From: Caitlyn Ma Sent: Monday, June 8, 2020 1:41 PM

To: City Clerk <city.clerk@sanjoseca.gov>

Subject: City Council Meeting, Agenda Item 3.6 Letter From Public

#### Hello,

My name is Caitlyn and I am a resident of San Jose. I am here to demand that funding is reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut budget towards education, libraries, parks, housing, and transportation while funneling \$5M into improving the San Jose golf courses. It is also an outrage that over 30% of city funding goes towards the Police Department. The SJPD has seen a rise in overtime pay which, more often than not, is paid out to officers responsible for harassing the unhoused, and Black, Indigenous, and people of color.

We stand the calls of those across the country and demand that the City Council defund and disband the SJPD similarly to Minneapolis. We demand a budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time, when livelihoods are on the line. We demand a budget that supports community wellbeing, rather than empowers police.

In the meantime, it is important to ban the use of rubber bullets, tear gas and other means of excessive force as a method of crowd control. The city must recognize that protestors are exercising their first amendment right and should not be met with police violence.

I see that the city council hopes to create a process that includes the community and it starts here, by listening to your community. It is your duty to represent your constituents. I am urging you to completely revise the San Jose city budget for 2020-2021 fiscal year. Public opinion is with me.

Sincerely, Caitlyn From: Melissa Peth

**Sent:** Monday, June 8, 2020 1:53 PM **To:** City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Agenda Item 3.6

Hello,

My name is Melissa Peth and I am a resident of San Jose and teacher at Oak Grove High School. I am writing to request that some police funding, as well as the recent golf course improvement funding, be reallocated toward community improvement. The reinvestment of funds should be representative of the populations in need, and what San Jose needs right now are social workers, counselors, and mental health professionals in schools and the community, community centers for family support and information, and housing for low income residents. Militarizing the police and beautifying golf courses are both not helpful to the at-risk populations of this city.

I also request that the use of rubber bullets, tear gas, and other means of excessive force be banned as methods of crowd control. What happened to Derrick Sanderlin is a tragedy, disgrace, and embarrassment for SJPD. Officers who are unable to control their emotions from running high during a time of civil unrest are not qualified to even hold these weapons, let alone represent the department. In situations in which the police act with force, body camera footage should be immediately released to the public as well.

Please consider the population in which you serve, especially those most in need, when making these decisions.

Thank you, Melissa Peth From: Hadiya Aziz

**Sent:** Monday, June 8, 2020 2:57 PM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda item 3.6

#### Hello,

My name is Hadiya Aziz and I am a resident of San Jose. I am writing to demand that funding is reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut the budget towards education, libraries, parks, housing and transportation while funneling \$5M into improving the San Jose golf courses. It is also an outrage that over 30% of city funding goes towards the Police Department. The system in place is broken - at the expense of your citizens' safety and well-being. We need a new criminal justice structure, inclusive of a robust task force of mental health professionals and social works.

We stand with the calls of those across the country and demand that the City Council defund and disband the SJPD similarly to Minneapolis. We demand a budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time, when livelihoods are on the line. We demand a budget that supports community wellbeing, rather that empowers police.

In the meantime, it is important to ban the use of rubber bullets, tear gas and other means of excessive force as a method of crowd control. The city must recognize that protesters are exercising their first amendment right and should not be met with police violence.

I see that the city council hopes to create a process that includes the community and it starts here, by listening to your community. It is your duty to represent your constituents, I am urging you to completely revise the San Jose city budget for 2020-2021 fiscal year. Public opinion is with me.

From: Jennifer LaBreche

**Sent:** Monday, June 8, 2020 3:05 PM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Letters From the Public Agenda Item 3.6

#### Hello-

My name is Jennifer LaBreche and I am a resident of San Jose. I am a homeowner at 1634 Fairorchard Ave, SJ 95125. I am writing to demand that the funding is reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut budget towards education, libraries, parks, housing, and transportation while funneling 5M into improving the San Jose golf courses. It is also an outrage that over 30% of the city funding goes towards the police dept. THe system in place is broken.

Myself and my family stand with the call across the country and demand the City COuncil defund and disband the SJPD similarly to Minneaplois. We demand a budget that adequately and effectively meets the needs of at-risk San Jose residents forever.

It is also important to ban the use of rubber bullets, tear gas, and other means of excessive force as a method of crowd control. The city must recognise that protestors are exercising their 1st amendment right and should not be met with police violence.

It is your duty to represent your constituents. I am demanding that you revise the San Jose budget for 2020-2021 fiscal year. Public opinion is with me.

I also demand that the police officer, Jared Yuen, be fired from the SJPD for his actions towards protestors.

Thank you, Jennifer LaBreche and Rowell Sotto **From:** raxoxaku@yahoo.com

**Sent:** Monday, June 8, 2020 4:04 PM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Public Comment for City Council Meeting Tuesday 6/9/2020 Agenda Item 3.6

Hello,

My name is Elizabeth and I am a resident of San Jose. I am here to demand that funding is reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut budget towards education, libraries, parks, housing, and transportation while funneling \$5M into improving the San Jose golf courses. It is also an outrage that over 30% of city funding goes towards the Police Department. The SJPD has seen a rise in overtime pay which, more often than not, is paid out to officers responsible for harassing the unhoused, and Black, Indigenous, and people of color.

I stand with others across the country and demand that the City Council defund and disband the SJPD, as the Minneapolis City Council vowed to do with theirs. I demand a city budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time, when livelihoods are on the line. I demand a budget that supports community wellbeing, rather than empowers police.

In the meantime, it is important to ban the use of rubber bullets, tear gas and other means of excessive force as a method of crowd control. The city must recognize that protestors are exercising their first amendment right and should not be met with police violence.

