



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Vice Mayor Chappie Jones

**SUBJECT: ROLES IN THE CRIMINAL
JUSTICE SYSTEM**

DATE: November 15, 2022

Approved: Chappie Jones

Date 11/15/2022

RECOMMENDATION

Direct City Manager to coordinate with county agencies on the following actions:

1. Engage with the Sheriff's Office, Pre-Trial Services, the District Attorney's Office as well as a representative from the Judicial branch to investigate how high bail should be, and to communicate the need for keeping a subject in custody.
2. Engage with the Sheriff's Office, Pre-Trial Services, the District Attorney's Office and the Public Defender's Office to understand under what circumstances, and what factors are taken into consideration when an arrestee is released on their own recognizance.
3. Engage with the District Attorney, the Public Defender, and a representative from the Judicial Branch to understand the impact of the Humphrey Decision.
4. Engage with Behavioral Health Services, Probation and Reentry Services to understand how law enforcement may better assist persons who do not meet the criteria for 5150 W&I, suffer from mental illness, are chronic substance abusers, whose conduct is repeated and problematic and refuse services.
 - a. Investigate the need to also involve additional County partners, as well as Social Services and Veterans Services as appropriate.

Return to PSFSS with a report on their findings based on recommendations 1-4 by April 2023.

BACKGROUND

On September 8, 2022 the County's Public Safety and Justice Committee and the City of San Jose's Public Safety, Finance, and Strategic Support Committee met through a joint meeting to discuss coordination between the City and County on processes through which arrestees are either detained in jail or released to the community. In addition to this both the City and County reviewed mental health crisis response.

Through the presentations from the County and City agencies it is apparent that our local criminal justice system is complex, multifaceted, and highly regulated by constitutional law,

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state statutes and local policy. The County and the City have a longstanding history of coming together to address challenges through a working partnership. It is clear that there are numerous areas where we must clarify and improve our procedures by engaging with key stakeholders including the District Attorney, Sheriff, Public Defender, Pretrial Services, Reentry Services, Judicial Branch, Behavioral Health and more. The recommendations outlined in this memorandum are a starting point for a discussion that is imperative to the continued success and operation of our San Jose Police Department.