 meeting, which will be held at Tully Branch Library, in the Community Room on 880 Tully Road from 7:00-9:00pm. Attached is the revised flyer and informational piece for community newsletters.



DEBRA FIGONE  
City Manager

*For questions please contact Deanna J. Santana, Deputy City Manager at (408) 535-8280.*

**Attachments:**

- A. Police Chief Recruitment Flyer
- B. Informational Piece for Community Newsletters

# THE CITY IS SEEKING COMMUNITY INPUT ON POLICE CHIEF RECRUITMENT



**Meeting Purpose:** The City of San Jose is recruiting for a new Police Chief and is interested in receiving community input on the ideal qualities of a Police Chief. The information collected will help inform the process and evaluation of candidates. Several community meetings are scheduled to hear and collect input from residents. Residents who are unable to attend a community meeting, but would like to submit written comment, may do so by sending an email to [info@tbcrecruiting.com](mailto:info@tbcrecruiting.com).

**Background:** The Police Chief oversees the operations of approximately 1,700 employees (1273 sworn officers) for the current fiscal year. The Table below provides information on Police Department activity in 2009.

Category	2009
City of San Jose Population	964,695*
Calls for Service	
▪ 9-1-1 or other emergency calls	405,848
▪ Non-Emergency Calls	343,868
Cases Investigated	38,006
Total Arrests	25,968
Ratio of Officers per 1,000 Residents	1.36
Internal Affairs Unit Activity	
▪ Citizen Complaints	213
▪ Department-Initiated Investigations	71
▪ Non-Misconduct Concerns	109
Police Department FY 09/10 Adopted Budget	\$299,397,775

\*Estimated population as of July 1, 2009, Source: U.S. Census Bureau

The City has contracted with Ms. Teri Black-Brann, of Teri Black & Company, a public sector executive recruitment firm, to conduct the recruitment search. Ms. Black-Brann has provided service to the executive search industry since 1999. Ms. Black-Brann most recently conducted the recruitment process for the City's Fire Chief position and has completed 20 public safety searches, 10 of which were Police Chief searches, including numerous recruitments on the west coast.

## Calendar of Upcoming Community Meetings

**All meetings are from 6:00 to 8:00 p.m. (except for the August 25<sup>th</sup> meeting).** Spanish and Vietnamese interpreters will be available at the meetings.

**Tuesday, August 24, 2010**  
Roosevelt Community Center  
Community Room  
901 East Santa Clara Street

**Wednesday, August 25, 2010**  
Tully Library  
Community Room  
880 Tully Road  
**7:00-9:00pm**

**Monday, August 30, 2010**  
San Jose City Hall  
Committee Rooms 118, 119, 120  
200 East Santa Clara Street

**Wednesday, September 1, 2010**  
West Valley Library, Community Room  
1243 San Tomas Aquino Road

**Thursday, September 2, 2010**  
Eastside Union High School District Offices  
Board Room  
830 North Capitol Avenue

For more information, visit [www.sanjoseca.gov](http://www.sanjoseca.gov) or email [info@tbcrecruiting.com](mailto:info@tbcrecruiting.com)

**ADA Access:** To arrange accommodations under the Americans Disabilities Act to participate in this public meeting, please call Alexandra Orogas at (408) 535-8100 or (408) 294-9337 (TTY) at least three (3) business days before the meeting.



# LA MUNICIPALIDAD DESEA EL APOORTE DE LA COMUNIDAD PARA LA CONTRATACIÓN DE UN JEFE DE POLICÍA



**Propósito de la reunión:** La Municipalidad de San José desea contratar a un nuevo Jefe de Policía y quiere recibir aporte de la comunidad sobre las cualidades ideales de un Jefe de Policía. La información recabada ayudará a reportar el proceso y la evaluación de los candidatos. Se han programado varias reuniones comunitarias para escuchar y recabar el aporte de los residentes. Los residentes que no puedan concurrir a una reunión comunitaria, pero que deseen presentar comentarios escritos, pueden hacerlo enviando un correo electrónico a [info@fbcrecruiting.com](mailto:info@fbcrecruiting.com).

**Antecedentes:** El Jefe de Policía supervisa las operaciones de aproximadamente 1,700 empleados (1273 oficiales juramentados) para el año fiscal en curso. La Tabla abajo ofrece información sobre la actividad del Departamento de Policía en 2009.

Categoría	2009
Población de la Municipalidad de San José	964,695*
Llamadas para servicio	
▪ 9-1-1 u otras llamadas de emergencia	405,848
▪ Llamadas que no son de emergencia	343,868
Casos investigados	38,006
Total de arrestos	25,968
Proporción de oficiales por cada 1,000 residentes	1.36
Actividad de la unidad de asuntos internos	
▪ Denuncias de ciudadanos	213
▪ Investigaciones iniciadas por el departamento	71
▪ Asuntos no relativos a mala conducta	109
Presupuesto adoptado para el AF 09/10 por el Departamento de Policía	\$299,397,775

\*Población estimada para el 1 de julio de 2009, Fuente: Oficina del Censo de los EE.UU.

La Municipalidad ha contratado a la Sra. Teri Black-Brann, de Teri Black & Company, una empresa de reclutamiento de ejecutivos del sector público, para llevar a cabo la búsqueda de contrataciones. La Sra. Black-Brann ha prestado servicios a la industria de búsqueda de ejecutivos desde 1999. La Sra. Black-Brann llevó a cabo recientemente el proceso de contratación del cargo de Jefe de Bomberos de la Municipalidad y ha realizado 20 búsquedas de seguridad pública, de las cuales 10 fueron búsquedas de Jefe de Policía, incluyendo numerosas contrataciones en la costa oeste.

