

The Auditor Model and Recent Developments:

While different models of civilian oversight agencies had emerged with varying success since the 1920s, San José was the first auditor model in the United States.³

Under the San José Auditor model:

* The IPA does not investigate. IPA staff evaluate investigations completed by the Internal Affairs (IA) Unit. The IPA does not have any power to investigate misconduct. Internal Affairs is the only city entity that investigates police misconduct. Once IA completes its investigation, the IPA reviews the evidence and analysis to ensure that the investigation is fair, thorough, completed and objective.

~~* IPA review limited to citizen complaints. IPA staff can only review investigations made by a community member. IPA staff cannot access or review investigations initiated by the Police Department against one of its officers.~~

Since 1996, the auditor/monitor model of oversight has been recreated, in various forms, in many cities. Through the years, the auditor/ monitor model of oversight has revealed its strengths and weaknesses. Some jurisdictions have changed to other oversight models or added additional layers of oversight onto the existing auditor model. Experts agree that there is no perfect model of oversight; each jurisdiction must evaluate its own unique culture and circumstances to determine how best to structure oversight that is effective and creates trust between the police and the community it serves.⁴

In 2014, former IPA Judge LaDoris Cordell (Ret.) recommended that there should be increased oversight of the San José Police Department (SJPD).⁵ This led to discussions exploring other options for oversight expansion. In 2016, the IPA office recommended that SJPD provide it with access to investigations of the most serious uses of force.⁶ In 2018, the City Council held a study session to discuss the existing framework of San José's auditor model, as well as other possible authorities that may enhance or strengthen the auditor framework.⁷ In July 2018, Council started bargaining discussions with the San José Police Officers' Association about possible expansion of IPA authority under the City Charter.

We are an AUDITOR form of oversight.

The IPA does not investigate complaints of police misconduct.

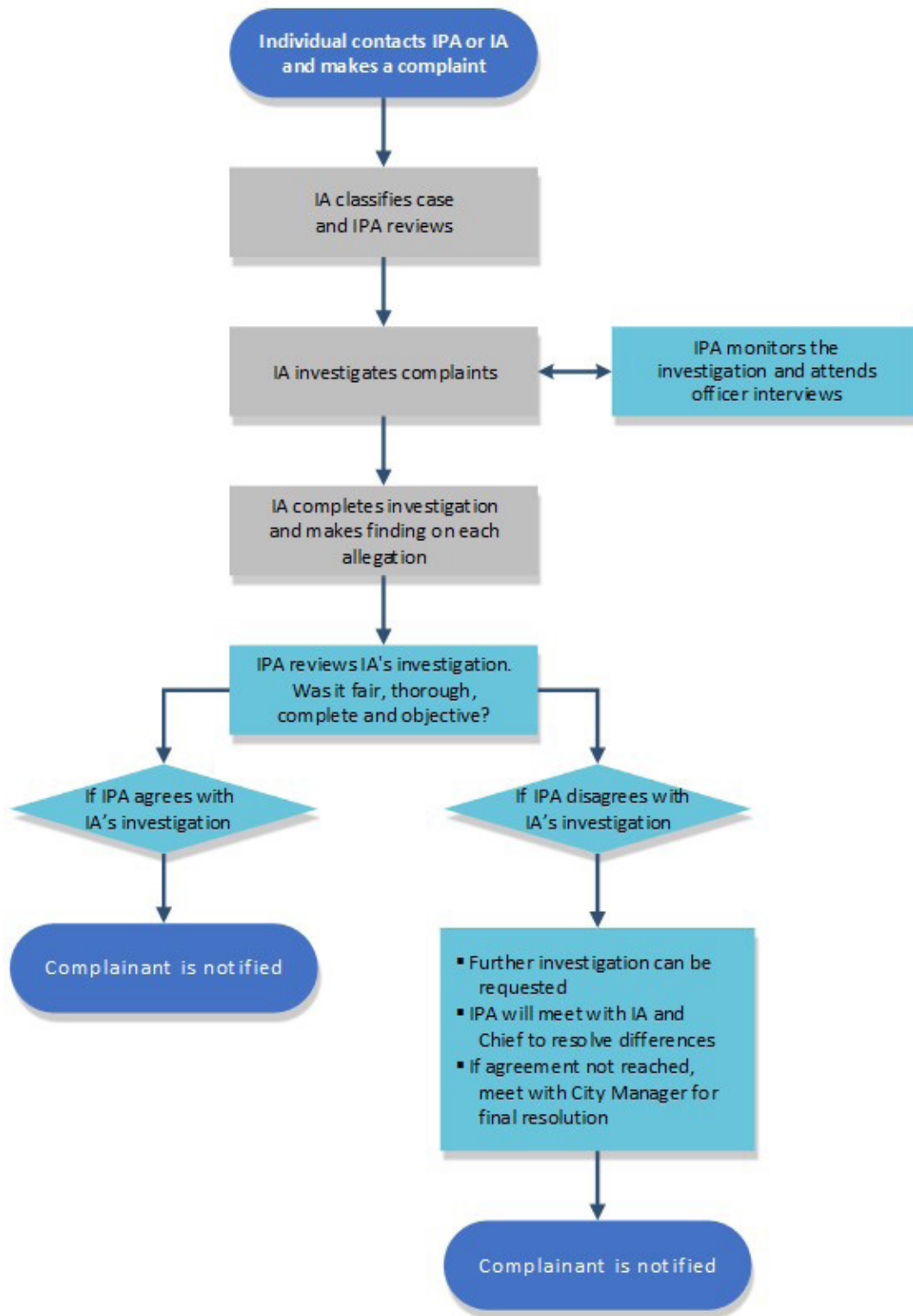
The IPA does not have any investigatory powers.

