



# Memorandum

**TO:** PUBLIC SAFETY, FINANCE AND  
STRATEGIC SUPPORT COMMITTEE

**FROM:** Anthony Mata  
Zulma Maciel

**SUBJECT:** SEE BELOW

**DATE:** September 12, 2023

Approved

Date 9/12/2023

**SUBJECT: RESPONSE TO REPORT – SAN JOSE POLICE DEPARTMENT DATA ANALYSIS AND GENDER ACTION PLAN BY THE SOCIAL JUSTICE AND INNOVATION RESEARCH LAB, ASKEW SCHOOL OF PUBLIC ADMINISTRATION AND POLICY, FLORIDA STATE UNIVERSITY**

## **RECOMMENDATION**

Approve the Police Department’s response to the *San José Police Department Data Analysis and Gender Action Plan* report.

## **BACKGROUND**

On December 19, 2017, the City Council passed the Women’s Bill of Rights, a local ordinance implementing the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>1</sup> This ordinance required a gender analysis of City departments’ programs and policies. It tasked the Human Services Commission with oversight of the implementation. On September 9, 2019, the Human Services Commission voted to have the Police Department (“Department,” hereafter) be the focus of this analysis.<sup>2</sup>

On November 19, 2020, the Human Services Commission selected the Social Justice and Innovation Research Lab in the Askew School of Public Administration and Policy at Florida State University to conduct the analysis.<sup>3</sup> The project began on July 1, 2021, resulting in the report entitled *San José Police Department Data Analysis and Gender Action Plan* (“the Report,” hereafter). This report is included with this memorandum as Attachment A. The report contains 18 distinct recommendations between two categories: Data Collection and Management, and Policy. The Department reviewed the Report and is providing the following responses to the recommendations contained therein.

<sup>1</sup> Details from this meeting may be found here:

<https://sanjose.legistar.com/MeetingDetail.aspx?ID=565914&GUID=A086012B-02FB-4ECC-AA84-FC17B38B00A4>

<sup>2</sup> Details from this meeting may be found here:

<https://sanjose.legistar.com/MeetingDetail.aspx?ID=719266&GUID=319866A2-C024-4B99-8E6B-B18F09EE34C4>

<sup>3</sup> Details from this meeting may be found here:

<https://sanjose.legistar.com/MeetingDetail.aspx?ID=816375&GUID=6F514281-D7AF-4186-98EE-DF1A2CDD01C6>

## **ANALYSIS**

This memorandum lists the Department's response to each of the report's recommendations, using the green, yellow, and red light priority framework to illustrate the Department's capacity for each recommendation's workload demands. A projected target completion date is provided for each recommendation.

### ***Data Collection and Management Recommendations (Report page 16)***

**Recommendation #1: Begin Digitizing All Records – Best practice moving forward is to ensure that all personnel records are being digitized – backup paper records can be kept and are at most locations that have switched to digital or at minimum a hybrid option.**

Response – The Department agrees with this recommendation. Currently, most personnel records are digitally stored and searchable. For example, PeopleSoft contains personal demographics including residency information, classification, time in a classification, years of service, salary, etc. Likewise, IAPro contains allegations of misconduct and disciplinary information.

The Department is currently working to close the remaining gaps in digitized records. The Department is in the process of working with the Office of Employee Relations to automate annual performance appraisals. Similarly, the Department received funding in the 2023-2024 Operating Budget to implement a software solution that will effectively track training, identify deficiencies and gaps, ensure equitable training to all Department members, and quickly provide information when asked about a specific Department member's training history. The software will seamlessly communicate with the current Field training Program system to include Department member's complete training profile, from the Academy entry through field Training and in-service to track, source and aggregate training records. This project is expected to be completed in January 2024.

GREEN – The Department has begun the process of automating performance appraisals and implementing a software solution to track training. This recommendation is in process. The projected target completion of this recommendation is January, 2024.