**Acceso ADA:** Para concertar las facilidades según la Ley de Estadounidenses con Discapacidad para participar en esta reunión pública, favor llamar a Alexandra Orologas al (408) 535-8100 o al (408) 294-9337 (TTY) con al menos tres días hábiles de anticipación a la reunión.

## Calendario de futuras reuniones comunitarias

**Todas las reuniones son de 6:00 a 8:00 p.m. (excepto la reunión del 25 de Agosto)**  
Habrá intérpretes disponibles en vietnamita y español en las reuniones.

**Martes 24 de Agosto de 2010**  
Centro Comunitario Roosevelt  
Sala Comunitaria  
901 East Santa Clara Street

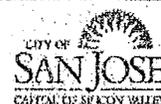
**Miércoles 25 de Agosto de 2010**  
Biblioteca Tully  
Sala Comunitaria  
880 Tully Road  
7:00-9:00 pm

**Lunes 30 de Agosto de 2010**  
Ayuntamiento de San José  
Salas Comunitaria, 118, 119, 120  
200 East Santa Clara Street

**Miércoles 1 de Septiembre de 2010**  
Biblioteca West Valley  
Sala comunitaria  
1243 San Tomas Aquino Road

**Jueves 2 de Septiembre de 2010**  
Oficinas Del Distrito Eastside Union High School  
Salón de Juntas (Board Room)  
830 North Capitol Avenue

Para más información consulte  
[www.sanjoseca.gov](http://www.sanjoseca.gov) o envíe un correo electrónico a  
[info@fbcrecruiting.com](mailto:info@fbcrecruiting.com)



# THÀNH PHỐ ĐANG THU THẬP Ý KIẾN CỦA CỘNG ĐỒNG VỀ VIỆC TUYỂN CHỌN CẢNH SÁT TRƯỞNG



**Mục đích Buổi họp:** Thành phố San Jose đang tuyển chọn một vị tân Cảnh sát Trưởng và mong nhận được những ý kiến của cộng đồng về phẩm chất của một Cảnh sát Trưởng. Những thông tin thu thập được sẽ giúp lập thành quy trình và công tác khảo hạch các ứng viên. Một số buổi họp cộng đồng đã được xếp lịch để lắng nghe và thu nhận những ý kiến từ dân chúng. Cư dân nào không thể tham dự được buổi họp, nhưng muốn gửi ý kiến bằng văn thư thì có thể gửi qua đường thư điện tử tại [info@tbcrcruiting.com](mailto:info@tbcrcruiting.com).

**Thông tin Cơ bản:** Vị Cảnh sát Trưởng quản lý hoạt động khoảng 1,700 nhân viên (1273 nhân viên hữu thê) trong năm tài chính hiện tại. Bảng biểu dưới đây cung cấp những thông tin về hoạt động của Sở Cảnh sát trong năm 2009.

Phân loại	2009
Dân số Thành phố San Jose	964,695*
Số cuộc gọi để Phục vụ	
• 9-1-1 hoặc các cuộc gọi khẩn cấp	405,848
• Các cuộc gọi Không Khẩn cấp	343,868
Các vụ án được điều tra	38,006
Tổng số vụ bắt giữ	25,968
Tỷ lệ Nhân viên trên 1,000 dân	1.36
Hoạt động của Phòng Nội Vụ	
• Khiếu nại của Dân chúng	213
• Các vụ Điều tra do Sở Khôi xương	71
• Những Quan ngại khác không liên quan đến vấn đề Đạo đức	109
Ngân quỹ Tiếp nhận trong năm Năm Tài chính 09/10 của Sở Cảnh sát	\$299,397,775

\*Dân số được ước tính vào ngày 01 tháng 7 năm 2009. Nguồn: Phòng Thống kê Dân số Hoa Kỳ

Thành phố đã hợp đồng với Bà Teri Black-Brann thuộc Teri Black & Công ty, một công ty chuyên tuyển dụng trong lĩnh vực điều hành công, để thực hiện việc tìm kiếm tuyển dụng. Bà Black-Brann đã cung cấp dịch vụ trong ngành tuyển dụng người điều hành từ năm 1999. Gần đây nhất Bà Black-Brann đã thực hiện quy trình tuyển dụng vị trí Trưởng Ty Cứu hỏa của Thành phố và đã hoàn thành 20 công tác tuyển dụng vị trí an toàn công cộng, trong đó có 10 công tác tuyển dụng Cảnh sát Trưởng, bao gồm một số công tác tuyển dụng ở miền Tây.

**Quyền tiếp cận theo quy định của ADA:** Để thu xếp các điều kiện theo Bộ luật Người Mỹ Khuyết tật để tham dự cuộc họp công chúng này, xin gọi Alexandra Orogas ở số (408) 535-8100 hoặc (408) 294-9337 (Người Khiếm thính) ít nhất ba (3) ngày làm việc trước buổi họp.

## Lịch Các Buổi họp Công chúng Sắp diễn ra

Tất cả các buổi họp đều diễn ra từ 6:00 đến 8:00 tối. (trừ buổi họp diễn ra ngày 25 tháng Tám). Phiên dịch viên tiếng Tây Ban Nha và Tiếng Việt đều được bố trí tại tất cả các buổi họp.