I see that the city council hopes to create a process that includes the community and it starts here, by listening to your community. I am urging you to revise the San Jose city budget for 2020-2021 fiscal year to reflect these demands.

Thank you,

Elizabeth

From: Alyssa Ginanni

**Sent:** Monday, June 8, 2020 3:59 PM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: June 9 City Council Meeting -- Agenda Item 3.6

### Good afternoon,

My name is Alyssa Ginanni and I am a native of San Jose, currently residing nearby in Campbell. I am writing to demand that funding is reallocated from the San Jose Police Department (SJPD) to social and public programming that takes place in our communities. It is unethical to cut budget towards education, libraries, parks, housing, and transportation while funneling \$5M into improving the San Jose golf courses. It is also an outrage that over 30% of city funding goes towards the SJPD. The system in place is broken - at the expense of your citizens' safety and well-being. We need a new criminal justice structure, inclusive of a robust task force of mental health professionals and social workers.

I stand with the calls of those across the country and demand that the city council defund and disband the SJPD, similarly to Minneapolis. I demand a budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time. I demand a budget that supports community wellbeing, rather than empowers police.

In the meantime, it is important to ban the use of rubber bullets, tear gas, and other means of excessive force as a method of crowd control. The city must recognize that protestors are exercising their first amendment right and should not be met with police violence.

If the city council hopes to create a process that includes the community, it should start by **listening** to the community. I am urging you to completely revise the San Jose city budget for the 2020-2021 fiscal year.

Thank you for your time.

Sincerely,

--

Alyssa

From: Advaitha Bhavanasi

**Sent:** Tuesday, June 09, 2020 9:26 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda Item 3.6

# Hello,

My name is Advaitha Bhavanasi and I am a resident of San Jose. I am writing to demand that funding is reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut the budget towards education, libraries, parks, housing, and transportation while funneling \$5 million into improving the San Jose golf courses. It is also an outrage that over 30% of city funding goes towards the Police Department. The system in place is broken—at the expense of your citizens' safety and well being. We need a new criminal justice structure, inclusive of a robust task force of mental health professionals and social workers.

We stand with the calls of those across the country and demand that the City Council defund and disband the SJPD similarly to Minneapolis. We demand a budget that adequately and effectively meets the needs of at risk San Jose residents during this uncertain time. We demand a budget that supports community well-being rather than empowers police.

In the meantime, it is important to ban the use of rubber bullets, tear gas and other means of excessive force as a method of crowd control. They city must recognize that protestors are exercising their first amendment right and should not be met with more police violence.

I see that the city council hopes to create a process that includes the community and it starts here. By listening to your community. It is your duty to represent your constituents. I am urging you to completely revise the San Jose city budget for the 2020-2021 fiscal year. Public opinion is with me.

Thank you, Advaitha Bhavanasi From: Huda Ali

**Sent:** Tuesday, June 09, 2020 9:25 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda Item 3.6 (SJ 2020-2021 Fiscal Year Budget)

Hi,

My name's Huda Ali and I'm a resident of San Jose. I'm writing to demand that funding is reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut budget towards education, libraries, parks, housing, and transportation while funneling \$5M into improving the San Jose golf courses. It is also an outrage that over 30% of city funding goes towards the Police Department. The system in place is broken- at the expense of your citizens' safety and well-being. We need a new criminal justice structure, inclusive of a robust task force of mental health professionals and social workers.

I stand with the calls of those across the country and demand that the city council defund and disband the SJPD similarly to Minneaplois. I demand a budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time. I demand a budget that supports community wellbeing, rather than empowers police.

In the meantime, it is crucial to BAN the use of rubber bullets, tear gas, and other means of excessive force as a method of crowd control. The city must recognize that protestors are exercising their first amendment right and should not be met with police violence.

I really hope to see that the city council wants to create a process that includes the community and it starts HERE, by listening to your community. It is your duty to represent your constituents. I am URGING you to completely revise the San Jose city budget for 2020-2021 fiscal year.

Public opinion is with me. I hope you are too!

Best, Huda From: Patrick Washington

**Sent:** Tuesday, June 09, 2020 9:09 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda Item 3.6

Hello,

my name is Pat Washington, and I am a resident of San Jose. I am writing to demand that funding is reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut budget towards education, libraries, parks, housing, and transportation while funneling \$5M into improving the San Jose golf courses. It is also an outrage that over 30% of city funding goes towards the Police Department. The system in place is broken - at the expense of your citizens' safety and well-being. We need a new criminal justice structure, inclusive of a robust task force of mental health professionals and social works.

I stand with the calls of the those across the country and demand that the City Council defund and disband the SJPD similarly to Minneapolis. We demand a budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time, when livelihoods are on the line. we demand a budget that supports the community wellbeing, rather than empowers police.

In the meantime, it is important to ban the use of rubber bullets, tear gas, and other means of excessive force as a method of crowd control. The city must recognize that protestors are exercising their first amendment right and should not be met with police violence. I see that the City Council hopes to create a process that includes the community, and it starts here by listening to your community. It is your duty to represent your constituents. I am urging you to completely revise the San Jose city budget for the 2020-2021 fiscal year. Public opinion is with me.

