

# SUPPLEMENTAL



## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Mark Danaj

**SUBJECT:** SUPPLEMENTAL MEMO  
ON INDEPENDENT POLICE  
AUDITOR RECRUITMENT OUTREACH

**DATE:** January 28, 2010

Approved

Date

1/28/10

**COUNCIL DISTRICT:** City-Wide

### REASON FOR SUPPLEMENTAL

The purpose of this memo is to provide the Council with additional information about the outreach efforts to date with regard to the Independent Police Auditor (IPA) recruitment, as well as provide additional clarification on the selection process and the purpose of the screening criteria proposed in the original Council agenda item.

### Outreach Efforts

To begin the recruitment process for a new IPA, Bill Avery held initial meetings with any of the councilmembers who chose to meet with him in a one-on-one setting to elicit feedback about the ideal candidate as well as the level and type of outreach they wanted to see for this recruitment. The outreach process was designed based on this feedback, as well as the process for the recruitment that was laid out in the Mayor's memo from April 28, 2009.

The following are the outreach efforts that have been completed to date with regard to the Independent Police Auditor position:

- A special meeting was held on the evening of Thursday, October 15 at the Roosevelt Community Center. The invitation list went out specifically to the members of the Independent Police Auditor Advisory Committee (IPAAC), however the meeting was open to anyone. There were no attendees.
- Avery Associates set up a dedicated e-mail box [SJIPA@averyassoc.net](mailto:SJIPA@averyassoc.net) in mid-October, 2009 to receive email input regarding the Ideal Candidate Profile. As of January 25, there have been five messages, two from the same individual. This e-mail address was provided electronically to members of the IPAAC, members of the former Public Intoxication Task Force, as well as publicly at the November 10<sup>th</sup> council meeting.

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- Members of the former Public Intoxication Task Force who received this e-mail represent the following community stakeholder groups:
  - Latina Coalition of Silicon Valley
  - Silicon Valley Latino Democratic Forum
  - Silicon Valley DeBug
  - National Latino Peace Officers Association Santa Clara County Chapter
  - National Association for the Advancement of Colored People (NAACP)
  - ACLU – Northern California San Jose Office
  - 100 Black Men of Silicon Valley, Inc.
  - Asian Americans for Community Involvement
  - African American Community Services Agency
  - La Raza Roundtable
  - District Attorney
  - Public Defender's Office
  - Department of Corrections
  - Santa Clara County Probation Department
  - San Jose State University
  - La Raza Lawyers
- The acting IPA, Shivaun Nurre distributed approximately 50 fliers announcing the outreach, and providing the e-mail address for input at the La Raza roundtable meeting held November 20<sup>th</sup>. This flier was translated into Spanish (see attached copies of flier).
- Paul Kimura, from Avery and Associates, initiated and conducted individual outreach via phone to various community members from the IPAAC roster, individuals from the former Public Intoxication Task Force representing the groups listed above, as well as other recommendations from staff and councilmembers. Through these individual outreach efforts, he had discussions with a total of ten community members. Overall, in the course of this outreach approximately 39 calls were made. Messages were left inviting callbacks in all cases where a direct conversation didn't take place.
- At the November 20<sup>th</sup> City Council Meeting the Council revised and approved the candidate profile and timeline (see attached), and gave direction to hold an additional community meeting with translation provided. This meeting was held January 6, 2010 in the Council Chambers at City Hall. The invitation to this meeting went out to over 250 individual e-mail addresses representing a variety of stakeholder groups throughout the city (these groups included faith based organizations, local chambers of commerce as well as all the groups previously mentioned). This meeting was also posted in the timeline for the recruitment that is on Avery and Associates website (and is also attached here). This meeting offered bi-lingual translation services in Spanish and Vietnamese. A total of 3 community members attended and participated.
- Paul Kimura was invited to attend the meeting of the Coalition for Justice and Accountability (CJA) on January 19<sup>th</sup>. He did attend this meeting and engaged the attendees around providing input on the Ideal Candidate. Approximately 20-25 individuals attended this meeting.

At each of these points of contact we have solicited information regarding the candidate profile and characteristics the community would like to see in an ideal candidate for the IPA position. We have received some feedback related to this request, which has been very consistent and is

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represented in the brochure and selection criteria recommended before Council on February 2<sup>nd</sup>. We have received much more feedback unrelated in the profile or characteristics of the candidates. This feedback is largely advocating for changes in the scope of the IPA office for the existing Charter language or changes in the selection process or timeline for the IPA recruitment. As this feedback is not within the scope of what Council asked us to elicit, we are passing it on for informational purposes.

### **Selection Process and Purpose of Screening Criteria**

Additionally, we wanted to provide some clarification as to the information provided in the original Council agenda with regard to the candidate selection criteria. The initial phase of gathering candidates interested in applying for this position was completed as of last Friday, January 22.

