

Fw: City Council Agenda Items 4.2, 4.3, 4.4, September 15, 2020

City Clerk

Tue 9/15/2020 11:51 AM

To: Agendadesk <[REDACTED]>

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

How is our service? [Please take our short survey.](#)

From: Chester Peterson <[REDACTED]>

Sent: Tuesday, September 15, 2020 11:23 AM

To: City Clerk <[REDACTED]> District5 <[REDACTED]> Carrasco, Magdalena

<[REDACTED]>
Subject: Re: City Council Agenda Items 4.2, 4.3, 4.4, September 15, 2020

[External Email]

Dear Councilmember Carrasco,

We the **Beloved Community Team of PACT** ask you to incorporate our responses to Agenda Items 4.2, 4.3, and 4.4 into your discussion at today's City Council meeting. After six years of researching, organizing, and building relationships for best practices in public safety in our city, we have serious concerns that impact trust and safety in the community:

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4.3: Banning Use of Rubber Bullets

We unequivocally support a **full ban on the use of rubber bullets** in all situations in our city. A "nonlethal weapon" that can cause life-changing harm to our citizens should not be used under any circumstances.

4.4: Preliminary After-Action Report:

The collective **impact of this report is to undermine community trust.** Here are a few examples of our concerns—the details matter:

a. The SJPD's Lack of Preparedness:

· **Section 2.3, page 26,** recommends “Formalize training to be delivered on a consistent basis during briefing” and “Develop a process by which off-duty officers can be electronically notified of large-scale events to help bolster staffing.” Such basic practices should have been established long ago here in Silicon Valley. Why weren't they?

· **Section 3, page 34,** describes the SJPD's attention to the national protests immediately following the murder of George Floyd. Regardless of the “intelligence received,” why was a thorough Operations Plan not put in place sooner, allowing for all contingencies? Once the Ops Plan was formulated, how was it communicated to the rest of staff and officers? Please see our concerns in item b below about racialized and incendiary language used to describe protesters.

· **In sum:** As soon as the SJPD saw the video of George Floyd being murdered, their first action should have been to reach out to impacted community groups in San José to build agreements and preparations for the inevitable and justifiable protests. What actions did the SJPD take along these lines? What percentage of SJPD energy went into connecting with the community groups they are called to protect and serve, and what percentage of energy went into preparing for a militarized response to protests?

b. The SJPD's Militarized/Racialized Response

· In **Section 2.5, page 28,** the SJPD describes the departmental practice of “deployment of armored vehicles, overwatch snipers, and tactical REACT teams to crowd control events.” These practices demonstrate the increasing militarization of the police, which creates unbearable fear and distrust in the community. These are not the tools of a democratic society.

· In **Section 2.5, page 30,** the report demonstrates that the SJPD values protecting property over protecting community members. Instead of establishing “zero tolerance for violence,” SFPD officers should be trained in the most advanced nonviolent de-escalation techniques and that training reinforced throughout their service.

· In **Section 3,** the report refers to protesters in other cities as “domestic terrorists” and elsewhere calls them “looters.” The latter is a racialized term, and both terms are incendiary, communicating to officers that they are going into battle, implicitly granting permission for violent actions. Indeed, such expectations may lead officers to consider any projectile, including a plastic water bottle, to be a dangerous assault. Instead, command staff should have communicated to the officers that their job was to provide safety for the citizens they are called to protect and to create space for the expression of the protesters' constitutional rights.

· In **Recommendation K,** the report speaks of “prisoner processing during large-scale events.” The SJPD calls the protesters whom they arrest “prisoners”? This is another highly racialized and incendiary term.

· **In sum:** The biased attitudes of the SJPD are clearly displayed through the language used here and the practices described. These attitudes and practices guarantee an armed response to protesters, escalating tensions and causing harm to peaceful citizens.

c. The SJPD's Inconsistency in Reporting Accurately Some of the Protests

· In **Section 6,** the report omits that projectiles were deployed at the May 31 protest. Eyewitnesses on our team saw the projectiles being shot, including live

stream documentation. Yet in **Section 16**, the report does list several types of projectiles deployed that day. The “hiding” of these actions to the very end erodes trust in the transparency and accountability of the report.

