

**REIMAGINING
PUBLIC SAFETY
COMMUNITY ADVISORY
COMMITTEE . SAN JOSÉ**



**Report to City
Council
May 10, 2022**

Reimagining Public Safety

Context

Process

Recommendations

Next Steps





Key Takeaways

- San José has a long history of reform movements
- Challenges persist: bias and trauma
- We need the right expert for the right job
- Address root causes of crime
- System has to be held accountable



Recommendations

IMPROVE COMMUNITY CONDITIONS RECOMMENDATIONS

- 16 Affordable Housing**
- 17 Living Wage Waiver**
- 18 Renters**
- 19 Campaign Zero**

RECOMMENDATION PAGE 1

ALTERNATIVE SAFETY RESPONSES RECOMMENDATIONS

When an incident occurs in a public space, the City of Denver has a limited number of police officers available to respond. This is often the case in areas with high foot traffic, such as downtown Denver, where the number of police officers is limited. This is often the case in areas with high foot traffic, such as downtown Denver, where the number of police officers is limited.

- 1 Mental Health Response**
- 2 Homelessness**
- 3 Traffic Safety**
- 4 Gender based violence**
- 5 Community Campaign**
- 6 Community Service Officers**

RECOMMENDATION PAGE 2

SUPPORT FOR IMPACTED FAMILIES RECOMMENDATIONS

A key component of providing family support is addressing the needs of the most impacted families. This is often the case in areas with high foot traffic, such as downtown Denver, where the number of police officers is limited.



- 7 Trauma Relief Fund**
- 8 Guaranteed Basic Income**
- 9 Prevent Exits to Homelessness**

RECOMMENDATION PAGE 3

Alternative Safety Responses

- Mental Health Response
- Homelessness
- Traffic Safety
- Gender based violence
- Community Campaign
- Community Service Officers

Support Impacted Families

- Trauma Relief Fund
- GBI: Gender Based Violence
- Prevent Exits to Homelessness

CIVILIAN OVERSIGHT AND ACCOUNTABILITY RECOMMENDATIONS

- 17 Search of Policing**
- 18 Civilian Oversight**
- 19 Transparency**

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Community Conditions

Vision: Campaign Zero

POLICE CONDUCT RECOMMENDATIONS

- 27 Search**
- 28 Critical Incidents**
- 29 Discipline with Fairness**

RECOMMENDATION PAGE 5

Civilian Oversight

Independent Investigation Oversight Commission Inspector General Arbitration

Police Conduct

Search Critical Incident: Families Drug Testing

PERSONNEL RECOMMENDATIONS

- 30 Discriminatory Behavior**
- 31 Training**
- 32 Community Engagement**

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ENFORCEMENT PRIORITIES RECOMMENDATIONS

- 33 Criminalization of Homelessness**
- 34 School Partnerships**
- 35 Child Protective Services**
- 36 Harm Reduction in Drug Enforcement**