The next step in that process is for Avery and Associates to provide a resume screening of the approximately 50 applications received to determine which of those best match the minimum and desirable qualifications for the job, as laid out in the published candidate profile. Once these candidates are screened down to a group that appear on paper to possess the basic qualifications for the job, the search consultant will engage in initial interviews (in person when possible, or over the telephone) with these candidates to assess the extent of their knowledge and qualification for the job. This is where the consultants use the recommended criteria listed in the original council memo. These criteria are basic areas of competency that a candidate must possess, however, competency in these areas are achieved through a number of different experiences depending on the background of the individual. It is the job of the consultant to determine which candidates demonstrate the strongest competency in these areas that is most relevant to the specifics of the job with San Jose.

Upon completion of these screening interviews, Avery and Associates will conduct some preliminary reference checks for those candidates that were most competitive in order to verify the competence the candidate themselves conveyed. Based on all of this information Avery will then be able to bring to the Council their recommendations for top-tier candidates that should progress to the panel interview phase. Council will be presented with all candidates who applied, and more information as to why the consultant has made their recommendations, with an opportunity for the councilmembers to ask the consultant questions about individual candidates.



MARK DANAJ

Director, Human Resources Department

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



# The City of San José

*will soon begin recruitment  
for the position of*

## Independent Police Auditor

The position of Independent Police Auditor (IPA) is extremely important to the San Jose community. The City is interested in receiving community input regarding the ideal candidate profile for the new IPA. Avery Associates, a public sector executive search firm will conduct the recruitment. They have set up an email address (listed below) to receive your thoughts on the ideal qualities you desire in the IPA.

The responsibility of the IPA is defined in the City Charter and the office conducts objective reviews of police misconduct investigations. The role of the IPA is to provide independent oversight of and instill confidence in the complaint process. By providing outreach to the San Jose community and making thoughtful policy recommendations to the City Council, the IPA works to promote accountability and to strengthen the relationship between the San Jose Police Department and the community it serves.

We welcome your input for this critical role for the City of San Jose. The email address for your input is: [SJIPA@averyassoc.net](mailto:SJIPA@averyassoc.net)

Thank you for your interest and participation.

Avery Associates  
3½ N. Santa Cruz Ave., Suite A  
Los Gatos, CA 95030



# **La Ciudad de San José**

*pronto empezará a reclutar*

*para la posición de*

## **Auditor Independiente de la**

### **Policía**

La posición del Auditor Independiente de la Policía (IPA) es extremadamente importante para la comunidad de San José. La Ciudad esta interesada en recibir opiniones de la comunidad en relación con el perfil del candidato ideal para ser el nuevo IPA. Avery Associates, es una compañía especialista en búsqueda ejecutiva en el sector público que conducirá el reclutamiento. Ellos han creado una dirección de correo electrónico (el cual se encuentra abajo) para recibir sus opiniones sobre las cualidades ideales que usted desearía ver en los candidatos para el trabajo de IPA.

Las responsabilidades del IPA están definidas en La Carta de la Ciudad. La oficina lleva a cabo revisiones de investigaciones para revisar la mala conducta policial. La responsabilidad del IPA es proveer revisiones independientes y otorgar su confianza en el proceso de quejas. Al proporcionar información a la comunidad de San José y al hacer recomendaciones de reglamentos al Consejo Municipal, el IPA trabaja para promover la responsabilidad y enforzar la relación entre el departamento de la policía de San José y a la comunidad a quien sirven.

Sus comentarios sobre este papel crítico para la Ciudad de San José están bienvenidos. La dirección del correo electrónico para que manden sus comentarios es: [SJIPA@averyassoc.net](mailto:SJIPA@averyassoc.net)

Gracias por su interés y participación.

Avery Associates  
3½ N. Santa Cruz Ave., Suite A  
Los Gatos, CA 95030

**The City of San José**  
*will soon begin recruitment*  
*for the position of*  
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Avery Associates  
3½ N. Santa Cruz Ave., Suite A  
Los Gatos, CA 95030

## Compensation & Benefits

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

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



## The Process

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

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

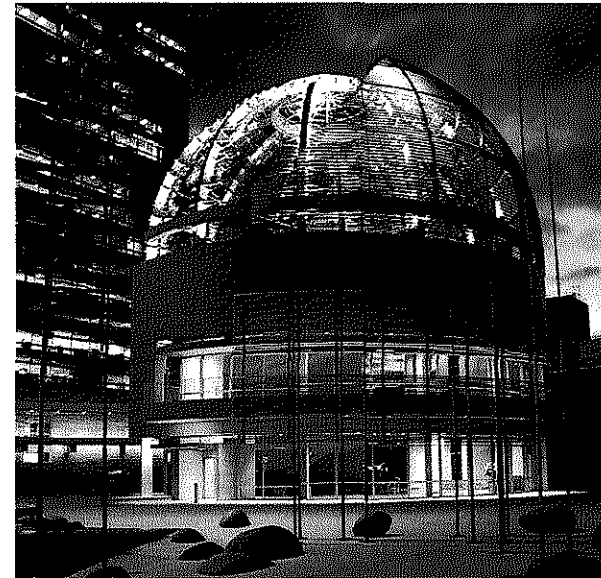


The final filing date for this position is January 22, 2010.

