



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 12/19/2023

ITEM NO: 10

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DATE: December 8, 2023  
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 from the community 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. Due to the low number of complaints, reports are provided to the Town Council annually. 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. For this reason, complaints may be submitted to the Town Clerk or through an online complaint form. The Town Attorney

**PREPARED BY:** Bridgette Falconio  
Administrative Technician

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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BACKGROUND (continued):

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.

Revisions to the existing Procedure have been recommended by the Town Attorney, Town Manager, a Police Department consultant, and the Police Officer's Association is preparing a response to the recommended revisions.

DISCUSSION:

The current Procedure provides that complaints may be made either in writing or verbally. Town has received twelve complaints in 2023. Eight complaints were received by email, two were received by mail, and two were received in person. When a complaint is received, it is evaluated by the Town Attorney after review of back-up information. Of the complaints received this year, four resulted in Supervisory Referrals, four were unfounded, and the remainder (two of which are from the same person) are in process.

CONCLUSION:

Staff is giving Council an annual report regarding the Independent Police Auditor function. Twelve complaints were received for this year 2023.

COORDINATION:

The Town Attorney's Office, Town Manager's Office, and Clerks Department coordinated this report.

FISCAL IMPACT:

Based upon recent experience, preparing and sending the required notices and handling of a complaint averages approximately 15 hours of staff time, which includes review of the complaint and any related body camera footage and communication with the complainant. Additionally, about five hours of Police Department staff time is necessary per complaint to provide case documentation and footage, consult with the Town Attorney, State reporting requirements, and case retention. The work and the associated costs are absorbed into the Town Attorney's and Police Department'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.

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ENVIRONMENTAL ASSESSMENT:

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