

EXHIBITS TO REPORT OF INVESTIGATION

- **Exhibit A - Sample "Confidentiality Acknowledgement"**
- **Exhibit B - *The Vanguard*, President's Message (April 2007)**

EXHIBIT A



OFFICE OF THE INDEPENDENT POLICE AUDITOR

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BARBARA J. ATTARD
Independent Police Auditor

CONFIDENTIALITY ACKNOWLEDGEMENT

I _____ am employed by the Independent Police Auditor (IPA) in San Jose. I understand that the IPA audits Internal Affairs investigations conducted by the San Jose Police Department. I have been informed by the IPA that all documents related to police complaints and Internal Affairs investigations are confidential as defined and delineated in *California Penal Code Section 832.5. "Citizens' complaints against personnel; investigation; retention and maintenance of records; removal of complaints; access to records"* and *California Penal Code Section 832.7. "Personnel Records; confidentiality; discovery; exceptions; complaint disposition notification."*

I fully understand that release of any records, verbal disclosure of any complaint related information, and discussion of any complaint related information is illegal and strictly forbidden. Any questions related to complaint information will be referred to Barbara Attard or Steve Wing and not disclosed by me.

Signed _____

Date _____

Witnessed by _____

Date _____

EXHIBIT B



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President's Message
6/1/2010

CFO's Report
6/1/2010
*GENERAL MEMBERSHIP
MEETING AND BOARD MEETING*

General Counsel's Corner
6/1/2010
*Ninth Circuit Rejects Police
Officers' Claims for
Donning/Doffing Pay*

4/1/2007 President's Message
by Bobby Lopez
15 New Officers

We have just received news from the City that our staffing worries are over! The new budget will have 15 new officers! Wow, I am speechless. After almost an entire year of informing anyone that will listen that we are at a critical point in our ability to keep the citizens of San Jose safe with our current staffing levels, we are given 15 new officers.

For those persons that are not familiar with San Jose PD staffing, and apparently there are some out there, we have 96 teams that make up the patrol division. If we were to give one new officer to each of the teams... Humm I guess that doesn't work. Well

maybe if we give each shift (days, swings, mids) on each side of the week two officers per shift, it will solve all our problems. Hey with patrol's problems solved, we can use the remaining three new officers to fill all the vacant positions in special operations and the detective bureau. What a farce! And yet again we head into the summer months with a department that is dangerously under staffed and overworked. The frustration level of the officers that I've talked to is extremely high. Teams go out under staffed, which prevents many officers from actively hunting for bad guys. When they do respond to calls and take action, they leave fellow officers vulnerable.

Compounding the problem is that we have an Independent Police Auditor (IPA) who thinks her job is to be adversarial, and attacks the department every chance she gets. She has done everything possible to increase complaints against police officers. She skews stats by changing reporting criteria in an attempt to justify her existence. And the Chief has cooperated by changing inquiries into complaints. Chief Davis who has been fooled into thinking that she is truly interested in the truth is a victim of his own poor judgment. He trusted her to be honorable when he showed up to two community meetings where he was forced to sit quietly while being lambasted with false accusations, or misleading facts of police misconduct. The ironic part is that many of the complaints weren't about SJPD. Barbara Attard, the IPA, sat back and enjoyed the show. I was told the meeting looked like an episode of Jerry Springer. It's a shame that no one seems to want to rein her in.

Our auditor spoke before a Palo Alto task force regarding Tasers. Apparently, Palo Alto is thinking of purchasing Tasers for their officers. Ms. Attard showed how uninformed she is, or she outright lied to the group when she said San Jose PD handed out Tasers two years ago and used only official Taser training material to educate their officers. She said Taser's policies and instructions stressed shooting early and as many times as necessary. She said this lack of independent training by San Jose PD resulted in deaths and abuses. She went on to imply that she was responsible for stricter policies regarding the Taser use.

