

Council Policy Prioritization: Early Consideration Response Form

Department	<u>Police Department</u>	Rules Date	<u>11/30/2022</u>	Item	<u>C.2</u>
Department Rep. Name/Ext.	<u>Anthony Mata, Chief of Police</u>	Council Member Sponsorship	<u>Vice Mayor Jones</u>		
Policy/Ordinance Subject	<u>Roles in the Criminal Justice System</u>				

Staff Recommendation													
<input checked="" type="checkbox"/> GREEN Adopt based on tradeoffs outlined on next page				<input checked="" type="checkbox"/> YELLOW Refer to Priority Setting or to Budget Process				<input type="checkbox"/> RED Recommend Council not adopt nominated idea				<input type="checkbox"/> NEEDS CLARIFICATION OR MORE TIME TO EVALUATE	
Staff Evaluation													
Is this aligned with City Roadmap?				Is this already underway in a Department work plan?				Is this time critical or an emergency?				Will this require substantial resources, staffing, budget, or strategic support?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Criterion to Determine Scale of Project Complexity													
Project complexity is determined by scoring the project in each of the 3 criteria below and then summing the score.													
a. Low Complexity is a sum of 6 or less. b. Medium Complexity is a sum of 7 – 9. Total Score = 5 c. High Complexity is a sum of 10 or greater.													
Scoring Criterion			Low Complexity				Medium Complexity				High Complexity		
	Estimated Duration		6 – 9 months <input checked="" type="checkbox"/> = 1				9 - 18 months <input type="checkbox"/> = 2				More than 18 months <input type="checkbox"/> = 3		
	(Internal)		Can Easily be Absorbed into Existing Work Plan <input checked="" type="checkbox"/> = 1				Planned Work (Future) <input type="checkbox"/> = 2				Work Not Currently Proposed <input type="checkbox"/> = 3		
			Have staff with required skillset/knowledge <input checked="" type="checkbox"/> = 1				Have staff with required skillset/ requires moderate research <input type="checkbox"/> = 2				Do not have staff with required skillset/requires significant research <input type="checkbox"/> = 3		
			Less than or equal 2 staff required <input type="checkbox"/> = 1				3 - 4 staff required <input checked="" type="checkbox"/> = 2				More than 5 staff required <input type="checkbox"/> = 3		
(External)		1 Additional Department <input type="checkbox"/> = 1				2 Other Departments Involved <input type="checkbox"/> = 2				3 or more Departments Involved <input type="checkbox"/> = 3			
DEPT. Required	<input type="checkbox"/> Airport	<input type="checkbox"/> Auditor	<input type="checkbox"/> CMO	<input type="checkbox"/> CMO – Communications	<input type="checkbox"/> OED/CA	<input type="checkbox"/> ESD	<input type="checkbox"/> Fire	<input type="checkbox"/> HR	<input type="checkbox"/> IT	<input type="checkbox"/> PRNS	<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Retirement	
	<input type="checkbox"/> Attorney	<input type="checkbox"/> Clerk	<input type="checkbox"/> CMO – Budget	<input type="checkbox"/> CMO –	<input type="checkbox"/> Community Energy	<input type="checkbox"/> Finance	<input type="checkbox"/> Housing	<input type="checkbox"/> IPA	<input type="checkbox"/> Library	<input type="checkbox"/> PBCE	<input type="checkbox"/> PW	<input type="checkbox"/> DOT	