**Thứ Ba, ngày 24 tháng 8, 2010**

Trung tâm Cộng đồng Roosevelt  
Roosevelt Community Center  
Phòng Cộng đồng/ Community Room  
901 East Santa Clara Street

**Thứ Tư, ngày 25 tháng 8, 2010**

Thư Viện Tully /Tully Library  
Phòng Cộng đồng/Community Room  
880 Tully Road  
7:00-9:00pm

**Thứ Hai, ngày 30 tháng 8, 2010**

Tòa Thị chính San Jose/ San Jose City Hall  
Phòng Ủy ban /Committee Rooms 118, 119, 120  
200 East Santa Clara Street

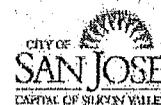
**Thứ Tư, ngày 1 tháng 9, 2010**

Thư viện West Valley/ West Valley Library  
Phòng Cộng đồng/ Community Room  
1243 San Tomas Aquino Road

**Thứ Năm, ngày 2 tháng 9, 2010**

Phòng Giáo dục Liên minh Trung học Eastside  
Eastside Union High School District Offices  
Phòng Hội đồng/ Board Room  
830 North Capitol Avenue

Để biết thêm chi tiết, hay ghé thăm trang [www.sanjoseca.gov](http://www.sanjoseca.gov) hoặc email [info@tbcrcruiting.com](mailto:info@tbcrcruiting.com)



**Newsletter Article:  
Police Chief Recruitment Community Outreach Meetings**

The City of San Jose is recruiting for a new Police Chief and is interested in receiving community input regarding the ideal qualities of a Police Chief. San Jose's Police Chief oversees the operations of approximately 1700 police employees (1273 sworn positions) in 4 Bureaus comprised of 10 divisions with more than 70 specialized Units and assignments providing police services for our community of more than 1 million residents.

The City has contracted with Ms. Teri Black-Brann of Teri Black & Company, a public sector executive recruitment firm, to conduct this recruitment. If you are interested in providing input regarding the upcoming recruitment for the Police Chief, you are encouraged to attend any of the following community meetings:

**Tuesday, August 24—Central Division**  
Roosevelt Community Center  
Community Room  
6:00-8:00pm

**Wednesday, September 1—Western Division**  
West Valley Library  
Community Room  
6:00-8:00pm

**PLEASE NOTE NEW LOCATION & TIME**  
**Wednesday, August 25—Southern Division**  
Tully Library  
Community Room  
7:00-9:00pm

**Thursday, September 2—Foothill Division**  
Eastside Union High School District Offices  
Board Room  
6:00-8:00pm

**Monday, August 30—Citywide**  
City Hall Committee Rooms 118, 119, 120  
6:00-8:00pm

Spanish and Vietnamese interpreters will be available at all of the meetings. For residents who are unable to attend a meeting, but would like to submit written comments may do so by sending an email to [info@tbcrecruiting.com](mailto:info@tbcrecruiting.com) or by filling out the Police Chief Recruitment Community Survey (available in English, Spanish and Vietnamese), accessible on the City's homepage at [www.sanjoseca.gov](http://www.sanjoseca.gov). If you have any questions, please contact Deanna Santana, Deputy City Manager, at (408) 535-8280.

**Norris, Tom**

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**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Monday, August 23, 2010 3:38 PM  
**To:** Danaj, Mark  
**Subject:** Police Management

Hi Mark –

Was I supposed to reach out to the Police Management Assoc to set-up a meeting w/ them or was the CM's office taking care of that?? If the ball is in my court, can I get a name and contact info??

Thanks much –

Teri

P.S. I'll arrive in SJ late afternoon tomorrow to be at the community meeting tomorrow eve. + the other meetings

Teri Black-Brann, President  
teri@tbcrecruiting.com



**Teri Black & Company**  
Your Executive Search Solution  
4232 Pascal Place  
Esos Verdes Peninsula, CA 90274  
tel 310.377.2612  
fax 310.377.1362  
www.tbcrecruiting.com

9/9/2010

**Norris, Tom**

---

**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Wednesday, August 25, 2010 3:23 PM  
**To:** Danaj, Mark  
**Subject:** FW: TENTATIVE CITY MANAGER RECALL

Mark –

It doesn't look like you were included on this e-mail.

Teri

Teri Black & Co., LLC

tel 310.377.2612

[www.tbcrecruiting.com](http://www.tbcrecruiting.com)

---

**From:** san.jose@california.usa.com [mailto:san.jose@california.usa.com]  
**Sent:** Wednesday, August 25, 2010 3:16 PM  
**To:** swebby@mercurynews.com  
**Cc:** Richard.Doyle@sanjoseca.gov; Debra.Figone@sanjoseca.gov; abipd1@iuno.com; dgreene@thefirstamendment.org; egonov@gmail.com; ; webmaster@san-jose-california.us; Nadine.Nader@sanjoseca.gov; tom.manheim@sanjoseca.gov; lisa.herrick@sanjoseca.gov; sam.liccardo@sanjoseca.gov; mayoremail@sanjoseca.gov; kansen.chu@sanjoseca.gov; nancy.pyle@sanjoseca.gov; nora.campos@sanjoseca.gov; chuck.reed@sanjoseca.gov; richard.doyle@sanjoseca.gov; pete.constant@sanjoseca.gov; ; webmaster@da.sccgov.org; INFO@TBCRECRUITING.COM; robert.davis@sanjoseca.gov; diane.urban@sanjoseca.gov; david.hober@sanjoseca.gov; david.cavallaro@sanjoseca.gov; brian.bartlett@sanjoseca.gov; madison.nguyen@sanjoseca.gov; kevin.nishita@sanjoseca.gov; ; martin.corona@sanjoseca.gov; rodneycd40@sanjoseca.gov; liz.kniss@bos.sccgov.org; larryduncan@yahoo.com; ; jose.salcido@sanjoseca.gov  
**Subject:** TENTATIVE CITY MANAGER RECALL

Sean,

Thanks again for all your spectacular coverage on SJPD issues in the Mercury News. Although I am encouraged by the efforts being made by the City Managers office, Teri Black and others in soliciting public input regarding selection of the new police chief, I am dismayed & greatly alarmed about the actual screening and process and the intention of keeping the information regarding the applicants identities and backgrounds private. I disagree with the notion that the public should be excluded in any way from the "public's business" and although I can understand to a degree, the logic and reasoning behind the decision to exclude the public, I am sure that most of the community will agree that the public's right to know & participate in this matter clearly outweighs any privacy concerns of the applicants for the position chief of police.