Sincerely,

Patrick Washington

**From:** Government Accountability **Sent:** Tuesday, June 09, 2020 9:27 AM

To: City Clerk <city.clerk@sanjoseca.gov>; CouncilMeeting <CouncilMeeting@sanjoseca.gov>

Subject: Agenda 6/9/20 - Item 3.6

# Dear Mayor and City Council,

Recommendation #1 of this memo asks the SJPD to provide you with a duty manual section reference and the specific conditions that would necessitate or authorize specific police actions. With respect to tear gas, as your memo correctly notes, that in 1993 "tear gas was classified as a chemical weapon and in 1997 it was banned from use in international warfare." However, despite this classification and the ban on its use in war, your memo refuses to unequivocally ban its use on your residents. Further, your memo has footnotes to many different articles, yet it specifically omits a link to the ProPublica (which you incorrectly stated was "ProRepublica") article that you reference when you specifically state that, "After tear gas was deployed in Turkey, it showed that respiratory irritation, chest pain, and hemoptysis lasted for weeks after." You conveniently omit the next sentence in the ProPublica article, which states, "It may also be linked to miscarriages," which is a conclusion which has been supported by numerous other medical studies, and has been public knowledge via the reputable news media since at least 2010, as follows:

 $\underline{https://www.propublica.org/article/tear-gas-is-way-more-dangerous-than-police-let-on-especially-during-the-coronavirus-pandemic}$ 

https://www.thenation.com/article/archive/tear-gas-abortifacient-why-wont-anti-abortion-movement-oppose-it/

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5096012/

https://www.businessinsider.com/side-effects-of-ferguson-tear-gas-can-kill-2014-8

https://www.theguardian.com/us-news/2020/jun/06/teargas-coronavirus-george-floyd-protests

https://phr.org/news/report-documents-bahrains-use-of-tear-gas-as-a-potentially-lethal-weapon/

 $\underline{https://www.nationalgeographic.com/science/2020/06/what-nonlethal-weapons-can-do-to-the-body-george-floyd/}$ 

This is on top of the known fact that tear gas can bring on asthma attacks that can be lethal to asthmatic individuals, and can contribute to the spread of COVID-19 during the pandemic, where the State of California just saw its highest seven-day average of new infections. You can't value life, and value families, and allow the San José Police Department to use a chemical weapon that is banned in war against residents of San José. If the U.S. military cannot use tear gas on foreign soil against enemies in and outside of war, then how on earth can the SJPD use tear gas against our residents?

I hope that each of you understands the legal and financial liability that continued use of these items brings onto the City knowing full well all of the health risks (and risk of death) that these items carry with them when used clearly indiscriminately on members of the public. One of these days, and likely soon with the knowledge of the maiming of Derrick Sanderlin, the choice that you make to continue allowing these weapons to be used will make the City's \$72 million budget deficit look like chump change. Mark my words - more people will be maimed and killed, and the City will be forced to settle lawsuits or will be found liable to the tune of hundreds of millions of dollars - it's just a matter of time if you chose to do nothing.

https://www.cnn.com/2020/06/09/us/san-jose-police-training-activist-rubber-bullets-trnd/index.html

https://abc7news.com/san-jose-police-george-floyd-protest-bay-area-shot-by-during/6234212/

The City Council should enact a Council Policy that states that every Councilmember, the Mayor, the City Manager, the City Attorney, and every sworn officer in the Police Department must be personally exposed to any "less lethal" munition that the SJPD is authorized to use. This means that each of these people must be tear gassed, pepper sprayed, shot with kinetic impact projectiles, hit with batons, tazed, exposed to sonic bursts from the Long Range Acoustic Device (LRAD), and any other item or weapon that is authorized in order to ensure that each of these people know the consequences of their use and can make an informed determination as to whether these items should be used. This is already how the City's Pepper Spray Policy works. Apply it to all of these other "less lethal" munitions, weapons, and tools.

https://www.sanjoseca.gov/home/showdocument?id=17951

-----Original Message-----From: Mishi Ellingson

Sent: Tuesday, June 09, 2020 12:16 AM To: City Clerk <city.clerk@sanjoseca.gov> Subject: 6/9/20 City Council Agenda Item 3.6

Dear Mayor and Council Members,

Item 3.6 of the agenda has been mischaracterized by Mayor Liccardo to the media and San Jose residents. Mayor Liccardo told the media that he and Council members (including my District 5 representative Magdalena Carrasco), have called for a ban on rubber bullets and tear gas.

I have read the document. There is no ban. Accountability remains subjective, which maintains the status quo.

Last week during a deadly pandemic, San Jose police used tear gas against peaceful protestors. Police actions are creating illness and death in our community.

When police use excessive force there is no accountability. In fact, when lawsuits are paid, those payments come from the cities coffers. Our tax dollars pay for police violence. This is absolutely unacceptable. The city of San Jose cannot afford to retain abusive Police Officers nor Police Chief Garcia who condones a culture of violence and protectionism.

While police are funded, poverty is criminalized. Defund the police and invest that money in social welfare programs. If the city continues to prioritize punitive solutions to the unhoused and destitute, citizens will continue to protest in the streets. The world has changed. San Jose government must adapt to these changes to keep our city whole.

Thank you and please, defund the police.

Mishi Ellingson District 5, 95127 From: Michael Kinsler

Sent: Tuesday, June 09, 2020 9:20 AM

To: City Clerk <city.clerk@sanjoseca.gov>; CouncilMeeting <CouncilMeeting@sanjoseca.gov>

Subject: eComments for City Council Meeting

Hi, I'm Michael Kinsler and I live in the Rose Garden neighborhood, part of <u>Dev Davis's</u> district. I wanted to talk about this memo and express how much this doesn't serve the needs of San Jose.

I am really angry about the San Jose Police Department, and I need my voice to be heard. I saw that Mayor Liccardo described this memo on Twitter as a ban on the use of rubber bullets. I read the memo and Mayor Liccardo lied about it. You're asking the SJPD to make up excuses and justifications for their violence. This memo begs the Police Department and Chief Eddie Garcia to keep lying about their behavior and it's disgusting.

I watched the protests online and have participated in person, and I saw with my own eyes San Jose cops in riot gear **causing violence** and escalating a peaceful demonstration to the point of chaos. It doesn't take a genius to realize that firing rubber bullets, throwing flashbang grenades, and shooting tear gas is a stupid way to keep the peace. **The Police started the riot.** 

I want the San Jose Police Department to **ban** the use of tear gas and rubber bullets. I **don't** want **excuses** or a **report**.