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

## The City of San José

*invites your interest for the  
position of*



## Independent Police Auditor

## The City of San José

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

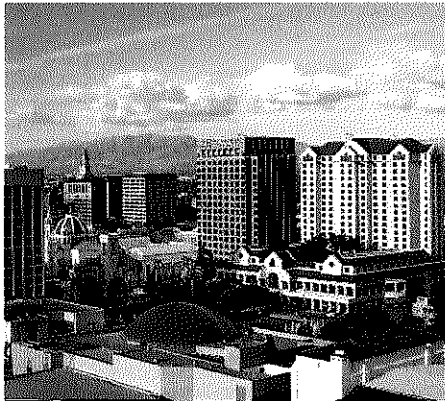


Cultural and ethnic diversity is a hallmark of San José. Residents speak more than 46 different languages. Those who live and work in San José enjoy world class attractions, cultural and performing arts, sports and recreation activities, wineries, and year round festivals and celebrations. San José encompasses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

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

## City Government

The City of San José became California's first incorporated city and the site of the first State Capital on March 27, 1850. San José is a Charter City and operates under the Council-Manager form of government. The City Council is composed of the Mayor, who is elected at-large, and ten council members, elected by district. Both the Mayor and



Council Members are elected to four-year overlapping terms and are limited to two four-year terms. The City Council appoints six Charter Officers: the City Manager, City Attorney, Redevelopment Agency Director, City Auditor, City Clerk, and Independent Police Auditor. The City of San José employs a staff of 6,800 and a total budget that exceeds \$3 billion. San José consistently ranks as one of the nation's best-managed cities and is regularly recognized for innovation and results. For more information please visit the City's website at: [www.sanjoseca.gov](http://www.sanjoseca.gov).

## The Position

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

to provide independent oversight of and instill confidence in the complaint process. By providing outreach to the San Jose community and making thoughtful policy recommendations to the City Council, the IPA works to promote accountability and to strengthen the relationship between the San Jose Police Department and the community it serves.

The IPA has the following powers and duties:

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

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

## The Ideal Candidate

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



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

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

## Additional Requirements

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

**City of San Jose**  
**Independent Police Auditor**  
**Recruitment Timeline – Rev 7 (12/18/09)**

<b>Activity</b>	<b>Date (proposed)</b>	<b>Comments/Updates</b>
<b>Initial Client Meetings</b>	Mayor/Council Completed	Completed
<b>Community Outreach (Ongoing outreach through the recruitment outreach period)</b>	Email box established	Active through end of recruitment
	10/15 Community meeting – completed	Roosevelt Center
	1/6/10 - Bi-lingual community input meeting –Spanish and Vietnamese translation	City Council Chambers
	Continue phone outreach to IPA Advisory Committee	Ongoing
<b>Job Announcement</b>		
<b>To City Council for Approval</b>	11/17 Council Meeting	Present recruitment timeline and conflict of interest form for approval.
<b>Council Approval</b>	11/17	7 work days for printing following approval. Brochure to print 12/1..
<b>Mailings Out</b>	7 work days following approval	Out by 12/9
<b>Western City Magazine – October edition</b>	Completed & submitted 9/10 – reflected incorrect close date	Lead time for WC necessitated close date projection of 11/10. Incorrect and will need to be extended.
<b>Internet Postings/Ads</b>	By 12/2	NACOLE, Public CEO, Public Service Employment Assoc (PSEA.com)
<b>Jobs Available (2 insertions)</b>	12/8 publication 1/5 publication	
<b>Outreach Period</b>	12/1 – 1/22/2010	
<b>Final Filing Date</b>	1/22/10	Extend close date due to holiday season
<b>Council Meeting</b>	1/26/10	Council to re-affirm candidate screening criteria to Avery and discuss community panel interview process.

<b>Interviews/Assessment/Referencing/Development of Candidate Books</b>	1/25/10 – 2/19/10	Candidate assessment/evaluation based on criteria established by Council
<b>Candidate Presentation to City Council</b>	Week of 2/22/10	Executive Session to select and ratify final “top-tier” candidates. Ensure confidentiality of candidate pool.
<b>Oral Panel Interviews</b>	Week of 3/8/10	Process will require 2 week period to coordinate and finalize logistics for interviews (location, etc)
<b>Council Meeting – presentation of oral panel interview results</b>	Week of 3/15/10	Council will select “short” list for final interviews. Begin final background and additional referencing of “short list”
<b>Short List Interviews with Council</b>	Week of 3/22/10	Executive Session – Debrief and selection of top candidate following this interview.
<b>Appointment of new IPA</b>	Week of 3/29/09	Upon agreement of employment terms/conditions and completion of referencing and background checks.
<b>Start Date</b>	Mid-April to Mid -May	4-6 week notice.