I hope that Debra Figone will reconsider this decision to exclude the public from participating in "the public's business", and allow the people of San Jose to exercise their influence as much as possible in the least restrictive manner. There is nothing in the city charter that I can find that PROHIBITS the community from engaging in this process in a hands on manner. By the same token, the community may at any time invoke city charter sections:1603 & 1604 and remove the city manager from office. That is what I want to call on the community to do if Debra Figone fails to comply & to allow the public to participate in this process. This is nothing personal against

9/9/2010

Debra Figone, however I think that if what rightfully belongs to the public is taken from them, then the public has the right and obligation to take it back. ( Is this, or is this NOT a government for, of & by the people? )

I don't want to bite off more than I can chew, or pick a battle that I cannot win, therefore I am asking you to please help me to get this message out to the community so that others will join in this effort & the synergy of our efforts & our collective will power may ultimately prevail against this machine!

Thank You.  
Cary-Andrew Crittenden

PS: Perhaps also, Charter section 1603 may be amended to empower the community to recall the police chief as well.

I will be looking for others to work with me on this & could use all the help I can get.



Distributed on:

SENT TO COUNCIL AUG 13 2010

by City Manager's Office

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Debra Figone

**SUBJECT:** POLICE CHIEF RECRUITMENT  
COMMUNITY OUTREACH MEETINGS

**DATE:** August 18, 2010

## INFORMATION MEMO

This information memo transmits an update to the citywide community outreach meeting schedule with a change of location and time of the August 25 meeting, which will be held at Tully Branch Library, in the Community Room on 880 Tully Road from 7:00-9:00pm. Attached is the revised flyer and informational piece for community newsletters.



DEBRA FIGONE  
City Manager

*For questions please contact Deanna J. Santana, Deputy City Manager at (408) 535-8280.*

**Attachments:**

- A. Police Chief Recruitment Flyer
- B. Informational Piece for Community Newsletters

# THE CITY IS SEEKING COMMUNITY INPUT ON POLICE CHIEF RECRUITMENT



**Meeting Purpose:** The City of San Jose is recruiting for a new Police Chief and is interested in receiving community input on the ideal qualities of a Police Chief. The information collected will help inform the process and evaluation of candidates. Several community meetings are scheduled to hear and collect input from residents. Residents who are unable to attend a community meeting, but would like to submit written comment, may do so by sending an email to [info@tbcrecruiting.com](mailto:info@tbcrecruiting.com).

**Background:** The Police Chief oversees the operations of approximately 1,700 employees (1273 sworn officers) for the current fiscal year. The Table below provides information on Police Department activity in 2009.

Category	2009
City of San Jose Population	964,695*
Calls for Service	
▪ 9-1-1 or other emergency calls	405,848
▪ Non-Emergency Calls	343,868
Cases Investigated	38,006
Total Arrests	25,968
Ratio of Officers per 1,000 Residents	1.36
Internal Affairs Unit Activity	
▪ Citizen Complaints	213
▪ Department-Initiated Investigations	71
▪ Non-Misconduct Concerns	109
Police Department FY 09/10 Adopted Budget	\$299,397,775

\*Estimated population as of July 1, 2009, Source: U.S. Census Bureau

The City has contracted with Ms. Teri Black-Brann, of Teri Black & Company, a public sector executive recruitment firm, to conduct the recruitment search. Ms. Black-Brann has provided service to the executive search industry since 1999. Ms. Black-Brann most recently conducted the recruitment process for the City's Fire Chief position and has completed 20 public safety searches, 10 of which were Police Chief searches, including numerous recruitments on the west coast.

## Calendar of Upcoming Community Meetings

**All meetings are from 6:00 to 8:00 p.m. (except for the August 25<sup>th</sup> meeting).** Spanish and Vietnamese interpreters will be available at the meetings.

**Tuesday, August 24, 2010**  
Roosevelt Community Center  
Community Room  
901 East Santa Clara Street

**Wednesday, August 25, 2010**  
Tully Library  
Community Room  
880 Tully Road  
**7:00-9:00pm**

**Monday, August 30, 2010**  
San Jose City Hall  
Committee Rooms 118, 119, 120  
200 East Santa Clara Street

**Wednesday, September 1, 2010**  
West Valley Library, Community Room  
1243 San Tomas Aquino Road

**Thursday, September 2, 2010**  
Eastside Union High School District Offices  
Board Room  
830 North Capitol Avenue

For more information, visit [www.sanjoseca.gov](http://www.sanjoseca.gov) or email [info@tbcrecruiting.com](mailto:info@tbcrecruiting.com)

**ADA Access:** To arrange accommodations under the Americans Disabilities Act to participate in this public meeting, please call Alexandra Orogas at (408) 535-8100 or (408) 294-9337 (TTY) at least three (3) business days before the meeting.



# LA MUNICIPALIDAD DESEA EL APOORTE DE LA COMUNIDAD PARA LA CONTRATACIÓN DE UN JEFE DE POLICÍA



**Propósito de la reunión:** La Municipalidad de San José desea contratar a un nuevo Jefe de Policía y quiere recibir aporte de la comunidad sobre las cualidades ideales de un Jefe de Policía. La información recabada ayudará a reportar el proceso y la evaluación de los candidatos. Se han programado varias reuniones comunitarias para escuchar y recabar el aporte de los residentes. Los residentes que no puedan concurrir a una reunión comunitaria, pero que deseen presentar comentarios escritos, pueden hacerlo enviando un correo electrónico a [info@tbcrecruiting.com](mailto:info@tbcrecruiting.com).

