

**SENT VIA EMAIL**

July 9, 2018

Paul Kelly  
President  
San Jose Police Officers' Association (POA)  
1151 North Fourth Street  
San Jose, CA 95112

**Re: Expansion of Review Authority for the Independent Police Auditor's Office (IPA)**

Dear Paul:

As you know, there has been recent discussion about the Independent Police Auditor's (IPA) review authority as it relates to the following items:

- Authority to review officer-involved shootings and uses of force likely resulting in serious bodily injury;
- Authority to review Department-Initiated Investigations (DII);
- Authority to review the Police Department's patterns and practices in relations to use of force, stops, detentions, and arrests on an aggregate level.

We would like to discuss these issues with the POA. As any change related to the IPA's review authority would require a change to the City Charter, and that discussion related to these issues would necessarily take some time, we would like to start *Seal Beach* bargaining with the POA on this issue.

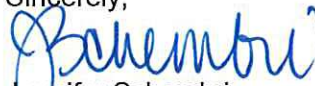
At some point the City may look to place a City Charter amendment before the voters related to the IPA; however, we would like you to know that the City Council has expressed that there is no timeline by which we intend make these changes for any specific election.

Please let us know which of the following dates works best for the POA to begin discussions:

Day	Date	Time
Tuesday	July 17, 2018	3:00pm - 4:30pm
Monday	July 23, 2018	10:00am - 11:30am
Wednesday	August 29, 2018	3:30pm - 4:30pm

If you have any questions regarding the information above, please do not hesitate to contact me.

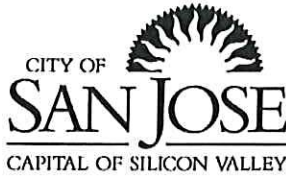
Sincerely,



Jennifer Schembri  
Director of Employee Relations

c: Edgardo Garcia, Chief of Police  
Gregg Adam, POA Legal Counsel

Enclosures



## Memorandum

**TO: RULES AND OPEN GOVERNMENT  
COMMITTEE**

**FROM: Mayor Sam Liccardo**

**SUBJECT: INDEPENDENT POLICE  
AUDITOR**

**DATE: May 24, 2018**

**APPROVED:**

**DATE:**

5/24/18

### RECOMMENDATION

Direct the City Manager to begin *Seal Beach* negotiations with the appropriate bargaining units regarding:

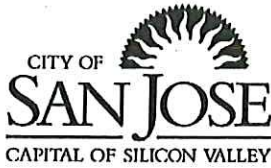
- a. Possible charter amendments relating to the Office of the Independent Police Auditor;
  1. Expanding IPA review authority to encompass officer-involved shootings and uses of force likely to result in serious bodily injury;
  2. Expanding IPA review authority to encompass Department-Initiated Investigations (DII);
  3. Expanding IPA review authority to encompass arrests, uses of force, or enforcement actions by our Parks Rangers.
  
- b. Alternatively, any municipal code changes that might encompass the issues discussed in a., *supra*.

### BACKGROUND

The term "Seal Beach bargaining" comes from a court case pitting the City of Seal Beach, California against the Seal Beach Police Officers Association. The legal doctrine requires a city to negotiate over a proposed ballot measure prior to placing it on a ballot for consideration by the voters during an election. *Seal Beach* bargaining is only required when a proposed ballot measure affects matters within the scope of the union's representation.

Council has considered bringing a Charter Change to the voters that will affect the authority of the Independent Police Auditor and that Office's ability to engage in civilian oversight of the Police Department. We must begin negotiations with the Police Officers Association to better understand their position, with the goal of improving the oversight function of the IPA.





## *Memorandum*

**To: RULES AND OPEN  
GOVERNMENT COMMITTEE**

**From: Councilmember Chappie Jones**

**Subject: INDEPENDENT POLICE  
AUDITOR AUTHORITY**

**Date: May 24, 2018**

**Approved:**

### **RECOMMENDATION**

That the Rules and Open Government Committee forward the following recommendations to the City Council for consideration:

1. Direct staff to initiate Seal Beach Meet and Confer negotiations with the appropriate bargaining unit and return to Council with an ordinance to give the Independent Police Auditor (IPA) the authority to review the Police Department's Department Initiated Investigations (DII) and Officer Involved Shootings (OIS)
2. Direct staff to return to Council with an analysis to provide the IPA the ability to review the Police Department's Patterns and Practices in relations to use of force, stops, detentions, and arrests. The IPA would be limited to reviewing the data at an aggregate level and not individual cases.

### **BACKGROUND**

We live in an environment where the public trust in our institutions like the government in general, the media, and law enforcement have eroded. For some segments of the community, the police are viewed with suspicion. Although the SJPD is not in a state of crisis like other police departments in the country, a need still exists to establish and strengthen the trust between the community and the police.

It cannot be stated enough what an outstanding job Chief Eddie Garcia has done to develop strong relationships with key stakeholders in the community, POA, and City Council. Chief Garcia has initiated several strategies that improved police transparency, accountability, and trust. Now is the time to build on what the Chief has accomplished by giving the IPA the additional tools to further build community trust with the police and provide a higher level of transparency and accountability. After several meetings with the Police Chief, POA leadership, and community organizations such as PACT, I have identified two areas of potential consensus, review of DIIs and OISs, and one area for additional examination, review of patterns and practices at an aggregate level.

I believe that it is possible to enact these changes to the role of the IPA without a change to the City Charter. By enacting these changes through ordinance, we would forgo the costs of an election, and also be able to make the changes more quickly.

I would like to thank PACT and other members of the community, the Chief, and the POA for their willingness to engage in dialogue and look for common ground. If we take these steps together, San Jose will continue to lay the foundation for trust, respect, and accountability between our residents and the police.