**Recommendation #1.a.: To the extent possible, SJPD should collect workforce records retrospectively and organize these records by year rather than only storing information about current employees organized by employee positions across time. This will allow SJPD to establish long-term goals for intersectional gender workforce equity and the ability to monitor and evaluate progress towards those goals over time.**

Response – The Department agrees with this recommendation. However, retrospective collection, digitization, and analysis of personnel records is time and personnel intensive and is currently outside of the Department's resources and staffing.

YELLOW – The Department is unable to complete this within its current workload and staffing. This portion of the recommendation will be evaluated through the budget process, in the context of the City's overall fiscal condition and other Departmental program needs.

**Recommendation #1.b.: SJPD should store information about current employees, unfilled positions, and employees exiting SJPD for all units. These data can be gathered annually. SJPD can use these data to understand any problematic cultures within units that could discourage intersectional gender minorities from seeking positions within those units.**

Response – The Department agrees with this recommendation. The Department will develop a public-facing portal outlining the following:

- Current Department staffing and vacancies
- Demographics of all current Department members
- Demographics of current Department members by rank

The demographics on this public-facing portal will include self-reported gender identity and ethnicity. The information will be available to the public via the Department’s website.

GREEN – The Department will begin working on this recommendation. The projected target completion of this recommendation is December 2023.

The following types of criteria will require additional research and analysis because they are not stored in a single location and are not collected in a manner that would satisfy the description. For example, the Department collects when members leave assignments and the type of assignments they vacate. However, the Department does not collect a listing of people leaving assignments in a given year, by the date they left the assignment.

- Demographics of current Department members by assignment
- Demographics of all Department members who left during the year
- Demographics of Department members who left during the year by rank
- Demographics of Department members who left during the year by assignment
- Demographics of Department members entering each unit
- Demographics of Department members leaving each unit

YELLOW – The Department is unable to complete this research and analysis within its current workload and staffing. This portion of the recommendation will be evaluated through the budget process, in the context of the City’s overall fiscal condition and other Departmental program needs.

**Recommendation #1.c.: SJPD should allow employees to report their gender identity to be linked to their employment record so that SJPD can effectively track gender equity across the units of the department.**

Response – PeopleSoft recently added an optional feature that allows each employee to self-report their gender identity.

COMPLETED – This recommendation is completed.

**Recommendation #1.d.: Employment training and development should be connected with employment records so human resources can be reallocated during times of crisis (such as COVID-19) based on the knowledge, skills, and abilities of those human assets.**

Response – The Department agrees with this recommendation. The Department identified a software solution to connect employment records with training records. As noted in the response to Recommendation #1, the Department received funding to implement this software solution in the 2023-2024 Operating Budget.

GREEN – The Department is working on this recommendation. The projected target completion of this recommendation is June 2024.

**Recommendation #1.e.: Employment pay rate or salary should be connected with anonymous employment records so that the department can identify and correct any pay disparities across intersectional groups.**

Response – Using existing City records maintained in PeopleSoft, each employee’s current salary, classification, and self-identified gender and/or race can be queried. The data can then be anonymized and assessed for pay disparities.

The City’s Pay Plan<sup>4</sup> identifies a minimum and maximum rate of pay for every City classification and employee is paid within the established range for their classification.

An initial rate of pay is determined upon hire or promotion into a new classification. Generally speaking, sworn employees are hired or promoted at the same rate of pay except in the case of lateral transfers from other agencies, in which case their prior experience is taken into consideration when setting their initial rate of pay.

Pay is increased within the established salary range through automatic salary step increases. Automatic salary step increases are received annually, until an employee reaches the maximum rate of pay for the classification, unless the employee has an annual performance appraisal with an overall rating below “meets standard,” dated within twelve months prior to the step increase.

COMPLETED – This recommendation is completed. The Department will continue to monitor employment records to ensure there are no pay disparities across intersectional groups.

**Recommendation #2: Optimize digital records’ availability to the public - All data should be available to the general public to establish a better sense of accountability with the general public.**

Response – The Department agrees with this recommendation. As outlined in Recommendation #1.b. above, the Department will produce a public-facing portal with demographics.