Without question, I consider her statements extremely irresponsible and totally void of anything resembling the truth. The San Jose Police Department has had three generations of stun systems. We have had three different models of Tasers. The training material that the manufacturer provides for the equipment is always used as a template that is supplemented with San Jose Policy. The San Jose Police Department also takes into account written medical studies and information from other agencies. I have provided the majority of the Taser training at the San Jose Police Department. Over the years I have trained most of the other Taser instructors at San Jose. The inference that we blindly follow the manufacturer's recommendations is insulting to both Taser International and the Police department.

IPA fails to mention the lives that have been saved by using the Taser. I have first-hand experience. I was on duty when a man confronted me with two hunting knives. I would have been justified in shooting him, that I'm positive would have resulted in his death, but I was able to use the Taser and arrest him with out having to kill him! Chalk one up for the good guys, and count one life saved.

The new mayor needs to take action to fully staff the Police Department and to take control of the IPA. The Chief needs to continue to ask, and fight for additional staffing. I will continue to inform anyone who will listen that San Jose is no longer the safest big city in America and that the only way we will again regain the title is to realistically staff the Police Department. I will also monitor the IPA's actions informing you of her half-truths and deceptions.

☐ Email: President



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APPENDIX A – WITNESS INTERVIEWS/CONTACTS

Independent Police Auditor

Judge (Ret.) LaDoris Cordell
Barbara Attard

IPA Staff

Vivien Do
Diane Doolan-Diaz
Jessica Flores
Shivaun Nurre
Suzan Stauffer
Steve Wing

IPA Advisory Council

Rev. J. Moore
Wiggys Sivertsen

San Jose Police Department

Captain David Cavallaro
Sergeant Kathy Lopez
Captain Phan Ngo

San Jose Police Officers' Association

Lieutenant George Beattie
Sergeant Bobby Lopez

Other Witnesses

Kelli Evans, ACLU of Northern California
Raj Jayadev, Silicon Valley De-Bug
Skyler Porras

APPENDIX B – TIMELINE OF EVENTS

January 2005
Barbara Attard takes
office as IPA

January 2006
Bobby Lopez takes office
as President of SJPOA

August 15, 2006
Grand Jury report states that
the IPA should have limited
investigative powers. At a
City Council meeting, Attard
speaks for the idea, and
Lopez against it

