



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 10/18/2022

ITEM NO: 10

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DATE: October 10, 2022  
TO: Mayor and Town Council  
FROM: Gabrielle Whelan, Town Attorney  
SUBJECT: Receive an Annual Report Regarding the Independent Police Auditor Function

**RECOMMENDATION:**

Receive an annual report regarding the Independent Police Auditor function.

**BACKGROUND:**

The Los Gatos-Monte Sereno Police Department (LGMSPD) personnel are held to the highest standards of conduct both on and off duty. As a critical component of building and maintaining trust with the community, allegations of misconduct by sworn members of the LGMSPD must be investigated in a manner that is fair, impartial, independent, thorough, and timely.

On September 8, 2020, the Town hosted a Community Workshop regarding Police practices and subsequently potential changes were reviewed and discussed with community input at the September 15, 2020 and November 3, 2020 Town Council meetings. On November 3, 2020, the Town Council voted to authorize the Town Manager to establish an Independent Police Auditor (IPA) function with a panel of diverse rotating independent investigators and requested the publication of quarterly IPA reports. On May 18, 2021, the Town Council authorized the Town Manager to enter into agreements with three firms who responded to a Request for Qualifications and were determined to be the most qualified to serve as independent investigators.

The IPA function creates distance between the Police Department in the review, investigation, and analysis of community complaints regarding police activities.

**PREPARED BY:** Gabrielle Whelan  
Town Attorney

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Police Chief, and Interim Finance Director

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BACKGROUND (continued):

For this reason, complaints may be submitted to the Town Clerk or through an online complaint form. The Town Attorney then reviews the complaint and any applicable materials, such as video footage, in order to determine whether the complaint should be referred to an independent investigator who is overseen by the Town Attorney. This process has been documented in an Administrative Procedure which may be updated by the Town Manager consistent with Town procedures.

The Council requested quarterly summary reports; however, given the low number of complaints received, this is the first report since the establishment of the IPA function.

DISCUSSION:

The current Procedure provides that complaints may be made either in writing or verbally. Town has received six complaints since the IPA function was established. When a complaint is received, it is evaluated by the Town Attorney after review of back-up information. Of the complaints received since the Procedure's adoption, two resulted in Supervisory Referrals and the remainder were unfounded. No complaints were submitted to an independent investigator.

CONCLUSION:

Based on our recent experiences, Town staff are amending the Administrative Procedure to require that all complaints be made in writing and to clarify the possible determinations to be made after an initial review of the complaint.

FISCAL IMPACT:

Based upon recent experience, review of a complaint requires approximately 20 hours of staff time, which includes review of the complaint and any related body cam footage and communication with the complainant, and is absorbed into the Town Attorney's budget. Fees have not been established to recover these costs. The adopted budget contains funds to pay for consultant costs if an independent investigation is warranted.

ENVIRONMENTAL ASSESSMENT:

This report is not a project defined under CEQA, and no further action is required.