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· SJPD training requires that foam rounds be aimed at the ground and specifies the body areas to aim/avoid (see **Section 16**). Yet some officers on the scene shot directly at the protesters. Such a breach of procedure must not be tolerated.

These are just a **few of the examples we have found in the After-Action Report** that confirm our dismay not only with the actions of the SJPD during the George Floyd protests but with the underlying lack of accountability and transparency in the culture of the San Jose Police Department. **The work that we have put in to build relationships, grow trust, establish policies and procedures to increase transparency, and humanize all participants in our dialogues seems to have had only surface-level success.**

Our Ongoing Demands:

All of these issues represent just a fraction of what needs to happen if we are to accomplish a thorough and effective reimagining of public safety. We continue to call for these changes:

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Thank you for your attention to our concerns. **We appreciate your support and your dedication to the well-being of all the citizens of this city.**

Sincerely,

Chester Peterson


Fw: PACT Beloved Community Team Response to Items 4.2-4.4 TODAY

City Clerk

Tue 9/15/2020 11:55 AM

To: Agendadesk <[REDACTED]>

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor
San Jose, CA 95113
Main: 408-535-1260
Fax: 408-292-6207

How is our service? [Please take our short survey.](#)

From: Harriet <[REDACTED]>
Sent: Tuesday, September 15, 2020 11:52 AM
To: District7 <[REDACTED]>, Esparza, Maya <[REDACTED]>
Cc: City Clerk <[REDACTED]>
Subject: PACT Beloved Community Team Response to Items 4.2-4.4 TODAY

[External Email]

Re: City Council Agenda Items 4.2, 4.3, 4.4, September 15, 2020

Dear Councilmember Esparza,

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Sincerely,
Harriet Wolf



This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Fw:

City Clerk

Tue 9/15/2020 11:54 AM

To: Agendadesk <[REDACTED]>

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200 E. Santa Clara St., Tower 14th Floor
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Fax: 408-292-6207

How is our service? [Please take our short survey.](#)

From: Rowan Fairgrove <[REDACTED]>
Sent: Tuesday, September 15, 2020 11:50 AM
To: Liccardo, Sam <[REDACTED]> District3 <[REDACTED]> City Clerk
<[REDACTED]>
Subject:

[External Email]

Dear Mayor Liccardo and Councilmember Peralez,

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Sincerely,

Rev. Rowan Fairgrove

[Redacted signature line]

[Redacted signature block]

Fw: Urgent: Beloved Community Team's Response to Items 4.2-4.4 on Today's City Council Agenda

City Clerk

Tue 9/15/2020 11:54 AM

To: Agendadesk <[REDACTED]>

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

How is our service? [Please take our short survey.](#)

From: Nancy Palmer Jones <[REDACTED]>

Sent: Tuesday, September 15, 2020 11:46 AM

To: The Office of Mayor Sam Liccardo <[REDACTED]> Liccardo, Sam

<[REDACTED]> Nancy Palmer Jones <[REDACTED]> Pereira, Paul <[REDACTED]>

City Clerk <[REDACTED]> Jones, Chappie <[REDACTED]>

Subject: Urgent: Beloved Community Team's Response to Items 4.2-4.4 on Today's City Council Agenda

[External Email]

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Sincerely,

Rev. Nancy Palmer Jones

[Redacted signature]

[Redacted signature]

Co-author with Karin Lin of *Mistakes and Miracles: Congregations on the Road to Multiculturalism*

Available at:

<https://www.uuabookstore.org/Mistakes-and-Miracles-P18521.aspx>

"Justice is what love looks like in public."