**Antecedentes:** El Jefe de Policía supervisa las operaciones de aproximadamente 1,700 empleados (1273 oficiales juramentados) para el año fiscal en curso. La Tabla abajo ofrece información sobre la actividad del Departamento de Policía en 2009.

Categoría	2009
Población de la Municipalidad de San José	964,695*
Llamadas para servicio	
▪ 9-1-1 u otras llamadas de emergencia	405,648
▪ Llamadas que no son de emergencia	343,868
Casos investigados	38,006
Total de arrestos	25,968
Proporción de oficiales por cada 1,000 residentes	1.36
Actividad de la unidad de asuntos internos	
▪ Denuncias de ciudadanos	213
▪ Investigaciones iniciadas por el departamento	71
▪ Asuntos no relativos a mala conducta	109
Presupuesto adoptado para el AF 09/10 por el Departamento de Policía	\$299,397,775

\*Población estimada para el 1 de julio de 2009, Fuente: Oficina del Censo de los EE.UU.

La Municipalidad ha contratado a la Sra. Teri Black-Brann, de Teri Black & Company, una empresa de reclutamiento de ejecutivos del sector público, para llevar a cabo la búsqueda de contrataciones. La Sra. Black-Brann ha prestado servicios a la industria de búsqueda de ejecutivos desde 1999. La Sra. Black-Brann llevó a cabo recientemente el proceso de contratación del cargo de Jefe de Bomberos de la Municipalidad y ha realizado 20 búsquedas de seguridad pública, de las cuales 10 fueron búsquedas de Jefe de Policía, incluyendo numerosas contrataciones en la costa oeste.

**Acceso ADA:** Para concertar las facilidades según la Ley de Estadounidenses con Discapacidad para participar en esta reunión pública, favor llamar a Alexandra Orologas al (408) 535-8100 o al (408) 294-9337 (TTY) con al menos tres días hábiles de anticipación a la reunión.

## Calendario de futuras reuniones comunitarias

**Todas las reuniones son de 6:00 a 8:00 p.m. (excepto la reunión del 25 de Agosto)**  
Habrá intérpretes disponibles en vietnamita y español en las reuniones.

**Martes 24 de Agosto de 2010**  
Centro Comunitario Roosevelt  
Sala Comunitaria  
901 East Santa Clara Street

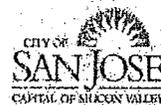
**Miércoles 25 de Agosto de 2010**  
Biblioteca Tully  
Sala Comunitaria  
880 Tully Road  
7:00-9:00 pm

**Lunes 30 de Agosto de 2010**  
Ayuntamiento de San José  
Salas Comunitaria, 118,119, 120  
200 East Santa Clara Street

**Miércoles 1 de Septiembre de 2010**  
Biblioteca West Valley  
Sala comunitaria  
1243 San Tomas Aquino Road

**Jueves 2 de Septiembre de 2010**  
Oficinas Del Distrito Eastside Union High School  
Salón de Juntas (Board Room)  
830 North Capitol Avenue

Para más información consulte  
[www.sanjoseca.gov](http://www.sanjoseca.gov) o envíe un correo electrónico a  
[info@tbcrecruiting.com](mailto:info@tbcrecruiting.com)



# THÀNH PHỐ ĐANG THU THẬP Ý KIẾN CỦA CỘNG ĐỒNG VỀ VIỆC TUYỂN CHỌN CẢNH SÁT TRƯỞNG



**Mục đích Buổi họp:** Thành phố San Jose đang tuyển chọn một vị tân Cảnh sát Trưởng và mong nhận được những ý kiến của cộng đồng về phẩm chất của một Cảnh sát Trưởng. Những thông tin thu thập được sẽ giúp lập thành quy trình và công tác khảo hạch các ứng viên. Một số buổi họp cộng đồng đã được xếp lịch để lắng nghe và thu nhận những ý kiến từ dân chúng. Cư dân nào không thể tham dự được buổi họp, nhưng muốn gửi ý kiến bằng văn thư thì có thể gửi qua đường thư điện tử tại [info@tbcrcruiting.com](mailto:info@tbcrcruiting.com).

**Thông tin Cơ bản:** Vị Cảnh sát Trưởng quản lý hoạt động khoảng 1,700 nhân viên (1273 nhân viên hữu thê) trong năm tài chính hiện tại. Bảng biểu dưới đây cung cấp những thông tin về hoạt động của Sở Cảnh sát trong năm 2009.

Phân loại	2009
Dân số Thành phố San Jose	964,695*
Số cuộc gọi để Phục vụ	
▪ 9-1-1 hoặc các cuộc gọi khẩn cấp	405,848
▪ Các cuộc gọi Không Khẩn cấp	343,868
Các vụ án được điều tra	38,006
Tổng số vụ bắt giữ	25,968
Tỷ lệ Nhân viên trên 1,000 dân	1.36
Hoạt động của Phòng Nội Vụ	
▪ Khiếu nại của Dân chúng	213
▪ Các vụ Điều tra do Sở Khởi xướng	71
▪ Những Quan ngại khác không liên quan đến vấn đề Đạo đức	109
Ngân quỹ Tiếp nhận trong năm Năm Tài chính 09/10 của Sở Cảnh sát	\$299,397,775

\*Dân số được ước tính vào ngày 01 tháng 7 năm 2009. Nguồn: Phòng Thống kê Dân số Hoa Kỳ

Thành phố đã hợp đồng với Bà Teri Black-Brann thuộc Teri Black & Công ty, một công ty chuyên tuyển dụng trong lĩnh vực điều hành công, để thực hiện việc tìm kiếm tuyển dụng. Bà Black-Brann đã cung cấp dịch vụ trong ngành tuyển dụng người điều hành từ năm 1999. Gần đây nhất Bà Black-Brann đã thực hiện quy trình tuyển dụng vị trí Trưởng Ty Cứu hỏa của Thành phố và đã hoàn thành 20 công tác tuyển dụng vị trí an toàn công cộng, trong đó có 10 công tác tuyển dụng Cảnh sát Trưởng, bao gồm một số công tác tuyển dụng ở miền Tây.