RECOMMENDATION PAGE 7

Personnel

Training Hiring

Enforcement

Criminalization of Homelessness

Context

715 days & counting...
Unity & Solidarity
It's happening here too
Time to Act



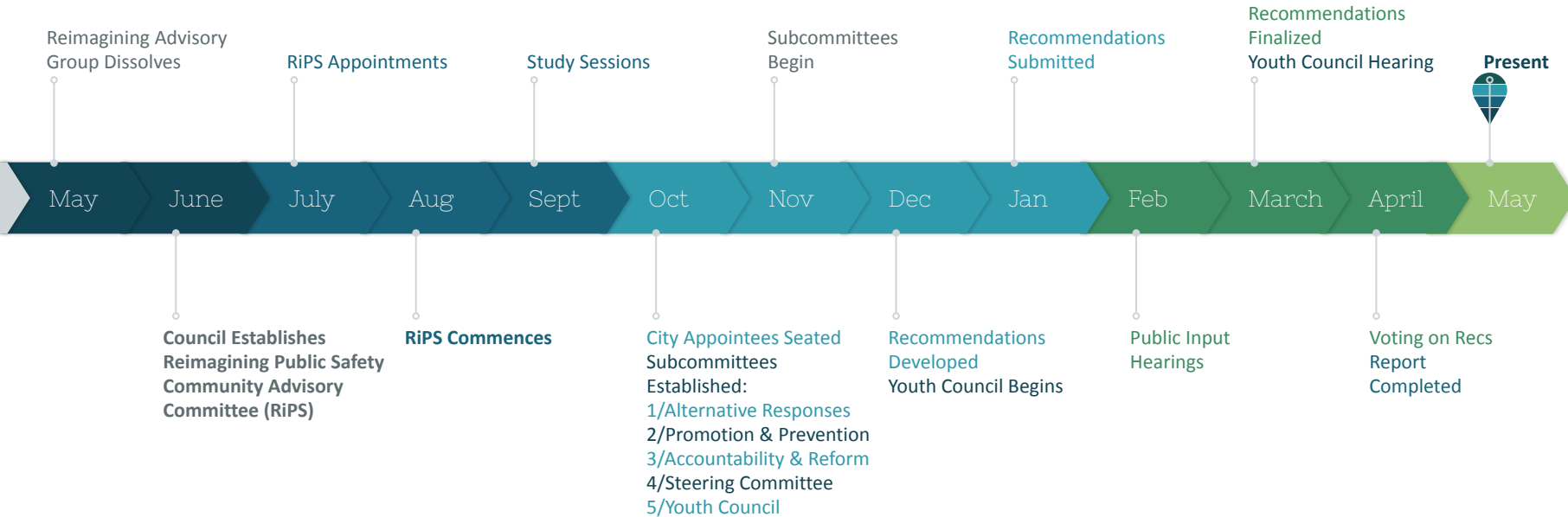
PROCESS

“Develop a process to redirect resources away from policing toward other community-based solutions. This effort needs to incorporate and center the voices of individuals traditionally left out of our decision making, in partnership with diverse community-based organizations that have long served and represented the voices of those community members harmed by systemic racism.”

–June 15, 2020, letter to the Mayor Liccardo and City Council entitled, *This Budget Fails to Measure up to this Moment*, signed by over 75 community-based organizations.



Process: Timeline





Center Lived Experience



RiPS MEETING TOPICS/PRESENTERS:

History of Policing & Reform	William Armaline, PhD [San José State University Human Rights Institute]
Individuals Experiencing Mental Health Challenges	Tarab Ansari [Behavioral Health Contractor's Association]
Individuals with Disabilities	Sandra Asher [Parents Helping Parents] Leigh Ann Davis [The Arc]
Survivors of Gender- Based Violence	Esther Peralez-Dieckmann & Darcie Green [NextDoor Solutions to Domestic Violence]
Individuals who are Unhoused	Chad Bojorquez [Destination Home]
The Black Community	Kiana Simmons [HERO Tent], Carmen Brammer [Black Leadership Kitchen Cabinet] & Lavere Foster [African American Community Service Agency]
The Latino and Chicano Experience	Laurie Valdez [Silicon Valley DeBug & Justice for Josiah]
Asian American & Pacific Islander Community	Angelica Cortez, PhD [LEAD Filipino], Richard Konda [Asian Law Alliance], Anthony Nguyen [Pivotal], & Mimi Nguyen [Vietnamese American Roundtable]
LGBTQIA Community	Gabrielle Antolovich [Billy DeFrank Center] & Sera Fernando [County Office of LGBTQ Affairs]
Youth Council	Youth Council Members: Paula Escobar, Alex Spielmann, Yusuf Labia, Lahari Desireddi, Ezra Feleke, Jaria Jaug, Gabriel Young, L
Traffic Safety	John Ristow [San José Department of Transportation] Shiloh Ballard [Silicon Valley Bicycle Coalition]
Reimagining Public Safety Processes: Lessons	Christopher Logan, Omar Leal, Lizz Finney, Poncho Guevara & Derrick Sanderlin [Sacred Heart Community Service]
People's Budget Survey Results	Miranda Worthen, PhD & Soma De Bourbon, PhD [San José State University Human Rights Institute]

LIVED EXPERIENCE TESTIMONIES

- Rosie Chavez
- Jackie Germaine
- Darcie Green
- Corina Griswold
- Elsa Lopez
- Andrew Rodriguez
- Kiana Simmons
- Amanda Sommers
- Marcelina Taguinod
- Laurie Valdez
- Sharon Watkins

RiPS members heard feedback and analysis from San Jose's Independent Police Auditor and City Attorney's Office.



