

From: Raj Jayadev [REDACTED]
Sent: Wednesday, February 14, 2024 3:54 PM
To: PSFSScommittee [PSFSSCommittee@sanjoseca.gov]
Subject: written comment for the PSFSS mtg Feb 15th at 10am
Attachments: 215SJincarcerationplan.docx

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Hello,
Please let me know if this written comment was received and included in material for the committee members. Thank you! Raj (SV De-Bug)

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February 14, 2024

To: San Jose City Council and Santa Clara County Board of Supervisors

From: Silicon Valley De-Bug

Re: Joint PSJC City and County's Carceral Response to Economic and Health Needs of Community Members

This collaborative City and County body is receiving multiple reports from justice system and behavioral health actors regarding individuals being labeled "frequently justice system involved." It is important to recognize the context and history that prompted this review to begin with. This joint City and County PSJC meeting is a result of an uninformed and regressive propaganda campaign the Mayor launched in 2022 to expand carceral responses to economic and health based needs of San Jose's most vulnerable community members.

In his campaigning for the mayorship, Mahan attacked bail reform and statewide and local decarceral improvements in an effort to distinguish himself as "tough on crime." In his messaging, he promised he would end the County's "Catch and Release" policies. The phrase is a fishing term - and is an offensive, dehumanizing, and bigoted way of understanding community members. The phrase was also popularized by Trump when attacking immigrants for the same ends of metaphorizing human beings into animals. The rhetoric reflects a political lens that does not see those in poverty, mental health crisis, or challenged with substance use issues as people.

This is the background and context this cross-agency collaboration must acknowledge as its origin and reason for being. And future policies presented by the City based on this initiative should also recognize that this effort is rooted in, and only serves the purposes of, the mayor's campaign agenda. This also includes some pilots referenced in the reports such as changing of the Affidavit for Probably Cause to a Mitigation and Risk Assessment to allow police to further advocate for pretrial detention - which the DAO stated in the media was the purpose of the pilot.

With that understood, the most useful information was the analysis provided by the Public Defender's Office. Their review of 70 clients who fit the profile of being repeatedly cycled through the carceral system shows a dramatic over-representation of people of color. For example, the African-American population is represented at 22%, though only representing 2% of the county's general demographic. And unsurprisingly the charging profiles - the reasons they are arrested and incarcerated - reflects the lack of investment in non-carceral responses to social and economic root problems. The three most common charges brought against this population in the last ten years is petty theft, misdemeanor possession of drug paraphernalia, and misdemeanor trespass. These charges are direct consequences of resources going to the carceral system instead of housing, substance use support, and mental health support investments. The research by the PDO (Public Defender's Office) illustrates this reality. Over 90% of those listed have a documented mental health issue, and 80% are housing insecure. If City and County officials were serious about actual solutions,

the data is clear where the investments and resources need to be allocated to - and it's not police and jails.

That there are 70 people who had more than 15 referrals to the PDO in three years is not a reflection of the character of the individuals, but rather it is an indictment on using arrests, prosecution, and incarceration as a proxy for actual policy solutions. The approach of using incarceration instead of support and services is what perpetuates and fuels the cycle itself. Research shows that incarceration itself is criminogenic. A national study by the Pretrial Justice Institute titled, "Three Days Count" evidences what should be common sense, as it states, "Even three days in jail can be too much, leaving low-risk defendants *less likely* to appear in court and *more likely* to commit new crimes - because of the stress places on fundamentals like jobs, housing, and family connections."

The mayor's current carceral proposals represent a common and unfortunate trend in American cities - politicians making uninformed, reactionary, and racist policy schemes to incarcerate their way out of symptoms of poverty and insecurity their own policies created. We ask this body operate from a more long-term, thoughtful, solution based perspective, and to work with the community to create safety and well-being for every community member in San Jose.

Sincerely,

A black rectangular redaction box covering the signature of Raj Jayadev.

Raj Jayadev, Executive Director, Silicon Valley De-Bug