**Quyền tiếp cận theo quy định của ADA:** Để thu xếp các điều kiện theo Bộ luật Người Mỹ Khuyết tật để tham dự cuộc họp công chúng này, xin gọi Alexandra Orogas ở số (408) 535-8100 hoặc (408) 294-9337 (Người Khiếm thính) ít nhất ba (3) ngày làm việc trước buổi họp.

## Lịch Các Buổi họp Công chúng Sắp diễn ra

Tất cả các buổi họp đều diễn ra từ 6:00 đến 8:00 tối. (trừ buổi họp diễn ra ngày 25 tháng Tám). Phiên dịch viên tiếng Tây Ban Nha và Tiếng Việt đều được bố trí tại tất cả các buổi họp.

**Thứ Ba, ngày 24 tháng 8, 2010**

Trung tâm Cộng đồng Roosevelt  
Roosevelt Community Center  
Phòng Cộng đồng/Community Room  
901 East Santa Clara Street

**Thứ Tư, ngày 25 tháng 8, 2010**

Thư Viện Tully /Tully Library  
Phòng Cộng đồng/Community Room  
880 Tully Road  
7:00-9:00pm

**Thứ Hai, ngày 30 tháng 8, 2010**

Tòa Thị chính San Jose/ San Jose City Hall  
Phòng Ủy ban /Committee Rooms 118, 119, 120  
200 East Santa Clara Street

**Thứ Tư, ngày 1 tháng 9, 2010**

Thư viện West Valley/ West Valley Library  
Phòng Cộng đồng/ Community Room  
1243 San Tomas Aquino Road

**Thứ Năm, ngày 2 tháng 9, 2010**

Phòng Giáo dục/Liên minh Trung học Eastside  
Eastside Union High School District Offices  
Phòng Hội đồng/ Board Room  
830 North Capitol Avenue

Để biết thêm chi tiết, hãy ghé thăm trang [www.sanjoseca.gov](http://www.sanjoseca.gov) hoặc email [info@tbcrcruiting.com](mailto:info@tbcrcruiting.com)



**Newsletter Article:  
Police Chief Recruitment Community Outreach Meetings**

The City of San Jose is recruiting for a new Police Chief and is interested in receiving community input regarding the ideal qualities of a Police Chief. San Jose's Police Chief oversees the operations of approximately 1700 police employees (1273 sworn positions) in 4 Bureaus comprised of 10 divisions with more than 70 specialized Units and assignments providing police services for our community of more than 1 million residents.

The City has contracted with Ms. Teri Black-Brann of Teri Black & Company, a public sector executive recruitment firm, to conduct this recruitment. If you are interested in providing input regarding the upcoming recruitment for the Police Chief, you are encouraged to attend any of the following community meetings:

**Tuesday, August 24—Central Division**  
Roosevelt Community Center  
Community Room  
6:00-8:00pm

**Wednesday, September 1—Western Division**  
West Valley Library  
Community Room  
6:00-8:00pm

**PLEASE NOTE NEW LOCATION & TIME**

**Wednesday, August 25—Southern Division**  
Tully Library  
Community Room  
7:00-9:00pm

**Thursday, September 2—Foothill Division**  
Eastside Union High School District Offices  
Board Room  
6:00-8:00pm

**Monday, August 30—Citywide**  
City Hall Committee Rooms 118, 119, 120  
6:00-8:00pm

Spanish and Vietnamese interpreters will be available at all of the meetings. For residents who are unable to attend a meeting, but would like to submit written comments may do so by sending an email to [info@tbcrcruiting.com](mailto:info@tbcrcruiting.com) or by filling out the Police Chief Recruitment Community Survey (available in English, Spanish and Vietnamese), accessible on the City's homepage at [www.sanjoseca.gov](http://www.sanjoseca.gov). If you have any questions, please contact Deanna Santana, Deputy City Manager, at (408) 535-8280.

**Norris, Tom**

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**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Wednesday, August 25, 2010 9:32 PM  
**To:** Danaj, Mark  
**Subject:** Monday Meeting Being Televised??

Mark --

Deb asked if Monday's meeting was being televised (or recorded for later airing and uses). Wasn't sure but promised her I would inquire.

Teri

Teri Black & Co., LLC

tel 310.377.2612

[www.tbcrecruiting.com](http://www.tbcrecruiting.com)

9/9/2010

**Norris, Tom**

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**From:** Teri Black-Brann [teri@tbcrecruiting.com]  
**Sent:** Wednesday, August 25, 2010 9:50 PM  
**To:** Danaj, Mark  
**Subject:** RE: Monday Meeting Being Televised??

Thx! It's a pretty darn good team to be part of. You guys are doing a really terrific job on this massive outreach effort.

TB

Teri Black & Co., LLC  
tel 310.377.2612  
[www.tbcrecruiting.com](http://www.tbcrecruiting.com)

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**From:** Danaj, Mark [mailto:Mark.Danaj@sanjoseca.gov]  
**Sent:** Wednesday, August 25, 2010 9:37 PM  
**To:** teri@tbcrecruiting.com  
**Subject:** Re: Monday Meeting Being Televised??

I believe so. There was traffic between Deanna and Tom on decision of cost. I'll confirm for us.  
Welcome to the staff!