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<sup>4</sup> <https://www.sanjoseca.gov/home/showpublisheddocument/33330/637940772464523382> (December 11, 2022 version)

GREEN – This recommendation is in process. The projected target completion of this recommendation is December 2023.

***Policy Recommendations (Report page 33)***

**Recommendation #3: Revamp and codify improved annual performance appraisal process, ensuring unit-specific metrics are added that the process happens uniformly throughout the department.**

Response – The Department agrees with this recommendation. The Department is working with the Office of Employee Relations to automate annual performance appraisals. Uniformity of performance standards and consistency in evaluation of Department members is a priority in designing the new process.

GREEN – This recommendation is in process. The projected target completion of this recommendation is May 2024.

**Recommendation #4: Increase training opportunities and tie participation to performance appraisals.**

Response – The Department agrees with providing additional training opportunities to personnel. The Department also agrees with documenting any training attended on performance appraisals. However, the Department does not agree with tying participation in training to performance evaluation. The ability to attend training is dependent on numerous work-related factors, including budget, staffing, position, and assignment. It is also tied to factors outside employment including personal responsibilities, childcare, and avocations. As such, Department members' choice to attend non-requisite training opportunities will not be tied to their performance evaluation.

RED – The Department will not implement the recommendation to tie participation in training to performance evaluations. However, the Department will provide additional opportunities for training and a means by which to record participation on the appraisal with the implementation of the new appraisal form outlined in Recommendation #3 above.

**Recommendation #5: Primary trainers and educators should come from within the department when possible.**

Response – Currently, 52 of 63 (83%) Police Academy instructors are Department members. Every instructor for required Peace Officer Standards and Training (POST) Continuous Professional Training is a Department member. When there are special needs classes, such as educating all command staff in the Incident Command System, the Department sends a member of the Training Division to a train-the-trainer course, and the instruction is performed in-house. Department members are encouraged to seek outside training opportunities, such as interview and interrogation, investigations, tactics, and best practices. In doing so, Department members receive outside perspectives and practices that are brought back to improve Departmental operations.

COMPLETED – This recommendation is completed.

**Recommendation #6: Discipline employees for gender bias/hostile environment through established disciplinary procedures.**

Response – City Policy Manual section 1.1.1 (Discrimination and Harassment)<sup>5</sup> provides the City’s policy on gender bias and hostile work environments. Per the policy, “City employees who violate this policy are subject to disciplinary action up to and including termination from City service.”

In addition, Duty Manual section C 1311 states,

“The City of San José does not tolerate illegal discrimination or harassment and is committed to providing a work environment free of discrimination and harassment. All Department members are expected to be familiar with and comply with the City's Harassment and Discrimination Policy under City Policy Manual section 1.1.1... Department members who violate the City's Discrimination and Harassment Policy are subject to disciplinary action, up to and including termination.”

When the City is aware of a potential violation of the City’s Discrimination and Harassment Policy, an investigation into the allegation is conducted. If a violation is substantiated, appropriate action is taken in accordance with the City’s Discipline Policy.<sup>6</sup>

COMPLETED – This recommendation is completed.

**Recommendation #7: Implement a zero tolerance policy for retaliation for reports and actually follow through on disciplining employees for retaliation.**

Response – City Policy Manual section 1.1.4 (Non-Retaliation Policy)<sup>7</sup> provides the City’s policy on retaliation for reports of workplace concerns regarding alleged violations of City policy or local, State or Federal law. Per the policy, “Disciplinary action, up to and including termination, will be taken against an employee who is found to have violated this Non-Retaliation Policy.”

In addition, Duty Manual section C 1313 states,

“Retaliation or reprisals against witnesses or employees who in good faith file harassment or discrimination complaints or provide information in an investigation are not tolerated. Intentionally making a false report or providing false information is cause for discipline. Department members who violate the City's Non-Retaliation Policy are subject to disciplinary action, up to and including termination. Please refer to the City's Non-Retaliation Policy under section 1.1.4 of the City Policy Manual for further information.”