-- Cornel West

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Fw: TODAY'S City Council Agenda Items 4.2, 4.3, 4.4 Sept. 15, 2020

Pereira, Paul

Tue 9/15/2020 12:25 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>;

Paul Pereira
Office of Mayor Sam Liccardo

Please consider the environment before printing this email

From: Lareen Jacobs [REDACTED] >
Sent: Tuesday, September 15, 2020 12:01 PM
To: Liccardo, Sam [REDACTED] >; The Office of Mayor Sam Liccardo
[REDACTED] >
Cc: Pereira, Paul <[REDACTED]>; Taber, Toni <[REDACTED]>
Subject: TODAY'S City Council Agenda Items 4.2, 4.3, 4.4 Sept. 15, 2020

[External Email]

Tuesday, September 15, 2020

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- **Section 3, "'Intelligence Before Protests Began" (p. 34)** In the last paragraph of this section (p. 36) "While the Dept. was aware of these events happening throughout the country, there was no specific intelligence the protest planned for May 29th would become a large scale incident". This describes the SJPD's attention to the national protests immediately following the murder of George Floyd. Why, then, was a thorough Operations Plan not put in place sooner, allowing for all contingencies?
-
- **In sum:** As soon as the SJPD saw the video of George Floyd being murdered, their first action should have been to reach out to impacted community groups in San José to build agreements and preparations for the inevitable and justifiable protests. What actions did the SJPD take along these lines? What percentage of SJPD energy went into connecting with the community groups they are called to protect and serve, and what percentage of energy went into preparing for a militarized response to protests?

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- In Section 6, **the report omits that projectiles were deployed at the May 31 protest.** Eyewitnesses on our team saw the projectiles being shot, including live stream documentation. Yet, in **Section 16**, the report does list several types of projectiles deployed that day. The “hiding” of these actions to the very end erodes trust in the transparency and accountability of the report.

D - The SJPD’s Failure to Follow Established Procedures

- SJPD training requires that foam rounds be aimed at the ground and specifies body areas to aim/avoid for other projectile rounds (see **Section 16**). **Some officers on the scene shot directly at the protesters. Such a breach of procedure must not be tolerated.**

These are just **a few of the examples we have found in the After-Action Report** that confirm our dismay not only with the actions of the SJPD during the George Floyd protests but with the underlying lack of accountability and transparency in the culture of the San Jose Police Department. **The work that we have put in to build relationships, grow trust, establish policies and procedures to increase transparency, and humanize all participants in our dialogues seems to have had only surface-level success.**

Our Ongoing Demands:

All of these issues represent just a fraction of what needs to happen if we are to accomplish a thorough and effective reimagining of public safety. We continue to call for these changes:

- **Community engagement in the hiring of SJPD’s new chief:** from the revision of the job description to match 2020 awareness; to a nationwide search for a new chief; to community representation on the hiring panels and more
- **A commitment at all levels of SJPD and City governance to the condemnation and elimination of racist ideas, language, and behavior in our police department: City officials must commit to establishing criteria that define racist actions in police officers, to firing of officers whose actions fit that criteria, and to inscribing these criteria into all upcoming contracts with the POA so that these officers cannot be rehired.**
- **The strengthening of the Independent Police Auditor’s role** to allow for independent civilian investigation of police actions and misconduct

Thank you for your attention to our concerns. **We appreciate your support and your dedication to the well-being of all the citizens of this city.**

Sincerely,
Lareen Jacobs



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From: kathryn hedges [REDACTED]
Sent: Tuesday, September 15, 2020 6:55 PM
To: CouncilMeeting <CouncilMeeting@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>
Cc: Nancy Palmer Jones <[REDACTED]>; Ray Montgomery <[REDACTED]>
Subject: Police Agenda items 4.2-4.4

Dear Mayor and City Council Members:

As a member of PACT's Beloved Community, I strongly urge the Council to adopt the strongest bans on crowd control projectiles and carotid holds or similar holds.

I witnessed parts of the protests over Memorial Day Weekend and I saw SJPD escalating conflict with the crowds instead of de-escalating situations. I know people that SJPD injured with crowd control projectiles. If those can make dents the size of vanilla wafers from 30-50' in the body panels of my car, that's enough force to seriously damage flesh, eyes, etc. I have photos of tear gas canisters that bounced off my car, and I saw flash-bang projectiles going off. After I left the protests, I heard the flash-bangs from my apartment up to a quarter mile away.

I think we need to go further than this agenda item proposes and demilitarize SJPD. Our police need to stop acting like soldiers facing an invading army. But we absolutely need to ban crowd control projectiles and carotid holds.

I am concerned that the police objectify people at the protests; this makes it easy for them to mistreat people. We need to change this attitude.

Kind regards,
Kathryn Hedges