Yesterday on Forum on KQED, Derrick Sanderlin, the community organizer and Police Bias Trainer who you and Eddie have been praising ever since your officers **shot him in the groin**, called for **defunding** the Police Department, and **reinvesting** in the community. Derrick is right! We need to **defund the Police**!

Did you know that nearly <u>every cop on the street costs the City at least three hundred thousand dollars</u>? For every three cops we have, we're spending a **million dollars** every year. All of that money is **wasted** on an **infrastructure of violence**. We could be **housing the homeless** and **feeding the hungry**! We need to **defund the Police**!

We've let this Police Department run themselves for way too long. We need to put a stop to it. You need to **fire Eddie Garcia**, and we need to **defund the Police**!

The contract with the Police Officers Association expires on June 30th. I urge you to order the City Manager to negotiate **HARD against** them. They've been **STEALING** from all of us in San Jose for decades, and we're **SICK** of it. They **can't** get their raises after the **police riot** we all saw on our streets. **They need to be defunded.** We need to use that funding to support the community, not brutalize and terrorize us!

While I did not write this I wholeheartedly agree with the comments and frustrations described. We need to rebuild our policing and aid departments to eliminate police brutality and systematic racism.

Regards, Michael Kinsler From: Kim Yen Tran

**Sent:** Tuesday, June 09, 2020 9:31 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda Item 3.6

# Hello,

My name is Kim Yen Tran and I am a resident of San Jose. I am here to demand that funding is reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut budget towards education, libraries, parks, housing, and transportation while funneling \$5M into improving the San Jose golf courses. It is also an outrage that over 30% of city funding goes towards the Police Department. The SJPD has seen a rise in overtime pay which, more often than not, is paid out to officers responsible for harassing the unhoused, and Black, Indigenous, and people of color.

We stand the calls of those across the country and demand that the City Council defund and disband the SJPD similarly to Minneapolis. We demand a budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time, when livelihoods are on the line. We demand a budget that supports community wellbeing, rather than empowers police.

In the meantime, it is important to ban the use of rubber bullets, tear gas and other means of excessive force as a method of crowd control. The city must recognize that protestors are exercising their first amendment right and should not be met with police violence.

I see that the city council hopes to create a process that includes the community and it starts here, by listening to your community. It is your duty to represent your constituents. I am urging you to completely revise the San Jose city budget for 2020-2021 fiscal year. Public opinion is with me.

From: Jacob Benitez

Sent: Tuesday, June 09, 2020 9:28 AMTo: City Clerk <city.clerk@sanjoseca.gov>Cc: District8 <district8@sanjoseca.gov>Subject: San Jose City Council agenda item 3.6

# Hello,

My name is Jacob Benitez and I am a resident of East San Jose/Evergreen. I am here to demand that funding is reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut budget towards education, libraries, parks, housing, and transportation while funneling \$5M into improving the San Jose golf courses. It is also an outrage that over 30% of city funding goes towards the Police Department. The SJPD has seen a rise in overtime pay which, more often than not, is paid out to officers responsible for harassing the unhoused as well as Black, Indigenous, and people of color.

We stand with the calls of those across the country and demand that the City Council defund and disband the SJPD, similarly to what is occurring in Minneapolis. We demand a budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time, when livelihoods are on the line. We demand a budget that supports community wellbeing, rather than empowers police.

In the meantime, it is important to ban the use of rubber bullets, tear gas and other means of excessive force as a method of crowd control. The city must recognize that protestors are exercising their first amendment right and should not be met with police violence. It is inexcusable and frankly unacceptable that San Jose has become one of the most highlighted examples of the use of unnecessary force against protestors during a time in which police across the country have chosen to highlight their brutal tactics rather than listen to the people that they claim to serve and protect. By banning the use of tear gas, and rubberized "less-lethal" rounds, we stand to correct this image and instead rightfully ensure that our city serve as an example to the rest of the country of how the community's rights come before all else.

I see that the city council hopes to create a process that includes the community and it starts here, by listening to your community. It is your duty to represent your constituents, lest you face their wrath in coming elections. I am urging you to completely revise the San Jose city budget for 2020-2021 fiscal year to better represent the needs of San Jose's most vulnerable population. Public opinion is with me.

From: Kevin Adams

**Sent:** Tuesday, June 09, 2020 9:19 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Cc: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1

<district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4

<District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7

<District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10

<District10@sanjoseca.gov>

Subject: Agenda Item 20-673: Police Use of Force - written comments

# Hi, I'm a resident of District 3,

I was horrified to see how the San Jose Police Department used potentially lethal use of force (rubber bullets) and dangerous methods in this time of pandemic disease (tear gas) on my neighbors standing in protest of police brutality and racial violence.

It's clear the SJPD isn't working to make our community safe.

I'm writing to ask that the council:

- 1. Ban the use of rubber bullets these should never be used against peaceful protestors.
- 2. Ban the use of tear gas in this time of COVID-19 this chemical causes coughing and will spread this disease.
- 3. Defund the SJPD by reducing funding that supports the militarization of our police force. We can and should put those savings into community policing & mental health support action team that we can call when we need help.

Thank you,

Kevin

From: Courtney Neal

**Sent:** Tuesday, June 09, 2020 9:14 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda Item 3.6

# Hello,

My name is Courtney and I'm a resident of San Jose. It's important to ban the use of rubber bullets, tear gas and excessive use of force as a method of crowd control. The city needs to recognize the rights of its citizens to protest without being met with police violence.

Our protests have been peaceful, a beautiful display of our community coming together, exercising our first amendment right to call for change and accountability.

In addition to making changes to how the police respond to protests, consider how our city budget funds our police force. As my representatives, I'm demanding funding be reallocated from SJPD to social and public programming to help our community in other ways.