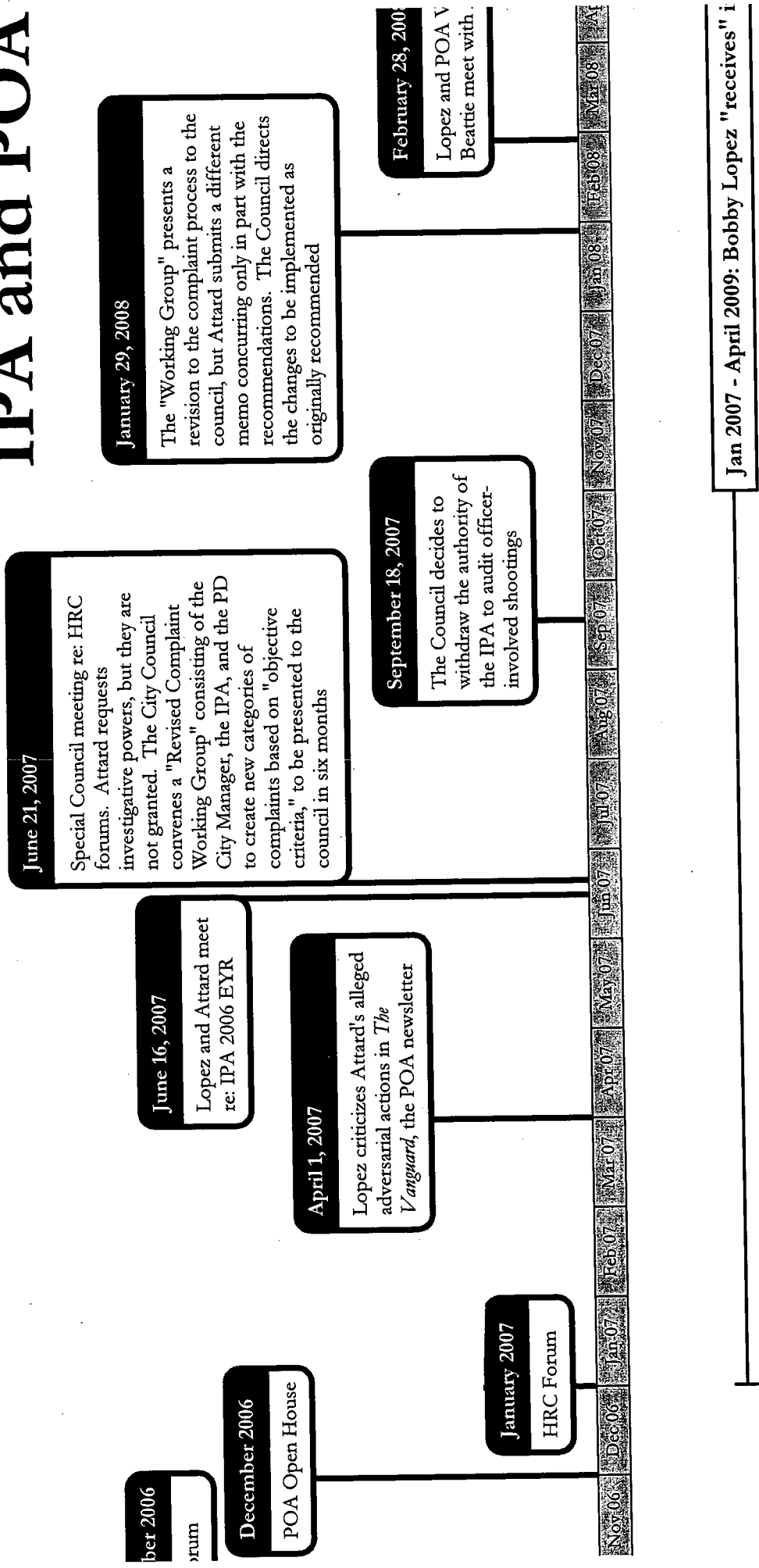
November 2006
HRC Forum

December 2006
POA Open House

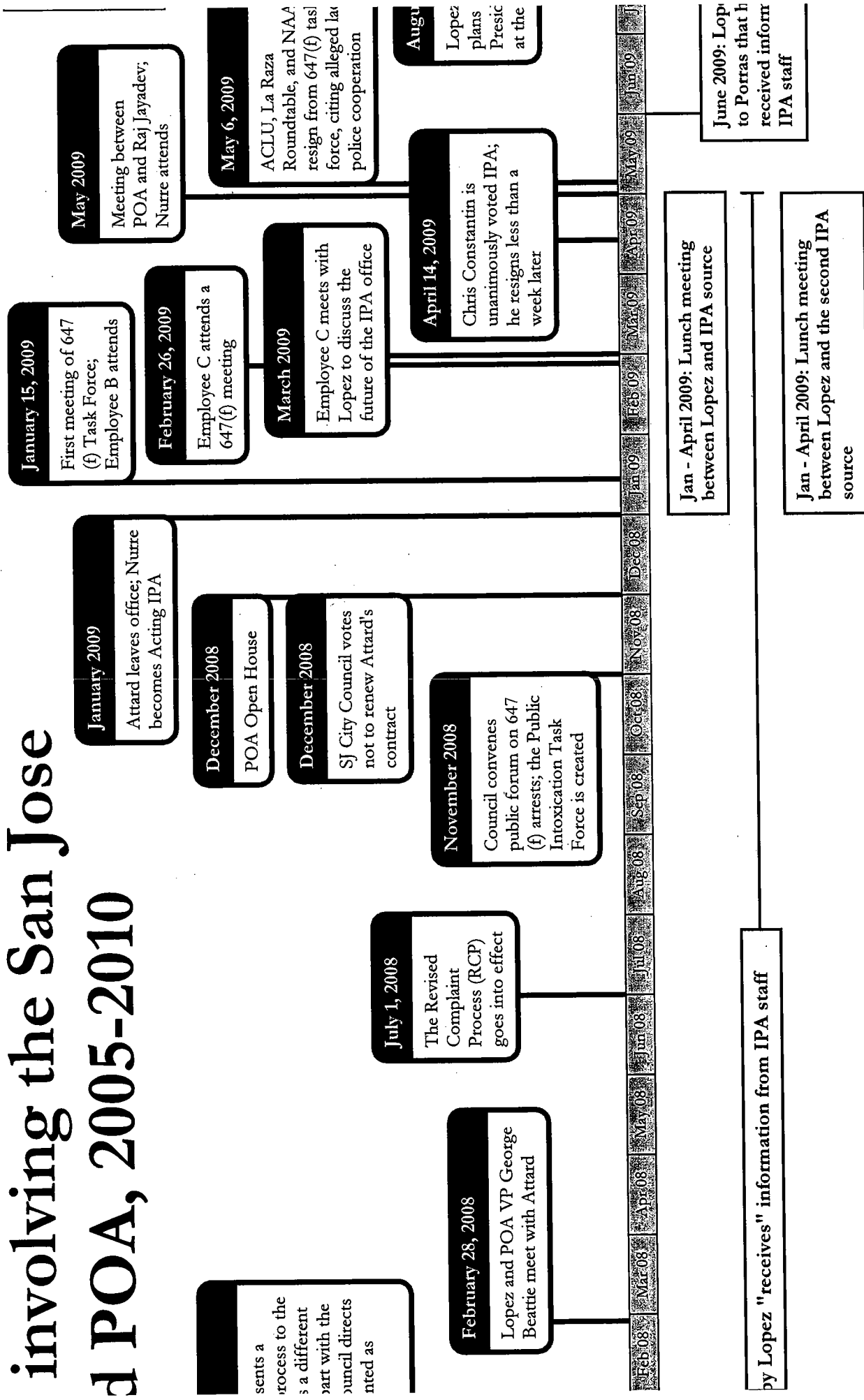
January 2007
HRC Forum



Major events involving IPA and POA



involving the San Jose d POA, 2005-2010



KEY:

Red indicates events internal to the IPA

Blue indicates events internal to the POA

Purple indicates events involving both

Rectangular indicates events involving the Lopez allegations

May 2009
Meeting between
A and Raj Jayadev;
he attends

May 6, 2009
ACLU, La Raza
Roundtable, and NAAACP
resign from 647(f) task
force, citing alleged lack of
police cooperation

August 2009
Lopez announces
plans to resign as
President of the POA
at the end of the year

December 2009
POA Open House

November 10, 2009
Employee B and
Lopez meet for lunch

January 2010
Beattie officially
takes over as
President of POA

June 4, 2010
Outside investigator
appointed

June 2, 2010
Follow-up meeting between Porras
and Cordell. Doolan and Nuire
are notified of the allegation

May 2010
Judge Cordell takes
office as the new IPA

June 9, 2010
The Mercury News runs story
alleging IPA "leak"

June 2009: Lopez discloses
to Porras that he has
received information from
IPA staff

May 20, 2010: Porras
notifies Cordell of
Lopez's claims of
contact with IPA staff



APPENDIX C – CHART DETAILING CONTACTS WITH OUTSIDE PARTY

DOCUMENTED INTERACTION WITH SERGEANT LOPEZ	IPA STAFF INVOLVED
January 2007, 2nd HRC Forum	Employees A, B, C, and D
June 2007, Meeting re 2006 End of Year Report	Employee A
December 2007, POA Open House	None
January 2008, Council Meeting re: RCP	Employees A, B, C, and D
February 2008, Courtesy meeting	Employee A
November 2008, Publication Intoxication Task Force convenes	Employees A and B
December 2008, POA Open House	None
Jan – May 2009, Task Force meetings	Employees B or C
March 2009, Meeting with IPA staff member	Employee C
May 2009, meeting between Lopez and Raj Jayadev	Employee B
November 2009, Lunch Meeting with Sergeant Lopez	Employee B
December 2009, POA Open House	Employee C