Committee Recommendations

Alternative Safety Responses
Support for Impacted Families
Community Conditions
Civilian Oversight & Accountability
Police Conduct
Personnel Practices
Enforcement Priorities





Alternative Safety Responses



ALTERNATIVE SAFETY RESPONSES RECOMMENDATIONS

We ask too much of police. Police officers are expected to respond to scenarios stemming from the vast array of societal challenges we face as a community. Not every emergent scenario requires an armed enforcement response. Furthermore, police are expected to interact equitably and professionally with a diverse cross section of community members experiencing moments of crisis or trauma. Law enforcement agencies have long grappled with the need for deeper training, partnerships, and personnel structures to effectively respond to the diverse array of calls for service they receive. Despite considerable investment in training and oversight, inappropriate incidents still occur.

RIPS is proposing that the City of San José invest in and develop new tools and systems to respond to specific circumstances to create better outcomes for community members and better utilize police resources.

Expanding and developing mobile community response teams for individuals experiencing mental health crises, addiction, homelessness or domestic abuse may be more effective at linking individuals to the services they need, may be more equitable by ensuring that professionals deeply trained in working with specific populations are giving appropriate responses, and may be more cost efficient than sending law enforcement personnel.

The City must also look for more creative ways to make our streets safer by design, and utilize civilian personnel and technology for traffic enforcement and event management. San José must design policies to ensure surveillance technology does not impinge upon privacy and civil rights and focus enforcement on reckless traffic behaviors, while eliminating the need for pretextual stops which disproportionately impact communities of color.

RIPS also proposes that the City invest in efforts to train residents, community organizations and neighborhood groups on how to address and de-escalate crisis situations themselves. We can invest in community building approaches to resolve more emergency scenarios, make connections to community services, and alternative safety responses.

By expanding the use of Community Service Officers to respond to lower levels of calls for service, we can also reduce reliance on law enforcement to handle non-violent, non-emergency calls for service.

Mental Health Response

1 [AS2] The City of San José will invest in mobile response teams that can respond to incidents involving individuals experiencing a mental health crisis. These teams will consist of service providers from community-based organizations rather than law enforcement to de-escalate crisis situations and provide connections to resources and support. Locally, the County of Santa Clara has resourced a pilot program known as TRUST, and the City should expand this program capacity City-wide.

2 [AS1] The City Council should develop a plan to collaborate in the implementation of the national 988 behavioral crisis response system for the purposes of identifying and diverting 911 calls to appropriate response systems.

Homelessness Response

3 [PS3] The City of San José will invest in mobile response teams that can respond to calls for assistance for the unhoused. Multi-disciplinary teams of professionals can offer solutions to address their needs in a crisis, from mental health, behavioral health, medical attention, social services, peer support, and more as needed.

4 [PS3] The City of San José will provide encampment maintenance services, distribution of basic necessities, and connection to case management services and problem-solving support, funded by the City and Santa Clara County.

- Mental Health
- Homelessness
- Traffic Safety
- Gender-Based Violence
- Community Campaign
- Community Service Officers



Support for Impacted Families

SUPPORT FOR IMPACTED FAMILIES

RECOMMENDATIONS

A key component of promoting safer communities is addressing the underlying needs of those most impacted by trauma—in all of its forms—in order to **stop the cycle of violence**. In listening sessions and in RIPS meetings, community members shared their stories of how violence has touched their lives, their struggle to heal and make their communities safer. Mothers and partners of individuals who lost their lives at the hands of police have explained how that trauma continues to impact them.

For survivors of domestic violence, and those whose loved one has been incarcerated, the need for stability and healing is impaired without meaningful social supports. The barriers for individuals leaving incarceration to reintegrate into society are nearly insurmountable if they are released into homelessness. RIPS members offer recommendations to expand the pools of resources targeted at those who have been impacted by violence and carceral systems, starting with the development of a Trauma Relief Fund not connected to the criminal justice system.



12 Trauma Relief Fund

[PP12] The City of San José shall establish a Trauma Relief Fund for wrap-around mental health treatment and social support services for survivors of violence, including victims of police violence. The fund should be detached from the criminal justice system and should be developed with input from survivors of violence.

14 Reparations Pilot: System Impacted Families

[PP7] The City of San José will develop a program providing reparations in the form of basic income targeting women of color who have been impacted by the incarceration of a loved one.