On Aug 25, 2010, at 9:32 PM, "Teri Black-Brann" <[teri@tbcrecruiting.com](mailto:teri@tbcrecruiting.com)> wrote:

Mark –

Deb asked if Monday's meeting was being televised (or recorded for later airing and uses). Wasn't sure but promised her I would inquire.

Teri

Teri Black & Co., LLC  
tel 310.377.2612  
[www.tbcrecruiting.com](http://www.tbcrecruiting.com)

9/9/2010

**Subject:** FW: Teri Black Brann conference call (Mark, Heather & Deanna to attend)  
**Location:** Debra's Office (Heather to bring call in number)

**Start:** Wed 8/4/2010 8:00 AM  
**End:** Wed 8/4/2010 9:00 AM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Not yet responded

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**From:** Figone, Debra  
**Sent:** Tuesday, July 27, 2010 1:42 PM  
**To:** Danaj, Mark; Ruiz, Heather; Santana, Deanna; Figone, Debra  
**Subject:** Teri Black Brann conference call (Mark, Heather & Deanna to attend)  
**When:** Wednesday, August 04, 2010 8:00 AM-9:00 AM (GMT-08:00) Pacific Time (US & Canada).  
**Where:** Debra's Office (Heather to bring call in number)

**Davis, Tamara**

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**From:** Norris, Tom  
**Sent:** Wednesday, August 25, 2010 8:31 AM  
**To:** 'open.government@san-jose-california.info'  
**Cc:** Doyle, Richard; Figone, Debra; 'abjpd1@juno.com'; 'dgreene@thefirstamendment.org'; 'egonov@gmail.com'; 'bootmootin@yahoo.com'; 'webmaster@san-jose-california.us'; Nader, Nadine; Manheim, Tom; Herrick, Lisa  
**Subject:** RE: CPRA Request - C.O.P Selection / Recruitment.  
**Attachments:** 08-06-10 CMO.PDF

Dear Mr. Crittenden:

The contract between the City and Teri Blackwell & Company that you are requesting has not yet been fully executed and therefore is not available for disclosure. Please submit your request again in the next several days and, if the contract has been finalized, I will supply you with a copy.

The other information you are seeking is still being developed and will be shaped by the community input process that is only just beginning. Attached is a copy of an Information Memorandum from City Manager Figone to the Mayor and City Council that explains that process.

Regards,

Thomas D. Norris, CA  
 Public Records Manager  
 Office of the City Manager  
 City of San Jose, CA  
 (408) 535-8120

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**From:** open.government@san-jose-california.info [mailto:open.government@san-jose-california.info]  
**Sent:** Tuesday, August 24, 2010 10:54 PM  
**To:** Norris, Tom  
**Cc:** Doyle, Richard; Figone, Debra; abjpd1@juno.com; dgreene@thefirstamendment.org; egonov@gmail.com; bootmootin@yahoo.com; webmaster@san-jose-california.us; Nader, Nadine  
**Subject:** CPRA Request - C.O.P Selection / Recruitment.

Dear Mr. Norris

Pursuant to the California Public Records Act, I request prompt receipt of the following records / documents & any records / documents that contain the following information.

A copy of the contract between the City of San Jose and TBC Recruiting concerning the recruiting of the new police chief to replace chief Robert Davis. ( Including any attachments to this contract and any other records / documents relating to such )

Names of individuals on the selection panel assisting City Manager: Debra Figone in decision making process of choosing the next Police Chief, and specific responsibilities / duties of each member.

Protocol of weighing and processing public input and any factors & steps in the selection process of hiring the next Police Chief and screening applicants.

---

9/10/2010

If you believe that I am not entitled to the requested records I am requesting that you justify your refusal within 10 days in writing pursuant to California Government code & 6255. You may only refuse to release these records if there is an express law prohibiting you from doing so.

Thank You.

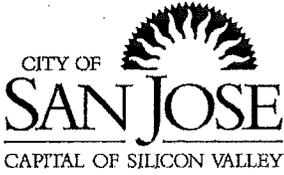
Cary-Andrew Crittenden

Distributed on:

SENT TO COUNCIL:

AUG 06 2010

by City Manager's Office



## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Debra Figone

**SUBJECT:** POLICE CHIEF RECRUITMENT

**DATE:** August 6, 2010

### INFORMATION MEMO

Given the high profile nature of a Police Chief position, I thought that it would be important to share the preliminary recruitment framework and schedule to ensure a thorough and efficient recruitment process. It is my City Charter responsibility to recommend to the City Council a candidate for the Police Chief position. In order to uphold this responsibility effectively and within the required timeline, a clear and confidential process that is void of inappropriate influence needs to be preserved to ensure that the best and brightest candidates (be they internal or external) emerge from a nationwide recruitment process. As a part of this effort, I intend to engage the community and stakeholders in multiple ways at the front-end of the recruitment process.

This Information Memo provides information on the: (1) professional recruitment consultant, (2) community input process/framework, (3) schedule.

#### *Professional Consultant and Staff Support*

I have selected Ms. Teri Black-Brann of Teri Black & Company to lead the Police Chief recruitment. Based in Los Angeles, Teri Black & Company, LLC offers premier comprehensive executive search services to cities, counties and special districts throughout the nation. Teri has provided service to the executive search industry since 1999. Serving clients in California, Oregon, Arizona, Colorado and Texas, she has recruited for every discipline in the public sector. She has served communities with large and small populations over the last 11 years and has built a substantial base of clients across the Western United States that continually rely on her personalized service, national network and dependable recruitment expertise and outcomes. In addition to cities and counties, Teri's clients also include special districts, utility agencies and non-profit organizations. She has managed a multitude of high profile and sensitive recruitments over the years. Teri most recently conducted the recruitment process for the City's Fire Chief

**HONORABLE MAYOR AND CITY COUNCIL**

**Subject:** Police Chief Recruitment

August 6, 2010

Page 2

position and has completed 20 public safety searches, 10 of which were Police Chief searches, including Denver and Anaheim.