It's outrageous that 30% of our city budget funds our police department. Police response times are horrendous. Earlier this year, I tried to file a police report and waited 6 hours before a community officer showed up. We also pay our chief of police over \$650,000 a year. Why? That's an absolutely outrageous amount of money for a public official, especially with this much inadequacy with SJPD's performance.

The system is broken at our expense. We need a new criminal justice structure here in San Jose. It should be inclusive of mental health professionals and social work. It's time to make a change!

Thank you for your time, Courtney San Jose resident From: Cassandra Kifer

**Sent:** Tuesday, June 09, 2020 9:14 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Cc: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1

<district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4

<District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7

<District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10

<District10@sanjoseca.gov>

Subject: Agenda Item 20-673: Police Use of Force - written comments

# Hi, I'm a resident of District 3,

I was horrified to see how the San Jose Police Department used potentially lethal use of force (rubber bullets) and dangerous methods in this time of pandemic disease (tear gas) on my neighbors standing in protest of police brutality and racial violence.

It's clear the SJPD isn't working to make our community safe.

I'm writing to ask that the council:

- 1. Ban the use of rubber bullets these should never be used against peaceful protestors.
- 2. Ban the use of tear gas in this time of COVID-19 this chemical causes coughing and will spread this disease.
- 3. Defund the SJPD by reducing funding that supports the militarization of our police force. We can and should put those savings into community policing & mental health support action team that we can call when we need help.

Thank you,

Cassie

From: Kate Everhardt

**Sent:** Tuesday, June 09, 2020 9:10 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda Item 3.6

# Hello,

My name is Kate Everhardt and I am a resident of San Jose. I am here to demand that funding is reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut budget towards education, libraries, parks, housing, and transportation while funneling \$5M into improving the San Jose golf courses. It is also an outrage that over 30% of city funding goes towards the Police Department. The SJPD has seen a rise in overtime pay which, more often than not, is paid out to officers responsible for harassing the unhoused, and Black, Indigenous, and people of color.

We stand the calls of those across the country and demand that the City Council defund and disband the SJPD similarly to Minneapolis. We demand a budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time, when livelihoods are on the line. We demand a budget that supports community wellbeing, rather than empowers police.

In the meantime, it is important to ban the use of rubber bullets, tear gas and other means of excessive force as a method of crowd control. The city must recognize that protestors are exercising their first amendment right and should not be met with police violence.

I see that the city council hopes to create a process that includes the community and it starts here, by listening to your community. It is your duty to represent your constituents. I am urging you to completely revise the San Jose city budget for 2020-2021 fiscal year. Public opinion is with me.

Sincerely, Kate

From: Grace Talice Lee

**Sent:** Tuesday, June 09, 2020 9:09 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda Item 3.6

?



[External Email

Hello,

My name is Grace and I am a resident of San Jose. I am writing to demand that funding is reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut budget towards education, libraries, parks, housing, and transportation while funneling \$5M into improving the San Jose golf courses. It is also an outrage that over 30% of city funding goes towards SJPD. The system in place only benefits the white and wealthy, at the expense of every constituent's safety and well-being. We need a new criminal justice structure, inclusive of a robust task force of mental health professionals and social workers.

We stand with the calls of those across the country and demand that the City Council defund and disband the SJPD similarly to Minneapolis. We demand a budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time, when livelihoods are on the line. We demand a budget that supports community well-being, rather than empowering corrupt and biased police.

In the meantime, it is important to ban the use of rubber bullets, tear gas, and other means of excessive force as a method of crowd control. The city must recognize that protestors are exercising their first amendment right to peaceful protest, and should not be met with riot gear and police violence.

I see that the city council hopes to create a process that includes the community and it starts here, by listening to your community. It is your duty to represent your constituents. I am urging you to completely revise the San Jose city budget for your 2020-2021 fiscal year. Public opinion is with me. We are watching.

Grace T Lee

From: Carolina Conlan

Sent: Tuesday, June 09, 2020 9:07 AM To: City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda Item 3.6

[External Email]

Hello,

My name is Carolina Conlan and I am a resident of San Jose. I am writing to demand that funding is reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut budget towards education, libraries, parks, housing, and transportation while funneling \$5M into improving the San Jose golf courses. It is also an outrage that over 30% of city funding goes towards the police department. The system in place is broken-at the expense of our citizens' safety and well-being. We need a new criminal justice structure, inclusive of a robust task force of mental health professionals and social workers.

We stand with the calls of our brothers and sisters across the country and demand that the City Council defund and disband the SJPD similarly to Minneapolis. We demand a budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time, when livelihoods are on the line. We demand a budget that supports Community well-being, rather than empowers police.

In the meantime, it is important to ban the use rubber bullets, tear gas, and other means of excessive force as a method of crowd control. The city must recognize that protesters are exercising their First Amendment right and should not be met with police violence.

I see that the City Council hopes to create a process that includes the community and it starts here, by listening to your community. It is your duty to represent your constituents. I am urging you to completely revise the San Jose city budget for 2020-2021 fiscal year. Public opinion is with me.

Best, Carolina Conlan From: M Spreadbury [

Sent: Tuesday, June 09, 2020 9:05 AM

To: Green, Scott <scott.green@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda Item 3.6 Police Funding

?



# [External Email]

Dear Mayor Sam and City Council Members,

I am truly concerned about the ongoing SJ police violence escalating with attacks on youth and other San Jose residents whom have been marching for Racial Justice.

Tear gas was banned under the Geneva Conventions. It has no use against our residents.

Plastic bullets are still bullets which very easily maim and kill.

SJPD can no longer be trusted to protect our beloved community since they seriously maimed an anti bias trainer from their own police community.

Please defund the SJPD to put funds towards more equitable housing, health justice, mental health and other community based projects that would take much burden off of the SJPD.

