



Memorandum

TO: RULES & OPEN GOVERNMENT
COMMITTEE

FROM: Councilmember Raul Peralez

SUBJECT: COMMUNITY VIOLENCE
PREVENTION & RESPONSE

DATE: September 16, 2021

Approved by:

Date: 09/16/21

RECOMMENDATION

Proactive Workplace Safety & Culture Evaluation

1. Direct the City Manager to
 - a. Conduct an RFP or RFQ for a consultant to do an organization-wide workplace cultural and climate evaluation at the City of San José and the varying impacts from any traumatic experiences on employees.
 - i. Bargaining units should be solicited for input on the scope of the RFP or RFQ, participate in submissions review and provide recommendations for final award to the City Council.
 - ii. Return to the City Council a report of the evaluation as well as policy recommendations for consideration.
 - b. Implement a proactive campaign to promote, encourage and incentivize all existing wellness programs among city employees.
 - c. Consult or partner with public agencies like the County's Behavioral Health Services Department and the private sector to explore ways towards improving the City's wellness and mental health assistance programs.

Trauma Response & Resiliency

2. Direct the City Manager to explore with the County how to better participate in the development of a countywide Trauma Recovery Center as accepted by the Board of Supervisors on August 31, 2021 and integrate into San José's emergency response infrastructure.

Firearm Violence Prevention

3. Direct the City Auditor to conduct an audit of the City's firearm regulatory processes and policies, including a review of trends in firearm violence in the city, and make recommendations to the City Council for consideration.

4. Agendize at a future Public Safety, Finance & Strategic Support Committee (PSFSS) a report from the Police Department on causes of firearm related deaths and injuries including suicides in San José within the last five years and cross reference to the City Council, preferably with the audit mentioned in recommendation #3.
5. Agendize for a future joint meeting with the County Board of Supervisors (BOS) a study session on firearm safety with a focus on mental health, Intimate Partner Violence (IPV) / Intimate Partner Homicide (IPH) and substance abuse with a diverse panel that includes but is not limited to mental health professionals, social service professionals and firearm experts.

The study session should consider the feasibility of a future program that trains mental health professionals to conduct evaluations for firearm permitting as well as explore updates to existing city and county gun policies relating to IPV/IPH and substance abuse.

In the event that the County BOS declines or is unable to participate in such a discussion, schedule the same discussion for a City Council Study Session.

6. Direct City Manager to include Senator Cortese and District Attorney Rosen's efforts on expanding and improving California's Red Flag laws as part of Intergovernmental Affairs' legislative programming.

BACKGROUND

Firearm violence has long been declared a public health epidemic in the United States. The City of San José sadly is no stranger to that epidemic, recently having experienced the worst mass shooting in its history when a Valley Transportation Authority (VTA) employee senselessly took the lives of nine public servants on May 26, 2021. This was barely two years after a gunman opened fire on the afternoon of June 28, 2019 at the Gilroy Garlic Festival, taking the lives of three individuals and wounding 17 others. These tragedies have often drawn national media attention and sparked polarizing debates, not only throughout America's city council chambers or capital buildings, but at our very own dinner tables.

San José has never shied away from the debate, and has led the charge in implementing policies and practices with hopes of reducing gun violence. I have strongly supported many of those measures including buyback programs, a safe storage policy and most recently a measure requiring gun insurance. While we should continue to have stringent policies and procedures to ensure responsible gun ownership, prevention of gun violence is a very nuanced and dynamic issue that cannot simply be limited to the hardware but must also consider the various inter and intra personal factors, many preventable, that lead individuals to commit the act.

This memorandum proposes a three pronged approach in addressing the wellness and safety of our community in hopes of reducing violence. First, self-examining the City's workplace safety and culture and implementing any necessary changes, including increasing knowledge and access to wellness programs and mental health services. Second, to actively take part in the conversations in developing a countywide Trauma Recovery Center in the event that another traumatic community event occurs. Finally, to evaluate our firearm regulatory

policies and programs and commence a conversation around how addressing various social and psychological factors could play a larger role in firearm violence prevention.