The consultant was selected from a list of qualified executive search consultants that the Department of Human Resources developed through a previously-conducted competitive market solicitation of executive recruiters. Of critical importance to me in selecting Teri is her approach and recruitment style, which is a good fit with my management style and crucial for the success of this recruitment effort. Additionally, Teri recently completed the Fire Chief search for San Jose, which gives her unique insight and knowledge of the City's current environment and, particularly, public safety services.

Teri has a unique and comprehensive employment background in the area of public safety, further qualifying her for this assignment. Before entering the executive search profession, Teri served for four years as a Chief of Staff in the Office of Community Oriented Policing Services within the U.S. Department of Justice during the Clinton Administration. Her local government experience includes management positions in the Cities of Santa Ana, Lakewood and Oakland, California with a special concentration on public safety.

Over the next weeks, Teri will be following up with key stakeholders to obtain input on this position and will allow for individual opportunities to interact with her directly. While Ms. Teri Black-Brann serves as the City's professional recruiter, the lead City staff coordinating this effort will be Human Resources Director Mark Danaj and Deputy City Manager Deanna Santana. Together, they will coordinate the recruitment and public outreach process, and other City staff will be strategically engaged based on areas of expertise or targeted stakeholders.

***Stakeholder Input Process/Framework***

In order to complete the recruitment process in a timely manner, the community engagement process must be both extensive and quick. I intend to employ various methods to engage the community and individuals to provide input. The engagement process will include targeted outreach to our diverse communities. Translation/interpretation services will be included where appropriate to ensure engagement with some monolingual communities (e.g., Vietnamese, Spanish, and Chinese). In general, the input process will include a series of five city-wide community meetings, targeted audience meetings and/or forums, and a website/email where input can be provided outside of a meeting setting. The community meetings will be geographically spread throughout the city and offered in each of the City's Police Division Unit, plus a citywide meeting at City Hall. These meetings will be widely advertised and coordinated with Council Offices to ensure maximum constituent awareness and participation. The meetings will be designed to ensure that participants are able express what is important to them in San Jose's next Police Chief. In order to achieve this goal, the meetings will be facilitated discussions focused on four questions:

**HONORABLE MAYOR AND CITY COUNCIL**

**Subject:** Police Chief Recruitment

August 6, 2010

Page 3

- Question 1: What are the most important issues that you would like the new Police Chief to address?
- Question 2: What experience and track record should the new Police Chief have?
- Question 3: What are the most important skills and characteristics the new Police Chief should have?
- Question 4: Is there anything else you would like the City to consider when selecting the new Police Chief?

The questions will help to keep the meetings on point; however, the meetings will provide a comfortable environment meant for full participation.

In addition to community meetings and targeted stakeholder outreach, I will also hold one-on-one meetings for direct input from Councilmembers. To ensure that the Police Department workforce input is integrated into this process, I will also be meeting with President George Beattie, Police Officer's Association, to discuss this process and receive input regarding the position. Police Department employees will be provided information regarding the recruitment and will be given convenient and confidential ways to provide input and to have their questions answered regarding the Police Chief recruitment process.

Other options to obtain input may be developed over the next weeks. A final meeting schedule with dates and locations will be distributed very soon. Input provided from these meetings will be used to develop a position profile for the professional recruiter to identify qualified candidates. Additionally, input provided will be used during the candidate evaluation phase of the recruitment process.

***Recruitment Schedule***

Last week, in my Information Memo transmitting Police Chief Rob Davis' retirement announcement, I noted that my goal was to announce a new Police Chief before Rob's retirement takes effect. I have extended the recruitment schedule given the desired extensive engagement with members of the community, stakeholder groups, labor and staff. I want to ensure that these steps are not shortened.

The recruitment activity and schedule will begin in August and it is anticipated that an appointment will be made by December. Listed below is additional information on the key milestones leading to the appointment of a Police Chief. To the degree these milestones can be accelerated without short changing the process, they will be.

**HONORABLE MAYOR AND CITY COUNCIL**

**Subject:** Police Chief Recruitment

August 6, 2010

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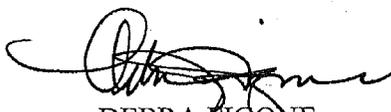
<b>Activity</b>	<b>Tentative Schedule</b>
Community and stakeholder Outreach Meetings <i>(Final meeting schedule pending)</i>	Week of August 16 – Week of September 6
City Council Consideration of Policy Statement & Questions	Week of September 13
Launch Position Profile Brochure	Week of September 13
Launch Recruitment Process	Week of September 13
Final Applicant Filing Date for Position	Mid October
Candidate Interviews	Mid November
Complete background, reference checks, outline terms of employment, and prepare for City Council Confirmation. Appoint new Police Chief.	December

***Candidate Interviews***

There will be labor/workforce, community, and stakeholder representation on the candidate interview panels. The panel members will provide input to me on the top candidates for consideration in making my final selection. This process will be confidential.

***Conclusion***

This recruitment process, and ultimately the appointment of a new Police Chief, is a high priority for me personally, as well as for my staff. This process will focus on maximizing stakeholder input so that the position profile fully embraces the community input while sustaining my ability to have a confidential, thorough, and efficient recruitment process that leads to the successful appointment of a new Police Chief by December 2010.



DEBRA FIGONE  
City Manager

*For questions please contact Deanna J. Santana, Deputy City Manager at (408) 535-8280 or Mark Danaj, Human Resources Director, at (408) 975-1475.*