



# INDEPENDENT POLICE AUDITOR

City of **San José, California**

Recruitment Services Provided By



A scenic view of a city valley from a grassy hillside under a blue sky with light clouds. The foreground shows rolling green hills with scattered trees and shrubs. In the distance, a dense urban area is visible, surrounded by more hills and mountains under a clear blue sky with some light clouds. A yellow rectangular shape is present in the top-left corner of the image.

# The Opportunity

The City of San José, one of the nation's largest and most innovative cities, seeks a committed attorney to serve as its next Independent Police Auditor. This opportunity comes at a time of recently expanded scope and responsibility in the office.

# The City of San José

Known as the “Capital of Silicon Valley,” the City of San José plays a vital economic and cultural role anchoring the world's leading region of innovation. Encompassing approximately 181 square miles at the southern tip of the San Francisco Bay, San José is Northern California's largest city and the 12th largest city in the nation. With nearly one million residents, San José is one of the most diverse large cities in the United States. San José's transformation into a global innovation center has resulted in one of the largest concentrations of technology companies and expertise in the world, including major tech headquarters like Cisco, Adobe, Zoom, Samsung, and eBay as well as start-ups and advanced manufacturing. The City of San José has twice been named “The Most Innovative Large City in America” by the Center for Digital Government.

San José's quality of life is unsurpassed. Surrounded by the Diablo and Santa Cruz mountain ranges and enjoying an average of 300 days of sunshine a year, residents have easy access to the beaches along the California coast including Santa Cruz, Monterey, and Carmel; Yosemite and Lake Tahoe in the Sierra Nevada; local and Napa Valley wine country, and the rich cultural and recreational life of the entire Bay region.

San José has received accolades for its vibrant neighborhoods, healthy lifestyle, and diverse attractions from national media including Business Week and Money magazines. The downtown area is home to high-rise residential projects, theaters, museums, and diverse entertainment attractions such as live music and theater, cafes,

restaurants, and nightclubs. Inquiring minds are served by the Tech Museum of Innovation, the San José Museum of Art, and many local galleries and venues. Nineteen public school districts and over 300 private and parochial schools provide residents with a range of educational choices. Universities in and near the city include San José State University, Santa Clara University, Stanford University, and three University of California campuses.

In 2011, the City adopted Envision San José 2040, a long-term growth plan that sets forth a vision and a comprehensive road map to guide the City's anticipated growth through the year 2040. The Plan, which embodies the City's “more urban future,” proactively directs significant anticipated growth in new homes and workplaces into transit-accessible, infill growth areas and supports evolution toward a more urban landscape and lifestyle. The San José area is powered by one of the most highly educated and productive populations in America. More than 40% of the workforce has a bachelor's degree or higher, compared with 25% nationally. Forty percent of San José residents are foreign born, and 50% speak a language other than English at home.

San José is proud of its rich cultural diversity and global connections, and the essential role the City plays in connecting residents and businesses to the nation and the world.



# The City Government

The City of San José is a full-service Charter City and operates under a Council-Manager form of government. The City Council consists of 10 council members elected by district and a mayor elected at large. The City actively engages with the community through Council-appointed boards and commissions.

In addition to providing a full range of municipal services including police and fire, San José operates an airport, municipal water system, a regional wastewater treatment facility, some 200 neighborhood and regional parks, and a library system with 24 branches. The City also oversees convention, cultural, and hospitality facilities that include the San José McEnery Convention Center, Center for the Performing Arts, California Theater, Mexican Heritage Plaza, and the SAP Center San José – home of the National Hockey League's San José Sharks.

City operations are supported by approximately 7,040 full time equivalent positions and a total budget of over \$6 billion for the 2023-2024 fiscal year.

Extensive information regarding San José can be found on the City's website at [www.sanjoseca.gov](http://www.sanjoseca.gov).



# The Office of the Independent Police Auditor

The Office of the Independent Police Auditor (IPA) was established by the San José City Council in 1993 with the enactment of a City ordinance codified in the San José Municipal Code. On November 6, 1996, the voters of San José amended the City Charter to establish the Office of the Independent Police Auditor as a permanent arm of city government.

The mission of the IPA is five-fold: (1) to provide independent oversight of and instill confidence in the complaint process through objective review of police misconduct investigations; (2) to review Police Department investigations of complaints against police officers to determine if the investigation was complete, thorough, objective and fair; (3) to conduct outreach to the San José community; (4) to propose thoughtful policy recommendations to the City Council; and (5) to strengthen the relationship between the San José Police Department (SJPD) and the community it serves.

The work of the IPA is guided by the following principles:

- The IPA strives to ensure that all concerns reported by members of the public are classified and investigated at the appropriate level based upon the premise that any case brought forward containing misconduct issues will be classified as a complaint with associated allegations, findings, and officer names tracked.
- The IPA carefully considers aggregate data from complaints, community concerns, and public policy in crafting recommendations aimed toward improving the quality services of the San José Police Department (SJPD).
- The IPA reaches out to inform the community about the complaint process and to listen and respond to broader community concerns.

The San José IPA is supported by a small team of approximately six extremely committed staff members, including an Assistant IPA who oversees the day-to-day operations. The Office received a proposed budget allocation of \$1,628,604 for Fiscal Year 2023-2024.





## The Position

In accordance with the City Charter, the 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. Each IPA appointment is for a term ending four (4) years from and after the date of expiration of the immediately preceding term.

