

Legislation Text

File #: ROGC 22-244, **Version:** 1

Protecting the Public from Predatory Criminal Behavior Pending Investigations of Employee Misconduct (Mayor)

1. Direct the Independent Police Auditor (IPA), within this calendar year, to:
 - a. Initiate a review and report findings in public session to the City Council concerning San Jose Police Department investigation of misconduct amounting to predatory criminal behavior by City employees.
 - b. Make recommendations regarding SJPd policies and procedures to ensure protection of the public from such behavior. The scope of that review shall include:
 - i. SJPd's investigatory and disciplinary treatment of sexual battery allegations regarding Officer Matthew Dominguez in May of 2021, and the decisionmaking regarding whether he would be placed on administrative leave or reassigned pending that investigation; and
 - ii. The SJPd's determination that it could not or would not investigate two anonymous complaints-received in December of 2018 and February of 2019- against former City of San Jose Code Enforcement Inspector William Gerry, recently sentenced to a term of 35 years of prison on sexual assault, bribery, and extortion charges; and
 - iii. Any other examples in which place at issue the timeliness or responsiveness of a SJPd investigation of allegations of criminally predatory behavior by any other City employees that could pose a risk on the community.
 - c. The City Auditor and City Manager shall work in coordination with the IPA to ensure she has access to a complete factual record that includes any work previously performed by those offices.
 - d. To the extent that the City Attorney determines that the scope of this direction exceeds the authority of the Independent Police Auditor, the Council shall consider an independent investigation pursuant to Section 416 of the San Jose City Charter.
2. Direct the City Manager to return to Council to describe what citywide policies have been implemented-or will be implemented-to address the risk of exposing the public to harmful behavior pending investigations of City employees' criminal conduct, such as by establishing that credible allegations of predatory criminal conduct constitute a clear "trigger" for mandatory leave until an investigation has concluded.