DISCUSSION

Proactive Workplace Safety & Culture Evaluation

The City of San José oversees 6,640 employees, a \$4.5 billion budget and provides a vast array of services to an approximately 200-square-mile city of 1.2 million residents.¹ Prior to 2020, the City was recovering from a mass exodus of employees related to pension reform and barely began restoring numerous community services. Morale and municipal pride was increasing with an optimistic outlook for the future. No one would have predicted the continuous incidents that have occurred within the last 24 months from the COVID-19 global pandemic, social unrest, natural disasters and most recently the VTA mass shooting. These traumatic events can take a toll on our public service family who are innately focused on serving others before themselves.

Since the VTA mass shooting, we have learned more about concerns regarding workplace culture and environment. I along with VTA Chair Glenn Hendricks, Vice Chair Chappie Jones and Supervisor Cindy Chavez recently called for a third party evaluation with subsequent changes to the VTA workplace structure². As the largest city in the County, we cannot wait until a tragedy occurs to do the same. Rather, we must proactively self-examine to ensure that City Hall is a positive place to work and thrive and do so in partnership with our bargaining units.

More pressing, it is important that we increase accessibility to wellness programs for our employees. The County is developing innovative wellness programs for their employees to assist in managing their stress and overall mental health. A similar initiative would benefit our employees greatly, and ensure that they are self-caring and allowing for much needed reflection and resetting during these stressful times. In doing so, I am confident we will have mentally healthier employees and perhaps even an improvement in service to San José residents.

Trauma Response & Resiliency

On August 31, 2021, the Santa Clara County Board of Supervisors approved a board referral to create a temporary Trauma Recovery Center (TRC) for the VTA mass shooting survivors, VTA employees and their families.³ The referral also called for establishing a permanent countywide TRC, “borne out of acknowledgment of the challenges and trauma County residents have faced and will continue to face relative to mass shootings, climate change and public health crises to name a few.” With all of the events that have occurred including the attack at Grace Baptist Church on November 23, 2020, it is evident that a readily available

¹ City of San José. (June 2021) *2021-2022 FY Budget*.

<https://www.sanjoseca.gov/home/showpublisheddocument/72411/637618733891330000>

² Hedricks, Jones, Chavez & Peralez. (September 2021) Memorandum: Workplace Safety & Culture Evaluation. *Santa Clara Valley Transportation Authority*.

http://santaclaravta.iqm2.com/Citizens/Detail_Communication.aspx?Frame=&MeetingID=3352&MediaPosition=&ID=1849&CssClass=

³ Chavez, C. (2021, August 31) Board Referral: Santa Clara County Trauma Recovery Center. *County of Santa Clara*.

<http://sccgov.iqm2.com/Citizens/FileOpen.aspx?Type=30&ID=165071&MeetingID=13227>

TRC is critical in the recovery and resiliency of those who are directly and indirectly impacted by an event. According to the board referral, services offered by TRCs include trauma-informed clinical case management; evidence-based individual, group, and family psychotherapy; crisis intervention; advocacy services, and assistance in accessing victim compensation funds. All services are offered at no cost to the survivor. Our city's first response services as well as the Office of Emergency Management should ensure that we take part in the development of this program and that it is integrated into our emergency response infrastructure, so we are prepared if and when another trauma-inducing event occurs.

Firearm Violence Prevention

We have long heard the same debates over the airwaves after each mass shooting alongside the usual platitudes of “thoughts and prayers”. Often we connect firearm violence to mass shootings due to high profile coverage, but in reality, they only make up a small percentage of overall gun deaths.

According to the Center for Disease Control (CDC):

- There were 39,707 deaths from firearms in the U.S. in 2019. Sixty percent of deaths from firearms in the U.S. are suicides. In 2019, 23,941 people in the U.S. died by firearm suicide. Firearms are the means in approximately half of suicides nationwide.
- In 2019, 14,861 people in the U.S. died from firearm homicide, accounting for 37% of total deaths from firearms. Firearms were the means for about 75% of homicides in 2018.
- The other 3% of firearm deaths are unintentional, undetermined, from legal intervention, or from public mass shootings (0.2% of total firearm deaths).