CMO Approval: /s/ Kip Harkness Date 11/29/2022

Analysis
Explain the rationale for staff recommendation, including any mitigating factors that need to be considered (recent legislative action, significant work plan changes, etc.). Please address the following as well.
<p>GREEN LIGHT: The Administration can implement this Nominated Idea under its current work plan. Item should be sent to Council to add to Department work plan. (1) How will the Idea be approached? (2) If adopted, what is its impact and/or tradeoff to the City Roadmap or to a Department work plan, including strategic support? (3) What is the minimum viable scope to move the Idea forward and reduce its complexity?</p>
<p>In response to items 1, 2, 3, and 4 in the memo, staff recommends setting up two multi-agency work groups to meet, discuss, and advise on each of the questions raised. If the key county partners agree, all items are Green Lit.</p> <p>In addition, the Police Department is currently working with Santa Clara County on two takeaways from the joint meeting referenced in Vice Mayor Jones' memorandum between the Public Safety, Finance, and Strategic Support Committee and the County's Public Safety and Justice Committee meeting on September 8, 2022. First, the Department is collaborating with stakeholders to address revisions to the Affidavit Re: Probable Cause and Bail Setting form. These changes will establish a streamlined and better informed bail setting process. Second, the Department is training personnel on providing more information to advise on factors that would affect bail when booking subjects into jail. A video produced in collaboration between the Bureau of Investigations and the Santa Clara County District Attorney's Office was released to Department personnel on November 28, 2022. That video is also being played at all briefings for patrol personnel.</p> <p>[SEE THE ANALYSIS SECTION BELOW FOR ADDITIONAL INFORMATION]</p>
<p>YELLOW LIGHT: The Administration recommends Council send this Nominated Idea to the Priority Setting Process due to (describe cost implications, workload impacts, or other factors).</p>
<p>If the County or key partners are unable to participate this item would be yellow and staff would not recommend moving forward without their active participation.</p>
<p>RED LIGHT: The Administration recommends Council not adopt this Nominated Idea due to (describe reason implementation would be difficult if not impossible – conflict with other laws, etc.).</p>

Analysis (Continued)

[CONTINUED FROM GREEN LIGHT ABOVE]

Recommendation 1: GREEN - The Police Department will reach out to the County of Santa Clara to make an offer of establishing a work group to address bail in Santa Clara County. The work group would consist of representatives from the following:

- San Jose Police Department
- Santa Clara County Sheriff's Office
- Santa Clara County District Attorney's Office
- Santa Clara County Police Chiefs' Association
- Santa Clara County Pretrial Services
- Santa Clara County Public Defender Office

Topics for discussion for the work group will include:

- Bail limit setting
- The purpose and requirements for keeping a subject in custody
- Changes to existing forms to better inform bail setting
- Changes to policies and procedures to more effectively establish and communicate bail

The work group will meet regularly and will be comprised of individuals with the authority to bring forward substantive changes for review and approval in policies and procedures within their respective organizations.

Recommendation 2: GREEN - As a meeting topic for the work group outlined above, the factors taken into consideration when an arrestee is released on their own recognizance will be discussed. This will include direct input from the Public Defender Office, Judicial Branch, District Attorney's Office, and Pretrial Services.

Recommendation 3: GREEN - As a meeting topic for the work group outlined above, a representative from the Judicial Branch will be brought in to discuss the impact of the Humphrey Decision.

Recommendation 4: GREEN - The Police Department will reach out to the County of Santa Clara to make an offer of establishing a work group to address mental health in Santa Clara County. The work group would consist of representatives from the following:

- San Jose Police Department
- Santa Clara County Sheriff's Office
- Santa Clara County Police Chiefs' Association
- Santa Clara County Behavioral Health Services
- Santa Clara County Probation
- Santa Clara County Diversion and Reentry Services
- Santa Clara County Public Defender Office

Topics for discussion for the work group will include:

- Alternatives to arrest
- Support services and providing resources
- Incorporation of additional intergovernmental, community, and faith based organizations for support

The work group will meet regularly and will be comprised of individuals with the authority to bring forward substantive changes for review and approval in policies and procedures within their respective organizations.

Follow-up: Given the scope of the inter-agency coordination work the Department will be undertaking, staff recommends providing a status report on this effort along with any initial findings through the Police Department Operations and Performance Bimonthly Status Report at the April 20, 2023 Public Safety, Finance and Strategic Support (PSFSS) Committee Meeting, and a final report at the June 15, 2023 PSFSS Committee meeting, in concert with a follow-up report on expenditure of funding in the 2022-2023 Budget for re-arrest of high risk individuals.