Reporting to the City Council, the IPA is charged with the following responsibilities:

- Plans, organizes, and supervises the work of the IPA Office in the review of SJPDP investigations of complaints against police officers to determine if the investigations were complete, thorough, objective, and fair.
- Supervises the Office's intakes of complaints from members of the public and engages with the community to instill public confidence in the IPA's operations.
- Reviews all complaints from members of the public that allege excessive or unnecessary force by police officers.
- Reviews no less than 20 percent of all other complaints, excluding those which allege excessive or unnecessary force.
- Supervises the preparation of an annual public report to the City Council that includes: (a) statistical analysis, documenting the number of complaints by category, the number of complaints sustained, and the actions taken; (b) analyses of trends and patterns; and (c) recommendation(s).
- Participates in SJPDP's Officer-Involved Shooting Review Panels.
- Participates as a member of the In-Custody Death Training Review Panel. Makes oral presentations to the City Council at public meetings.
- Attends and participates in SJPDP Internal Affairs Unit Interviews of police officers.
- Conducts public outreach throughout the City to educate the community about the role of the Office and to inform members of the public about the complaint and investigation processes.
- Collaborates with SJPDP to operate the Independent Police Auditor-SJPDP Mediation Program.
- Oversees the Office's budget and responds to budgetary inquiries.
- Conducts occasional press conferences.
- Interacts with other civilian oversight agencies.
- Provides occasional trainings to police officers and recruits.
- Supervises the Office's staff.
- Meets regularly with the Mayor and City Council members.
- Meets on an as-needed basis with City Council Appointees.

# The Ideal Candidate

The incoming IPA 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, they will be politically astute but apolitical, and able to work effectively with elected officials, utilizing facilitation and diplomacy skills. Critical to the success of the new IPA is a solid record of community engagement, working with a diverse community and cooperative interaction with a wide array of community representatives, and the ability to establish and maintain a mutually respectful working relationship with the Police Department.

Critical to the predictable success for the incoming IPA are the following attributes:

- Knowledge of and experience with jurisprudence pertaining to the rights of peace officers; specific knowledge of California law in this area is advantageous.
- Knowledge of and experience with jurisprudence pertaining to confidentiality and privacy of personnel records and information; specific knowledge of California law in this area is advantageous.
- Ability to make cogent and clear public presentations.
- Ability to conduct interviews and interact comfortably

and with empathy with members of the public who have diverse backgrounds and experiences.

- Ability to maintain professional and effective relationships with the media.
- Ability to maintain professional and effective relationships with SJPD staff at all levels.
- Ability to maintain professional and effective relationships with the City Council and City Council Appointees.
- Ability to meet deadlines and to work effectively under pressure.
- Prior management and supervisory experience.
- Ability to supervise staff in a professional, courteous, and civil manner.
- Willingness to conduct certain work-related activities, such as outreach, outside of regular business hours (i.e., evenings and weekends).





# Qualifications

The following are the minimum qualifications for the Independent Police Auditor:

**Education:** Completion of a Bachelor's Degree from an accredited college or university. A law degree from an accredited college or university is desirable.

**Experience:** A minimum of five years of experience in criminal law and criminal procedure. Must be experienced in or knowledgeable of investigations, legal research, and analyzing criminal, constitutional, labor, and civil rights law. Must have prior management and supervisor experience.

**Licensing:** A member in good standing with a state bar. The selected applicant may be required to obtain a California State Bar license.

**Special Requirements:** (1) Has not been a sworn law enforcement officer (e.g. police officer, reserve officer, probation officer, parole officer, or DEA agent), for at least ten years prior to appointment as the Independent Police Auditor, and (2) Does not have any immediate family members (defined as spouse, parent, domestic partner, sibling, child or grandparent) who are sworn law enforcement officers with any law enforcement agency.



# Compensation & Benefits

The salary range for this position is **up to \$300,064** per year. This position also receives an approximate five percent (5%) ongoing non-pensionable compensation in addition to the compensation listed above. The actual salary will be determined by the final candidate's qualifications and experience.

In addition, the City provides an excellent array of benefits, including:

- **Retirement:** Competitive defined benefit retirement plan with full reciprocity with CalPERS; defined contribution plan available as an option.
- **Health Insurance:** The City contributes 85% towards the premium of the lowest cost non-deductible plan. There are several plan options.
- **Dental Insurance:** The City contributes 100% of the premium of the lowest priced plan for dental coverage.
- **Personal Time:** Vacation is accrued initially at the rate of three weeks per year with amounts increasing up to five weeks after 15 years of service. Executive Leave of 40 hours is granted annually and depending upon success in the Management Performance Program could increase to up to 80 hours.
- **Sick Leave:** Sick Leave is accrued at the rate of approximately 8 hours per month.
- **Holidays:** The City observes 15 paid holidays annually.
- **Deferred Compensation:** The City offers an optional 457 Plan.
- **Flexible Spending Accounts:** The City participates in Dependent Care Assistance and Medical Reimbursement Programs.
- **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.
- **Vehicle Allowance:** The City provides a vehicle allowance of \$350 per month.
- **Technology Stipend:** The City provides a technology stipend of \$80 per month.

For more information on employee benefits, visit the City's [Human Resources Benefits website](#).



Federal Law requires all employees to provide verification of their eligibility to work in the country. Please be informed that the City of San José will not sponsor, represent, or sign any documents related to visa applications/transfers for H1-B or any other type of visa that requires an employee application.



## Application and Selection Process

This recruitment will be handled with strict confidentiality. References will not be contacted until mutual interest has been established.

Confidential inquiries are welcomed to Greg Nelson or Bryan Noblett at (916) 550-4100.

Interested candidates are encouraged to apply online by **Monday, November 13, 2023**, at [mosaicpublic.com/careers](https://mosaicpublic.com/careers). Interviews are tentatively scheduled to be conducted in late November or early December 2023.

*The City of San José is an equal opportunity employer.*

*The information contained herein does not constitute either an expressed or implied contract, and these provisions are subject to change.*