Furthermore:

- 68% of substance related homicides nationwide are related to guns.⁴
- The rate of suicide risk is much higher when an individual has access to a firearm.⁵
- In 2018, it was reported that Californians are 57 times more likely to commit suicide one week after purchasing a gun.⁶

In recent years, San José has strengthened its gun violence prevention measures, such as requiring that guns be stored in lockboxes when not in use to recently mandating that owners have gun liability insurance. However, in search of every tool in the toolbox, we have barely scratched the surface regarding instituting broader inter and intra personal measures on the front end before an individual gets to the point of causing harm to others or themselves with a firearm.

After years of work, I was proud to have led and implemented the City's first Suicide

⁴ McGinty, E., Choksy, S., & Wintemute, G. (2016). The Relationship Between Controlled Substances and Violence. *Epidemiologic Reviews*, 38(1). <https://academic.oup.com/epirev/article/38/1/5/2754864>

⁵ Duff-Brown, B. (2020, June). Handgun ownership associated with much higher suicide risk. *Stanford Medicine News Center*. <https://med.stanford.edu/news/all-news/2020/06/handgun-ownership-associated-with-much-higher-suicide-risk.html>

⁶ Lardieri, A. (2018, January). California Bill Would Bar Suicidal Residents From Purchasing Guns. *U.S. News*. <https://www.usnews.com/news/politics/articles/2018-01-25/california-bill-would-bar-suicidal-residents-from-purchasing-guns>

Prevention Policy in 2019. Furthermore, San José recently mandated that gun dealers are required to post suicide prevention information in their storefronts. While there are also safeguards for firearms from those with explicit history of mental illness⁷, we cannot deny that there are still gaps especially for those who may need help but are resistant to pursuing services. There is also still a lot of work and research to be done relating to IPV, IPH⁸, substance abuse and gun violence. After all, there are various social and cultural factors that stigmatize these issues and create barriers to individuals who may be at risk to themselves or others from seeking help. We need to work together towards dispelling that stigma.

I recognize that this is not an easy discussion. Those in the psychological community have cautioned that prior to taking any legislative action, policymakers should “investigate the context of firearm-related problems.”⁹ I also recognize that our mental and behavioral health professionals may lack training and resources in the arena of firearm violence prevention.¹⁰ This is why it is critical that we first gather the pertinent data through our City Auditor and staff on our firearm regulatory policies, programs and the data of firearm deaths including causation. This will set the stage for a more informative discussion between us and our County partners. Ultimately, this should be a collaborative effort between our mental health community and our responsible gun owners community to work towards increasing access to mental health support for those who may most need it.

In 2016, California enacted the Red Flag law, which allowed for law enforcement officers and family members to petition the court to remove firearms from a person they believe to be potentially dangerous. It has since been expanded to allow employers, coworkers, and school employees. Since the enactment of this law, guns have been confiscated from over 3,000 people. After the tragic VTA shooting, State Senator Dave Cortese officially requested to work in partnership with Santa Clara County District Attorney Jeff Rosen to further strengthen this law. Our intergovernmental relations team should monitor the progress and lend support where necessary.

CONCLUSION

I have been passionate about this issue for years but this year it became very personal to me and I am more motivated than ever to do everything in my power. While it is our duty as civic leaders to take measures to reduce or even eliminate gun related deaths and injuries, when we address gun violence in our community, suicide prevention, intimate partner violence, substance abuse and mental health support all need to be an integral part of the conversation. We must do what we can to focus on the individual and actions that support wellness, in doing so, we can minimize the risk of future gun violence, whether it be to themselves or others.

⁷ Bill Text - AB-1968 Mental health: firearms. (2018, September 28). *California Legislative Information*. https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1968

⁸ Gold, L. (2021). Domestic Violence, Firearms, and Mass Shootings. *Journal of the American Academy of Psychiatry and the Law Online*, 40(3). <http://jaapl.org/content/early/2020/02/05/JAAPL.003929-20>

⁹ Pirelli, G., Wechsler, H., & Cramer, R. J. (2015, June 22). Psychological Evaluations for Firearm Ownership: Legal Foundations, Practice Considerations, and a Conceptual Framework. *Professional Psychology: Research and Practice*. *Advance online publication*. <http://dx.doi.org/10.1037/pro0000023>

¹⁰ Pirelli & Witt, (2017) Firearms and cultural competence: considerations for mental health professionals. *Journal of Aggression, Conflict and Peace Research*, <https://doi.org/10.1108/JACPR-01-2017-0268>