There is no other solution since decades of training has not lessened the over policing of our beloved communities here in San Jose.

Sincerely,

Mimi Michellle Spreadbury, San Jose resident, Orchard City Indivisible

From: Ankita Bhanot

**Sent:** Tuesday, June 09, 2020 8:47 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda Item 3.6

?



### [External Email]

Hello.

,

,

My name is Ankita Bhanot and I am a resident of San Jose. I am writing to demand that funding is reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut budget towards education, libraries, parks, housing, and transportation while funneling \$5M into improving the San Jose golf courses. It is also an outrage that over 30 % of city funding goes to the Police Department. The system in place is broken - at the expense of your citizens 'safety and well-being. We need a new criminal justice structure, inclusive of a robust task force of mental health professionals and social works.

We stand with the calls of those across the country and demand that the City Council defund and disband the SJPD similarly to Minneapolis. We demand a budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time, when livelihoods are on the line. We demand a budget that supports community wellbeing, rather than empowers police.

In the meantime, it is important to ban the use of rubber bullets, tear gas and other means of excessive force as a method of crowd control.

The city must recognize that protestors are exercising their first amendment right and should not be met with police violence. I see that the city council hopes to create a process that includes the community and it starts here, by listening to your community. It is your duty to represent your constituents. I am urging you to completely revise the San Jose city budget for 2020-2021 fiscal year. Public opinion is with me.

Ankita Bhanot

From: Elizabeth Avina [

**Sent:** Tuesday, June 09, 2020 8:33 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda Item 3.6 - Letters from the Public

?



[External Email]

Hello,

My name is Elizabeth, and I am a resident of San Jose. This past week, our nation has been gripped by protests calling for rapid and meaningful change with regard to police behavior, an end to racism and anti-Blackness, and immediate reform in how Black people are treated in America. Our city has been at the forefront of much of this attention due to the aggressive and violent actions of SJPD. Accordingly, it has come to my attention that the budget for 2021 is being decided as these protests continue.

SJPD has been a waste of our resources and a terror on our communities. While we've been spending extraordinary amounts on policing, we have not seen improvements to safety, homelessness, mental health, or affordability in our city. Instead, we see wasteful and harmful actions of our police.

We stand with the calls of those across the country and demand that the City Council vote to defund and disband the SJPD similarly to Minneapolis. We demand a budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time, when livelihoods are on the line. We demand a budget that supports community wellbeing, rather than empowers police.

In the meantime, it is important to ban the use of rubber bullets, tear gas, and other means of excessive force as a method of crowd control. The city must recognize that protesters are exercising their first amendment right and should not be met with police violence.

I call on you to slash the SJPD budget for the 2020-2021 fiscal year and instead use those extraordinary resources towards solving homelessness, which is felt most by our Black neighbors and veterans. We implore you to give every member of our community experiencing homelessness a place to call home and the treatment they need.

We can be a beacon for other cities to follow if only we have the courage to change.

Sincerely, Elizabeth Aviña From: Lina Abushaaban Sent: Tuesday, June 09, 2020 8:33 AM

To: City Clerk <city.clerk@sanjoseca.gov>

Subject: Letters from the Public. Agenda Item 3.6

Hello, my name is Lina and I'm a San Jose resident. I am calling to demand that San Jose Mayor Liccardo and City Council redirect money away from the San Jose Police Department and invest into community resources. This year San Jose spent 33.4% of its general funds on police, and only 0.05% on housing. This is unacceptable. At this moment, Black people and their allies across the globe are demanding systemic change to policing, and we need to protect our crucial community resources from proposed budget cuts as a result of COVID19. I demand my city's funds to be redirected away from SJPD and into SJ programs that directly support Black lives and our community: housing, education, mental health, addiction recovery, parks, libraries, arts, and public health initiatives.

On Friday, May 29, 2020, I shot by a rubber bullet and hurt at the hands of the police which SJPD funds. Many others were hurt even more. The trauma which your funds sponsor needs to be defunded and invested into the community to actually help us. Police do not protect, they harm.

From: Nora A

**Sent:** Tuesday, June 09, 2020 8:24 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Letters from the Public Agenda Item 3.6

My name is Nora Abushaaban and I live off of Bascom in San Jose. I am here to demand that funding is reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut budget towards education, libraries, parks, housing, and transportation while funneling \$5M into improving the San Jose golf courses. It is also an outrage that over 30% of city funding goes towards the Police Department. The SJPD has seen a rise in overtime pay which, more often than not, is paid out to officers responsible for harassing the unhoused, and Black, Indigenous, and people of color.

We stand the calls of those across the country and demand that the City Council defund and disband the SJPD similarly to Minneapolis. We demand a budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time, when livelihoods are on the line. We demand a budget that supports community wellbeing, rather than empowers police.

In the meantime, it is important to ban the use of rubber bullets, tear gas and other means of excessive force as a method of crowd control. The city must recognize that protestors are exercising their first amendment right and should not be met with police violence.

I see that the city council hopes to create a process that includes the community and it starts here, by listening to your community. It is your duty to represent your constituents. I am urging you to completely revise the San Jose city budget for 2020-2021 fiscal year. Public opinion is with me.

From: Diego Romero

**Sent:** Tuesday, June 09, 2020 8:11 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda Item 3.6



[External Email]

Hello,

My name is Diego Romero and I am a 30+ year resident of San Jose, residing in District 5. This letter is in response to Mayor Liccardo's public comments stating that he does not intend to defund the SJPD as he doesn't want to be "The Guinea Pig". Clearly the Mayor has chosen to not educate himself on what defunding the police actually means based on his comments. And I quote, "The notion we can do without the police is an interesting experiment." The idea behind defunding isn't to get rid of all police officers. Defunding Sam, means reducing police budgets (& POWER) on a local and state level and investing that money directly into poor communities of color through public services and implementing non-police solutions to social problems. The communities that have been hit with structural racism are the ones that need the most economic help, and refusing to see that is evident of a "Leader" who doesn't actually live in San Jose, who doesn't have the compassion to solve the real problems these communities face.