13 Guaranteed Basic Income: Survivors of Gender-Based Violence

[PP1] The City of San José will establish a pilot program to provide financial assistance to survivors of domestic violence and other forms of gender-based violence to support them on their path to safety and self-sufficiency.

15 Prevent Exits to Homelessness

[PP 9] The City of San José and other agencies will develop housing and supportive services to ensure individuals leaving jail and prison are not released into homelessness.

- Trauma Relief Fund
- Guaranteed Basic Income: Survivors of Gender Based Violence
- Prevent Exits to Homelessness



Improve Community Conditions

The roots of racialized disparities in community safety and stability can be found in the core conditions facing different neighborhoods for generations. The legacy of racialized land use policies, poor infrastructure investment, minimal social supports, and weak renter protections have created conditions ripe for a predatory and unaffordable housing market. The lack of comprehensive policies and accountability systems for worker protections and equitable taxation have exacerbated economic disparities that weaken economic stability for households. The stress of high housing costs and poor wages directly impacts the safety of community members who live in overcrowded conditions, and have to work unsustainable hours to the extent that cannot contribute to the fabric of their neighborhoods.

IMPROVE COMMUNITY CONDITIONS RECOMMENDATIONS

The City has the opportunity, authority and responsibility to take meaningful action to address key issues of housing affordability and wages, while also generating additional funding to invest in correcting inequities to make our communities safer. RiPS further recommends that the City engage in a community visioning process to develop approaches to safety and stability that do not rely upon law enforcement.

- Housing, Wages, Resources
- Campaign Zero

16 Affordable Housing
 [PP3] The City of San José will advance policies and funding that stabilize renters, preserve and increase the supply of affordable housing, such as rental subsidies and income supports, the Community Opportunity to Purchase Act, Commercial Linkage fee program, and SB9 implementation.

17 Living Wage/Wage Theft
 [PP10] The City of San José will increase the minimum wage in alignment with the levels of nearby municipalities and strengthen capacity for enforcement.

18
 [PP10] The City of San José will strengthen efforts to fight wage theft by revoking permits, contracts, licenses and other City agreements with businesses with unpaid wage theft judgements, including a Responsible Contracting Ordinance.

19 Resources
 [PP4] The San José City Council will place on the ballot an initiative to modernize the business tax, by levying a tax on the income of large businesses in San José, rather than a calculation based on the number of employees. Proceeds from the tax would be used to support initiatives to make vulnerable communities safer.

20 Campaign Zero
 [PP11] The City of San José will initiate a visioning process to identify strategies to ensure our communities are safer by addressing root causes of inequities, violence, and trauma, including benchmarks of success driven by community voices.



Civilian Oversight & Accountability

CIVILIAN OVERSIGHT AND ACCOUNTABILITY RECOMMENDATIONS

Sense of Policing

San José People's Budget Survey



Police in San José has some serious problems, requiring major reform and shifting some resources to other agencies to restore public safety.

Police in San José has some problems, but they are caused by individual bad actors, so major reforms are not necessary. Don't know.

Police in San José is working well and does not need reform.

77% of respondents to the People's Budget Survey believe San José has problems with policing, with a majority believing it's bad enough to require major reform.

The City of San José has an opportunity to strengthen civilian oversight of policing and transparency in disciplinary processes.

Despite some concerns of additional costs associated with several proposals for civilian oversight, RIPS members researched models of civilian oversight and accountability and largely concurred with recommendations made by the Charter Review Commission for an Independent Office of Investigation, a Public Safety Oversight Commission and an Office of Inspector General. Such systems can place San José within the mainstream of larger municipalities in the United States.

Other key concerns involve the lack of transparency in disciplinary policies involving law enforcement. The current system of binding arbitration presents enormous challenges for City and SJPD leadership to effectively and expediently address misconduct. In the absence of such reform, more public transparency is necessary such as full and immediate implementation of state reforms meant to shine a light on the history of incidents, complaints, investigations and disciplinary records of law enforcement.

Furthermore, RIPS echoes sentiments shared in Pillar 1 of the 21st Century Policing report calling for better measurement, data collection, and access to information on calls for service, uses of force, and complaints. Overall, these proposals are important steps to ensure San José is a leader in achieving highest standards for transparency and gives community and civilian oversight the tools for accountability.

