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San Jose police need effective civilian review board

By Eric Sahn

Police self-oversight can no longer get the job done in a city grown as large and diverse as San Jose.

Most U.S. cities with police departments of more than 1,000 officers utilize some form of civilian police review to assure transparency and fairness when evaluating allegations of police misconduct. Residents need to have trust in the system in order to willingly come forward with complaints; and those few police officers inclined to cross the line need to know that they will be held accountable. The time has arrived for an effective civilian review board to work for San Jose.

Certainly we can find the balance

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in our community to remain among the safest big cities yet not live in fear of aggressive police practices' taking away good people's rights. Moreover, there is no disagreement that we must do whatever we can to maintain both our high public safety standards and our civil liberties.

Warning bells should be going off for the mayor and City Council members when residents start to take their police complaints directly to the newspaper or YouTube rather than the city — an obvious sign the current processes for police review are not working.

There have been plenty of other signs: a 2007 Santa Clara County

civil grand jury report citing the loss of public confidence in the reporting of police misconduct; the 2008 revelations of massive arrest rates for disturbing the peace and drunk in public; the recent Mercury News articles on resisting arrest statistics, and the startling fact that the city received 117 complaints by residents in 2008 for excessive force by a police officer and sustained none that year — a number that strains credibility even in law enforcement circles.

Despite the bad press and statistics, the overwhelming majority of San Jose police officers are incredibly dedicated and well-meaning professionals performing a very difficult job. Indeed, the department is often cited as a model around the nation.

The question remains how best to protect the police department and the citizens of San Jose from

the consequences coming from the small percentage of bad apple cops.

It is not prudent for San Jose to continue to place police accountability solely in the hands of the police. Nor can we expect the mayor and City Council to significantly increase their own role — the nitty-gritty details of oversight may or may not be "pro-police" and, when decided at council level, often become politicized.

San Jose needs a buffer between the City Council and police. The city's Office of the Independent Police Auditor was established in 1993 to perform this function, specifically to increase the public confidence in the police-complaint process. However, the auditor has very limited powers, and the investigation of police misconduct is still done internally by the police themselves.

Since 2006, a City Council majority has consistently rebuffed proposals to increase the police auditor's independent review authority and finally voted (6-4) not to rehire the last auditor, Barbara Attard, when her contract expired last December. The permanent position remains unfilled today, while many question the job's future effectiveness without meaningful reform of the office's operations and power.

Is it possible the city can transform the independent auditor's office in a way that matters? Like the effort it will take to fully regain public trust, this could take years. Given the issues on the table today, it makes more sense to create a fresh start on police accountability by forming a new civilian police review board.