I demand that funding is reallocated from SJPD to social and public programming that takes place in our communities, specifically those affected by structural racism. It is unethical to cut budget towards education, libraries, parks, housing, and transportation while syphoning \$5M into improving the San Jose golf courses. How does this help END structural racism? It is also an outrage that over 40% of city funding goes towards the Police Department. The SJPD has seen a rise in overtime pay which, more often than not, is paid out to officers responsible for harassing the unhoused, and Black, Indigenous, and people of color. After the recent protests and how peaceful they have been after SJPD was removed from them, and seeing how SJPD acted and committed POLICE BRUTALITY, what we are doing now is clearly not working. The officers that are employed to PROTECT & SERVE us are NOT fit for the job. Yes Jared Yuen is the clear example, which is baffling that he is not fired! Not only did he instigate protestors by telling them to "Shut up Bitch" he shot Derrick Sanderlin who was attempting to de-escalate a situation. And to make matters worse, he gave SJPD anti-bias training! The lack of leadership and accountability from Eddie Garcia and Sam Liccardo, by keeping Jared Yuen on as a cop is one that cannot be repaired by simple "reforms".

Let's say you are in a relationship with someone, and that other person physically and verbally abuses you. If that person promises to stop verbally abusing you but continues to physically abuse you, would that be okay? NO, OF COURSE NOT! The only right thing to do is to leave that relationship. By Sam choosing to "Reform" we are staying in that physically abusive relationship and getting rid of the verbal abuse. Clearly this is not working, and now is not a time for reform. We want CHANGES, real changes where the public can feel safe, where they can trust the officers they call and a place where officers CAN BE HELD ACCOUNTABLE.

I, like many other San Jose residents, stand with those across the country and demand that the City Council defund and disband the SJPD similarly to Minneapolis. Again, Sam needs to do his JOB and research because this doesn't there will be NO police out there. This means breaking up with that abusive significant other and starting a new relationship! Starting a new police department from the bottom's up that is made to PROTECT & SERVE the community, not to inflict fear and be above the law while protecting and cultivating WHITE SUPREMACY. We demand a budget that adequately and effectively meets the needs of those at-risk San Jose residents during this trying and uncertain time, when livelihoods are on the line. Those same ones who during this pandemic have been affected but are also the ones facing structural racism. We demand a budget that supports community wellbeing, rather than empowers police.

In the meantime, it is important to ban the use of rubber bullets, tear gas and other means of excessive force as a method of crowd control. The city must recognize that protestors are exercising their first amendment right and should not be met with police violence.

I see that the city council hopes to create a process that includes the community and it starts here, by listening to your community. It is your duty to represent your constituents. I am urging you to completely revise the San Jose city budget for 2020-2021 fiscal year. We are SILICON VALLEY. San Jose is the beginning of silicon valley, forward thinking, innovative and not scared of change. We need to set the example of what policing without systemic racism looks like. By being afraid of being "guinea pigs" we fail to stick to our roots, to our DNA, to what made this place the best place to live. Innovative change is needed, and it's needed now. The public opinion is with me.

Thank you for your time,
-Diego Romero
District 5

From: Megan Fluke

Sent: Tuesday, June 09, 2020 8:04 AM

Cc: City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Agenda Item 3.6: Letter from 156 members of Anti Racist San Jose

Dear Mayor and Members of the San Jose City Council,

With gratitude for the community leaders and organizations who have been championing race equity and social justice for years, this letter is from 156 community members who are mostly San Jose residents. We support the reallocation of funding away from policing and towards re-invested in community-led social and civic programs that improve the health and well-being of the community. We understand that this will be a difficult process that will take time to fully implement but we support a significant, immediate movement of funds to areas of the community most negatively impacted by current policing activities.

The San Jose Police Department has been relied upon to address myriad problems in our community for which they have not been adequately trained and are therefore not equipped to solve. Meanwhile, the social service agencies that do have the expertise to provide more effective alternatives have historically been undervalued and underfunded.

We oppose allocating what is currently over 30% of city funding towards the Police Department. We ask that you allocate funding for an evaluation that focuses on how to reduce the scope, size, and role of the Police Department in San Jose. The goal of this evaluation would be to determine the best way to reallocate resources, funding, and responsibility from the San Jose Police Department, and towards community-based models of safety, support, and prevention. San Jose residents need more jobs, educational opportunities, arts programs, community centers, social workers, and mental health resources.

Furthermore, police should not use military tactics and equipment against our community. We support the ban on the use of rubber bullets, tear gas, and other means of excessive force as methods of crowd control. Protestors are exercising their First Amendment rights and should not be met with police violence.

Thank you for your consideration of this community's request for significant, meaningful, and immediate action.

