TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: POLICE

DATE: MAY 8, 2006 CMR:209:06

SUBJECT: APPROVAL OF JOB DESCRIPTION AND IMPLEMENTATION TIMELINE FOR POLICE AUDITOR CONTRACT POSITION

RECOMMENDATIONS

Staff recommends that Council approve the attached job description for the one-year trial contract for a Police Auditor and the associated implementation timeline.

BACKGROUND

On March 13, 2006, the City Council voted to initiate a one-year trial with a contract Police Auditor. At that time, the Council directed that staff return with a job description and timeline for implementation on or about June 1. This report provides information about the job duties, recommended qualifications, the timeline, and some other associated issues for Council consideration.

DISCUSSION

Job Description

At Council direction, staff has reviewed the job descriptions and one contract for Police Auditors from the four other agencies in California with police auditor programs. Based upon that review, the attached job description (Attachment A) was drafted. In summary, the Police Auditor, who would be hired by the City Council, would review citizen complaints of police misconduct and internal affairs investigations to determine thoroughness, objectivity, and appropriateness of disposition and make recommendations to the Police Chief regarding the necessity for further investigation, the investigation process, and/or dispositions. The Auditor would provide quarterly written reports to the City Council and City Manager that include any trends or patterns observed with the investigations and dispositions, statistical information, and the number and type of recommendations made to the Police Chief along with the final outcome.

The Auditor would have the authority to receive citizen complaints directly from members of the public and would be able to interview the complainant before turning the complaint over to the Police Chief for investigation.
Qualifications
Based upon information obtained from the four other agencies in the State that have Police Auditors, it will be important for the auditor to have a background in local law enforcement; the fundamentals of police operations, investigations, and training; knowledge of the California Peace Officers’ Bill of Rights; and familiarity with current case law and statutes with a number of applicable State codes. Included in the list of qualifications are a list of abilities such as a demonstration of a high standard of integrity and objectivity; ability to work effectively with the Council, City Manager, City Attorney, Police Chief and community members; and the ability to adhere to the strict confidentiality that is required by law.

Process
Pending the Council’s approval of the job description and timeline, staff will send out requests for proposals to possible candidates. One issue that staff is requesting direction on is whether to proceed with the process of contracting with only one individual or several different individuals. While both alternatives have merit, staff believes that in the trial period, for the sake of continuity and consistency in reviewing the investigations and in reporting to the Council, that it would be easier and more effective to contract with only one individual.

Council would interview the applicants and a background check would be completed on the finalists prior to the Council’s final selection. After contract negotiations, the Council would approve the final agreement.

After the agreement becomes effective, staff would ensure that the Auditor is provided with all of the City and Department rules, regulations, policies and procedures. The Auditor would then be called on an as-needed basis to review completed citizen complaints of police misconduct or internal affairs investigations.

Evaluation Measurements
Council requested that staff attempt to develop some measurements that could be used to determine the success of the trial period for the Police Auditor. Staff proposes that the following be considered for measurements: 1) number of complaints and internal investigations reviewed; 2) the number of recommendations made by the Auditor; 3) the number of recommendations implemented by the Police Chief/City Manager; and 4) the percent of investigations reviewed within four work days.

Implementation Timeline
While Council requested that staff attempt to implement the trial period by June 1, due to several factors, that was not possible. However, staff proposes the following timeline that would begin the program right after the beginning of next fiscal year:
May 1    Council approves the job description/timeline
May 15   Requests for proposals distributed
June 5   Proposals due
Week of June 12 Council interviews applicants and Council approves funding as part of FY 2007-2008 Budget
Week of June 19 Backgrounds completed on finalists
       June 26 Council selects the Auditor
       July 10 Council approves final agreement

**RESOURCE IMPACT**
Staff has included funding in the amount of $20,000 in the City Council’s proposed FY 2007-2008 Budget proposal.

**POLICY IMPLICATIONS**
This resolution is consistent with City policy.

**ATTACHMENTS**
Attachment A - Job Description

DEPARTMENT HEAD: ______________________________
LYNNE JOHNSON
Police Chief

CITY MANAGER APPROVAL: __________________________
FRANK BENEST
City Manager
POLICE AUDITOR JOB DESCRIPTION

Hired by: City Council

Reports to: Police Chief

Definition: This contract position has the authority and responsibility to review and assess for objectivity, thoroughness, and appropriateness of disposition citizen complaint investigations of misconduct and internal affairs investigations associated with the Police Department and makes recommendations to the Police Chief.

Essential Functions/Duties:

- May receive citizen complaints directly.
- Reviews citizen complaint investigations of misconduct and internal affairs investigations to determine thoroughness, objectivity, and appropriateness of disposition.
- Makes recommendations to the Police Chief regarding further investigation, process, and dispositions.
- Produces quarterly reports to the City Council and City Manager analyzing trends and patterns of complaints and providing statistical breakdown of the number of complaints/investigations that are filed/initiated, the disposition of them and the number and type of recommendations made to the Police Chief.
- Formally meets with the City Manager and Police Chief once a quarter to discuss any issues.
- Formally meets with the City Council twice a year to discuss issues.

Minimum Qualifications:

- Knowledge of the organization, responsibilities, functions, policies and procedures of local law enforcement.
- Knowledge of techniques of law enforcement training and operations.
- Knowledge of the fundamentals of criminal and administrative investigations including interviewing and interrogations, and investigative techniques.
- Knowledge of the California Peace Officers’ Bill of Rights.
- Knowledge of current case law and statues in criminal law and familiarity with the Penal, Evidence, Vehicle, Government and other associated State Codes.
- Ability to demonstrate a high standard of integrity, objectivity, and professionalism.
- Ability to demonstrate a commitment to protect the basic constitutional rights of all affected parties.
Ability to work effectively with the City Council, City Manager, Chief of Police, City Attorney, and police department personnel.

Ability to act independently and fairly.

Ability to express oneself clearly and concisely, both orally and in writing.

Ability to understand and interpret rules, regulations, policies, and procedures.

Ability to keep appropriate information in the strictest of confidence.

Knowledge of Police Department citizen complaint and internal affairs investigative procedures.

Ability to carry out City Council directives within the limitations of time and other resources.

Education/Experience:

- Any combination of education and experience that would provide the required knowledge and abilities noted above.
- A minimum of five years of experience in law enforcement and/or the legal field.