When the City is aware of a potential violation of the City’s Non-Retaliation Policy, an investigation into the allegation is conducted. If a violation is substantiated, appropriate action is taken in accordance with the City’s Discipline Policy<sup>8</sup>.

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<sup>5</sup> <https://www.sanjoseca.gov/home/showpublisheddocument/17863/637139240864900000>

<sup>6</sup> <https://www.sanjoseca.gov/home/showpublisheddocument/17861/637141846902170000>

<sup>7</sup> <https://www.sanjoseca.gov/home/showpublisheddocument/17945/637139244993230000>

<sup>8</sup> <https://www.sanjoseca.gov/home/showpublisheddocument/17861/637141846902170000>

COMPLETED – This recommendation is completed.

**Recommendation #8: Create a mentorship program for women and gender minorities so they can continue to rise in leadership.**

Response – The Department participates in the City of San José mentorship program. The Department will continue to promote and encourage participation in the mentorship program for all employees, including women and gender minorities.

COMPLETED – This recommendation is completed.

**Recommendation #9: Relocate the department’s current mental health office (ideally offsite) and further invest in its staffing and resources.**

Response – The Department agrees with this recommendation.

YELLOW – The Department is unable to complete this recommendation within its operating budget. This recommendation will be evaluated through the budget process, in the context of the City’s overall fiscal condition and other Departmental program needs.

**Recommendation #10: Increase recruitment and selection efforts of men civilian employees.**

Response – Pursuant to Article 1, Section 31 of the California Constitution, the City cannot discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment. However, the Department is committed to implementing an inclusive recruiting strategy that welcomes applicants of all genders through diverse outreach and advertising.

RED – This recommendation cannot be completed due to restrictions imposed by California law. However, as noted above, the department is committed to implementing an inclusive outreach strategy.

**Recommendation #11: Increase recruitment and selection efforts of women sworn officers to strive for gender parity among sworn officers.**

Response – Pursuant to Article 1, Section 31 of the California Constitution, the City cannot discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment. However, the Department is committed to implementing an inclusive recruiting strategy that welcomes applicants of all genders through diverse outreach and advertising. To that end, in the past few years, the Department has held multiple recruiting events which were staffed almost entirely by female members

of the Department. During these events, female officers and other female Department members interacted with members of the community and discussed employment opportunities for women in the San José Police Department. The Department is committed to continuing these efforts to recruit a diverse workforce.

RED – This recommendation cannot be completed due to restrictions imposed by California law. However, as noted above, the department is committed to implementing an inclusive outreach strategy.

**Recommendation #12: Increase resident engagement by reinstating programs like Citizen’s Academy, school-based partnership programs, and youth camping programs, among others.**

Response – The Department agrees with this recommendation. The Department currently operates the TEAM (Together Empowering and Mentoring) Kids program for middle-school children. Additional school-based partnership programs are in place through the School Liaison Unit and the Department is implementing another STAR (Strength, Truth, Achievement, Respect) Camp in fall 2023. Additionally, the Department is in the process of developing a comprehensive community outreach plan, which is expected to be completed in January 2024.

GREEN – This recommendation is in process. The projected target completion date for the Community Outreach Plan is January 2024.

**Recommendation #13: Institutionalize and fund resident engagement programs such as Coffee with a Cop, Boba with a Cop, and others so they are consistently executed and not dependent on grant funding.**

Response – The Department agrees with this recommendation.

YELLOW – The Department is unable to complete this recommendation within its operating budget. This recommendation will be evaluated through the budget process, in the context of the City’s overall fiscal condition and other Departmental program needs.

**COORDINATION**

This memorandum was coordinated with the City Attorney’s Office, the City Manager’s Budget Office, and the Office of Employee Relations.

/s/  
ANTHONY MATA  
Chief of Police

/s/  
ZULMA MACIEL  
Director, Office of Racial Equity

For questions, please contact Deputy Chief Heather Randol, San José Police Department, Bureau of Administration at [heather.randol@sanjoseca.gov](mailto:heather.randol@sanjoseca.gov).

**Attachment:**

Attachment A: San José Police Department Data Analysis and Gender Action Plan