We review investigations completed by the SJPD's Internal Affairs Unit.

~~We review only complaints filed by the community.~~

~~We do not review investigations initiated by the Department.~~

The Complaint Process

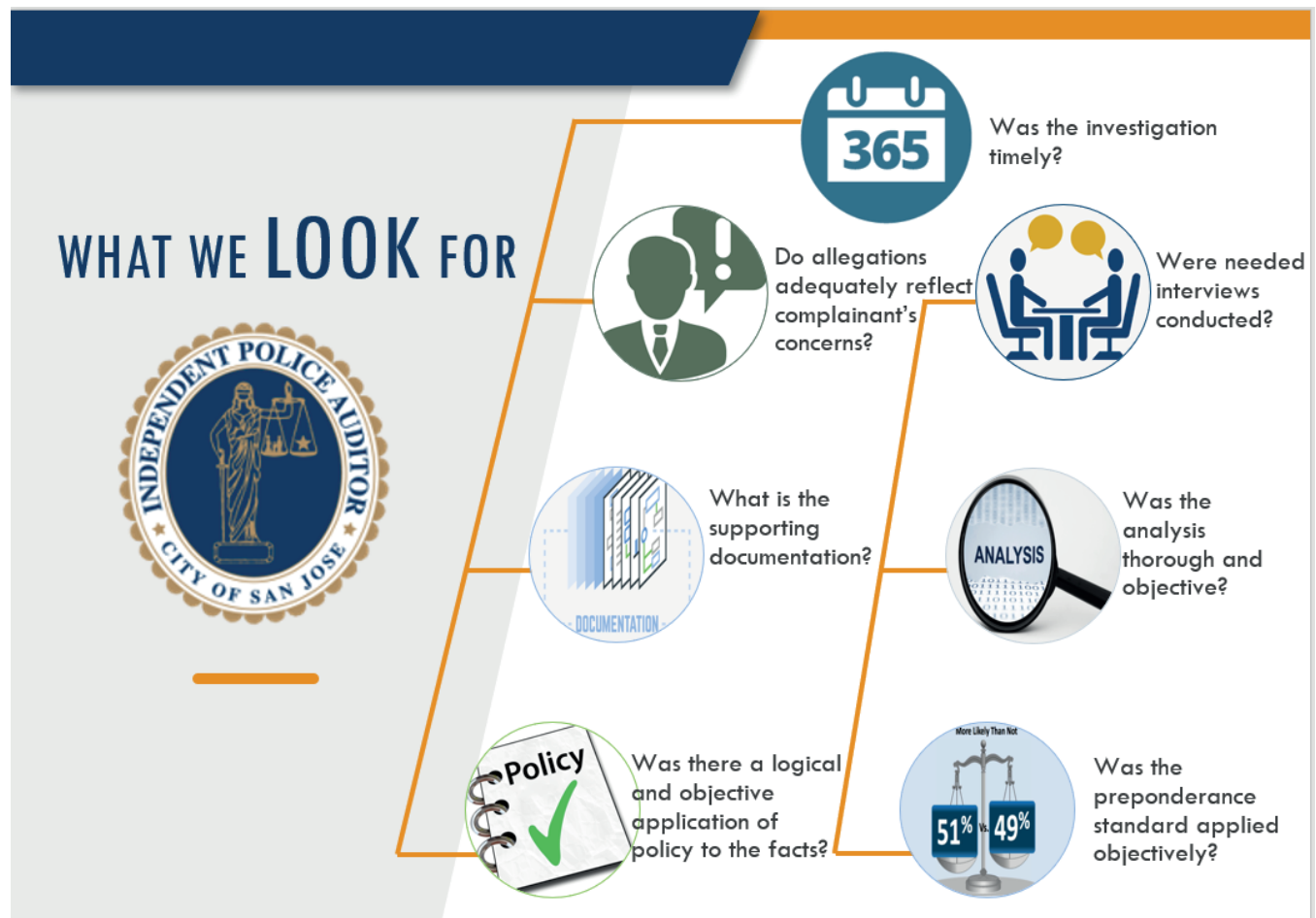


IPA AUDIT OF CLOSED INVESTIGATIONS

After the Police Department completes its investigation and findings, it forwards all the materials to the IPA for audit. The IPA does not conduct additional investigation into the allegations. The IPA is required to audit all complaints with Force allegations and at least 20% of all other complaints. In 2020, the IPA audited all 62 force complaints and 121 non-force complaints - a total of 183 complaint investigations.

IPA REVIEW OF IA'S INVESTIGATIONS IS FOUR-FOLD

#1 Was the investigation fair?	#2 Was the investigation thorough?
#3 Was the investigation complete?	#4 Was the investigation objective?



MEASURE G PASSES WITH 78% APPROVAL

The IPA office was made part of the City Charter in 1996. Throughout the subsequent years, the authority of the IPA remained unchanged – until November 4, 2020. On that date, 78 percent of San José voters approved of Measure G which among other things, expanded IPA authority. Effective in 2021, Measure G provides that:



MOVING FORWARD

2013 marked the 25-year anniversary of our inception. At the time, we reflected upon the events leading up to our office's creation—the riots following Rodney King's death—and noted that the *King beating gave national exposure to the need for civilian oversight*. We are now given another opportunity to reflect on our history and envision our future. Rodney King exposed the need for civilian oversight and George Floyd reminded us that our work continues and change precipitates progress.

As the City starts to re-imagine public safety and explores opportunities for growth, the IPA office remains dedicated to the holding officers accountable through the complaint process and continues to work to instill public confidence in policing in San José.



The IPA and staff thank the voters for their solid support and confidence in the role of our office. We will be working diligently to accommodate our new duties and responsibilities.

ONE YEAR PILOT PROJECT

The Police Reforms Work plan directs the IPA and the City Manager to make recommendations on whether and how to move investigations of alleged police misconduct from Internal Affairs to another entity. A Request for Proposal to obtain a professional consultant has been issued.

In May 2021, the City and the Police Officer’s Union (POA) agreed to a one-year pilot project regarding how investigations of alleged police officer misconduct are conducted. **Although this item was not on the police reform plan, this pilot project is a significant change to the current Internal Affairs process.** Both the IPA and the City Manager’s Office of Employee Relations (OER) will have access to pending investigations.

The pilot project will start July 1, 2021 and end June 30, 2022. During that timeframe, the IPA will assess how much, if any, these three changes result in increased confidence in the investigation of conduct complaints. Currently investigations of complaints are controlled by the Internal Affairs Unit; the IPA has no investigatory power.