Civilian Oversight

- 21** [ACC10] The San José City Council will place on the ballot an initiative to establish an Independent Office of Investigation external to the Police Department charged with fully investigating incidents of police misconduct and police shootings.
- 22** [ACC10] The San José City Council will place on the ballot an initiative to establish a Public Safety Oversight Commission to oversee policing policies, practices, training, and investigations of police misconduct.
- 23** [ACC10] The San José City Council will place on the ballot an initiative to establish an Office of Inspector General to review policing systems, patterns, practices, policies, and training.

Transparency

- 24** [ACC2] The City of San José will end binding arbitration in the disciplinary and termination process for police officers.
- 25** [ACC2] As the City works to end binding arbitration through negotiation and state legislation, the City will improve the disciplinary and termination process by making decisions by an arbitrator free and open to the public, improve the arbitrator selection process, limit the scope of the arbitrator's review, and allow the City the right to appeal to a state court.
- 25** [ACC6] The City of San José will fully implement SB 1421 and prioritize release of disciplinary records of all officers involved in critical use of force incidents.
- 26** [ACC17] The City of San José will modernize information technology, data collection and reporting practices. SJPD will prioritize data management practices and staffing infrastructure to ensure ongoing public access to data on calls for service, use of force incidents, and misconduct complaints.

- Independent Investigation
- Civilian Oversight Commission
- Inspector General
- Arbitration



Police Conduct

POLICE CONDUCT RECOMMENDATIONS

RIPS committee members heard testimonies of community members who have been deeply impacted by police conduct, including the tragic loss of civilian life at the hands of police. The effect on loved ones of such trauma cannot be underestimated, and therefore the committee placed great scrutiny on the policies, practices, and consequences placed on law enforcement in drafting recommendations for consideration.

Starting with proposals such as police providing information on individual due process rights before conducting a search, and zero tolerance policies for white supremacy and extremist activity on social media could serve to establish trust with communities that are wary of their interactions with and the biases of law enforcement. Developing trauma-informed protocols and training can improve outcomes in calls for service involving survivors of domestic violence.

There are several recommendations on the treatment of family members of an individual involved in a critical incident and the consequences on police involved such incidents. The experience of community members is that law enforcement has often attempted to shape the public narrative involving such incidents, seeking and sharing limited and denigrating information on individuals, edited footage, and protecting and obfuscating the history and conduct of police involved. These recommendations along with several on body worn camera footage are offered to ensure that fair and impartial treatment of all parties is centered in even the most tragic of circumstances. Furthermore, when police fail to utilize body worn cameras, the preponderance of guilt should be shifted to them in critical incidents.

Search

27 (ACC9) The City of San José will change its policy to require all SJPD officers to provide their name, badge number, and a card with instructions for filing a complaint to the civilian oversight structure before conducting a search.

Critical Incidents

28 (ACC7) The City of San José will change its policies following critical incidents involving the treatment of family members and public information on those involved in such incidents. Families will not be interrogated in the first 24 hours after an incident. No public or private discussions will be held with press or community about those involved, such as sharing mugshots, previous history of involvement in the criminal justice system, or edited footage seeking to shape the public narrative. The City will release unedited body cam footage to the public without captions, audio commentary, or copyrighted music.

29 (ACC7) The City of San José will release the disciplinary records of all officers involved in critical incidents.

30 (ACC5) The City of San José will change its policy to place police officers on leave without pay after a first critical incident triggering an investigation.

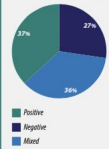
31 (ACC5) The City of San José will change its policy to immediately remove officers who have committed multiple critical incidents.

32 (ACC5) The City of San José will change its policy to initiate mandatory drug testing of officers involved in critical use of use force cases.

33 (ACC5) The City of San José will change its policy to require officers to carry their own personal excessive force insurance.

Experiences with Police

San José People's Budget Survey



- Search
- Critical Incident: Families
- Drug Testing



Personnel

PERSONNEL RECOMMENDATIONS

San José must create an inclusive, equitable, and diverse workforce that can attract law enforcement personnel that better reflect and respond to the needs and challenges facing San José residents.

According to the July 2019 United States Census population estimates, the ethnic breakdown for the City of San José is: 35% Asian, 32% Hispanic or Latino, 26% White, 3% African American, and 4% other. However, according to the SJPD 2021 Recruitment and Hiring Activity Annual Report, the department is over represented by White officers (39%) and under represented in AAPI (14.5%) and Hispanic/Latinx (23.7%) officers.

