

SIDE LETTER AGREEMENT  
BETWEEN  
THE CITY OF SAN JOSE  
AND  
THE SAN JOSE POLICE OFFICERS' ASSOCIATION

**INDEPENDENT POLICE AUDITOR  
EXPANSION OF DUTIES AND RESPONSIBILITIES**

The City of San Jose and the San Jose Police Officers' Association ("POA") agree to the following additional duties and responsibilities for the Independent Police Auditor, or "IPA:"

1. To include Department Initiated Administrative Investigations ("DII") of San Jose Police Officers to the Independent Police Auditor's review of internal investigation complaints, in the same fashion the Charter and San Jose Municipal Code currently provides for Citizen Initiated Complaints;
2. To provide the Independent Police Auditor the right to review any records that are non-exempt and available for public inspection under the law, but without redactions, for officer involved shootings, or "OIS," and uses of force resulting in great bodily injury if a Citizen Initiated Complaint had not been made concerning the OIS or uses of force resulting in great bodily injury, provided that such records shall not be released until a criminal investigation or administrative investigation involving the specific officer or officers is complete, in order for the IPA to make recommendations with regard to Police Department policies and procedures;
  - a. For purposes of this section, "great bodily injury" shall be defined as a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and serious disfigurement.
3. To allow the Independent Police Auditor access to Police redacted records and reports, including, but not limited to, use of force statistics, police reports, and body worn camera footage, in order for the IPA to make recommendations with regard to Police Department policies and procedures, subject to the following requirements:
  - a. The Police records and reports being sought by the IPA must be directly related to a topic that is the subject of a Department Initiated Administrative Investigation or Citizen Initiated Complaint; and
  - b. The Police records and reports being sought by the IPA must be directly related to a topic that is part of an approved work plan that has been submitted by the IPA and approved by City Council; and
  - c. Officer names and personally identifiable information shall be redacted in any Police records and reports being sought by the IPA in addition to any other redactions that are provided under state law; and
  - d. Any findings or recommendations from the IPA based on the Police records and reports that were accessed by the IPA pursuant to Section 3 are reviewed by the City

Manager's Office, the Chief of Police, the City Attorney's Office, and reviewed with City Council in Closed Session, if appropriate, prior to disclosure.


4. To the extent possible, the existing procedures used by the IPA for Citizen Initiated Complaints as well as drafting the Annual Report to City Council shall be used in regard to the additional duties and responsibilities of the IPA as described above.

The City shall prepare language for a Charter Amendment to present the new duties described above to the voters for approval. The Charter language shall be limited to, and must substantively conform with, the agreements described above.

This agreement shall become effective when signed by all parties below.

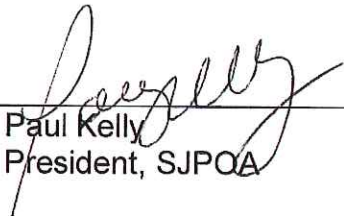
**FOR THE CITY**

**FOR THE UNION**

  
\_\_\_\_\_  
David Sykes  
City Manager

6/4/2020

Date

  
\_\_\_\_\_  
Paul Kelly  
President, SJPOA

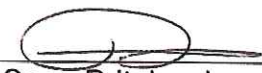
5/27/20

Date

  
\_\_\_\_\_  
Jennifer Schembri  
Director of Employee Relations  
Director of Human Resources


6/4/2020

Date

  
\_\_\_\_\_  
Sean Pritchard  
Vice President, SJPOA

5/21/20

Date

  
\_\_\_\_\_  
Edgardo Garcia  
Chief of Police

6/4/20

Date

  
\_\_\_\_\_  
Gregg Adam  
SJPOA Legal Counsel

5/27/20

Date