During listening sessions with the community, RIPS members were told that many residents feel that SJPD's training in handling crisis intervention and interactions with the disability community is ineffective. RIPS members surfaced several personnel related recommendations to encourage the development of a more diverse, well-trained, and community oriented police force.

Discriminatory Behavior

38 [ACC3] The City of San José will implement a study of SJPD to address discriminatory behavior in the department and make recommendations on potential reorganization and accountability.

Training

39 [ACC18] The City of San José will adopt enhanced training to law enforcement provided by members of the community from underserved communities, those impacted by police violence, disability rights organizations, and youth.

40 [ACC11] The City of San José will evaluate and revamp CIT training for law enforcement to ensure officers can recognize and practice responses to individuals with multiple, overlapping disabilities, working with local and national organizations. CIT training will be required every 2 years. CIT will also include trauma-informed training on domestic violence and caregiver abuse response.

41 [ACC13] The City of San José will enhance training officer qualifications to ensure they have no resident complaints against them, and they are screened for conscious and unconscious bias. Officers must receive training on adult learning theory, history of marginalized communities in San José, and ableism. Training officers will be evaluated on the performance of officers they have trained.

Hiring

42 [ACC8] The City of San José will require SJPD to develop and publicly report a strategy and timeline for their diversity, equity, and inclusion goals in hiring and retention of police officers and leadership to the extent allowable by law.

43 [ACC22] The City of San José will concentrate recruitment efforts for police officer hiring in San Jose neighborhoods to better represent the diversity of the city.

44 [ACC23] The City of San José will prioritize the hiring of more police officer candidates from San José, through preference points, incentive pay upon hiring, and potentially additional monetary compensation for housing. Candidates should have a letter of support from a community group or organization.

45 [ACC20] The City of San José will involve qualified residents of San José in the police officer hiring process to assist with interviewing and evaluating potential candidates to select those who exhibit the character and qualities the residents want in a police officer.

Community Engagement

46 [ACC19] The City of San José will prioritize community engagement on the part of police officers by establishing more engagement expectations, requiring completion of 60 hours of community engagement per year, providing community sensitivity training developed in concert with community members, and ensuring police officers serve a minimum of 2 years per assignment to a patrol district.

- Training
- Hiring



Enforcement

ENFORCEMENT PRIORITIES RECOMMENDATIONS

The role of police as first responders can be crucial determinant to how the criminal justice system disproportionately impacts key populations in our community. If police are the responders to concerns involving people who are unhoused, the cascading consequences of citations, fines, or incarceration may only further exacerbate their destitution and create barriers to long-term stability. Prioritization of drug enforcement for those who need treatment seldom resolves the underlying challenges they face. For youth and families, the nature of police intervention may have long term social consequences.

Police presence and involvement in schools has been demonstrated to contribute to the school to prison pipeline. The Child Protective Services system has proven to disproportionately target low-income families of color, resulting in family separations that have long term consequences. Each of these populations require specific resources and interventions that law enforcement are not equipped to provide. Therefore, RIPS members recommend that the City revise enforcement priorities and partnerships with other institutions such as the County of Santa Clara and school districts to devise new protocols and resources available to better address the needs of these impacted constituencies.

Criminalization of Homelessness

47 [PP6] The City of San José will end enforcement of laws, citations, and fines that target people who are unhoused and redirect resources to support housing, safe parking locations, and supportive services to them.

School Partnerships

48 [PP13] The City of San José will end the School Resource Officer programs with local schools. The City should invest in restorative justice programming and alternative unarmed safety / security responses for schools.

Child Protective Services

49 [PP14] The City of San José will identify policies and practices that minimize child separation in investigations of alleged abuse working with the County of Santa Clara.

Harm Reduction in Drug Enforcement

50 [PP15] The City of San José will study the enforcement priorities and expand harm reduction strategies for individuals struggling with addiction in partnership with the County of Santa Clara.

• Criminalization of Homelessness



Conclusion

- Urgency & Opportunity: **Change**
- Centering Community: **Lived Experience**
- We need the right person for the right job: **Partners**
- Address root causes: **Trauma**
- System has to be held accountable: **Policy & Oversight**
- Next Steps: **Action Plan**



Questions?

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