Sincerely,

Antiracist residents of San Jose and the greater Silicon Valley

Laura Doyle, District 6	Jose Pablo Sanchez-Marin
Barbara Williams-Sheng, District 5	Carlos Orellana, District 6
Kara Mandujano, District 6	Natasha Medeiros, District 3
Cassandra Wiselka, District 2	Ruth Rensel, Campbell
Matthias Wiselka, District 2	Jennie Hutchinson, District 10
Megan Fluke, District 6	Brianna Vieira, Campbell
Sitie Ajmal, District 7	Karen Altree Piemme, District 3

Claudia Gonzalez, District 3	Sinead Borgersen, District 9
Hilary Martin, District 2	Joseph Price, District 6
Casey Jane Satterlund, District 3	Cheryl Hart, District 10
Annelise Bazar, District 3	Pramodh Ramnath, District 10
Joanna Dunham Mountain View	Patricia Madden District 9
Valerie Smith, District 2	Christina Cusack, District 4
Nicole Lumetta, San Jose	Rev. Nancy Palmer Jones, District 3
Bhuvana Balaji, District 10	Deborah St Julien, District 10
Olliver Pelayo, District 5	Stephanie Freeman, Sunnyvale
Brendan Vu, Campbell	Mita Dey, District 8
Matthew Greene, District 5	Isobel Beaman, District 9
Travis Clarke, District 6	Christine Pepin, Sunnyvale
Jennifer LaBreche, District 4	Melissa Mabe, District 1
Man La, District 5	Cynthia Longoria District 3
Chris Parker, District 2	Kristi Thraves, Campbell
Scott Twerdahl, District 1	Felicia Gershberg, Sunnyvale
Ariana Cvitanic, Gilroy	Rebecca Schoenenberger, District 3
Shelly Glennon, District 3	Maggie Cockayne, Morgan Hill
Briana Alvarado, Sunnyvale	Emanuel Jacobo, District 7
Kathleen Raffetto, District 9	Marika Krause, District 6
Jairo Ramirez, District 3	Katherine Han, San Jose
Hanh Hoang, San Jose	Amanda Saintil, District 2
Jenna Ray, District 6	Noell Clark, District 10
Brooks Hart, District 3	Jessica Michelle Fromm, Gilroy
Jesse Weed, Los Altos	Cassandra staff, District 1
Rochelle Migliore, Stockton	Jeanna Lurie, Sunnyvale
Francesca Pollock, District 3	LezLi Logan, Los Gatos
Glen Shaffer, Cambrian Park	Faith Lindsay, District 3
Troy Van Denover, San Jose	Ruth Cueto, District 1
Justyne schnupp, District 6	Eduardo Garcia, District 1
Christopher Cvitanich Reed, District 1	Kassandra Ramirez, District 3
Margaret Ellen Reed, District 1	Veronica Greunke, District 8
lesha Bayona, District 5	Kim Noll, District 2
Alex Lee, District 4	Naomi Meyers, Hollister
Margaret Okuzumi, Sunnyvale	Kalani Sit, Cupertino
Natalie Javid, District 2	Brian Parkman, District 6

Melissa-Ann Nievera-Lozano, District 3	Smita Garg, District 1
Jennifer Prugh District 3	Courtney Macavinta, District 2
Michelle Daher	Connie Le-Culbertson
Adrianne Elfring, San Jose	Teresa Fiss, District 1
Dennis Lozano, District 3	Emiliano Quevedo Jr., District 2
Julie Hing-Pacheco District 6	Charlotte Casey, Santa Clara County
Maikaaloa Clarke, San Jose	Theresa Dillard, District 6
Dulce Aguilera, District 5	Alessandra Borgia, District 10
Julie Hing-Pacheco District 6	Barbara Hamel, Sunnyvale
Olivia Cohen, District 1	Karen Schuler, District 9
Delia Lira-Perez	Tritia Nishikawa, District 3
Dan Owsley, Gilroy	Shannon Loucks, Santa Clara
Alex Caraballo, District 4	Betsy Allen, District 9
Ashley Shannon, District 3	Hilary Wheeler, District 8
Tiffany Johnson, San Jose	Jeff Prentice, District 6
Nick Carter, Cupertino (formerly District 6)	Haddie Lyons, District 3
Candyce Carter, Cupertino (formerly District 6)	John Gianopulos, District 3
Arleen Cardenas Llanes, District 6	David Powell, District 6
Aine O'Donovan, District 9	Brian Haberly, District 2
Meg Lauber-DeLuca, District 10	Carly Hasbrook, Campbell
Cayce Hill, District 6	Renee De La Cruz, District 10
Sarah Goer, District 1	Holly Jones, District 3
Nicole Ennen, Sunnyvale	Nadine Castelan, District 8
Geetha Krishnamurthy, Saratoga	Nichole Deleon, District 4
Mark Medeiros, District 3	Angela Dube, District 6
Alana Kopke, Campbell	Ehsaneh Sadr, Campbell
Kristyn Tanaka-Roche, District 3	James Willis, D3 (St. James Park Downtown)
Jolene Noel, San Jose District 3	Darlene Tenes, District 5
Arihan Shah, District 6	Robin Brack, District 1
Michelle Van Ness, Gilroy	Ken MacKay District 3
Eli Dinh, District 6	Sylvia Vasquez
Anne Hickling, Santa Clara County, Los Altos USPS	John McAvoy, Santa Clara
Jaime Merz, District 9	Sushma Roy
Ariana Paulson, District 10	Annie Williams, District 8
Dana Stokesberry District 5	

From: Glenn Oviatt

**Sent:** Tuesday, June 09, 2020 6:58 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Agenda Item 3.6

# Good morning,

My name is Glenn Jacob-Oviatt and I am a resident of San Jose, District 3. I am a social worker at a San Jose mental health non-profit and I work with a diverse group of patients who experience persistent mental illness.

I am writing to request that funding is reallocated from SJPD toward education, libraries, parks, housing, transportation, and social services. It is baffling that more than 30% of the city budget goes towards SJPD. As evident during the last two weeks of protests, the policing system in place is broken, and it comes at the expense of the citizens' safety and well-being. I believe we need a new criminal justice structure, inclusive of a robust task force of mental health professionals and social workers.

In the wake of the extrajudicial murders of George Floyd and Breonna Taylor by police, I support the calls of millions across the country to ask that the San Jose City Council decrease the funding for the SJPD. We seek a budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time, when our livelihoods are at stake. We ask for the creation of a budget that supports community well-being before the continued empowerment police.

In the meantime, I request that the SJPD ban the use of rubber bullets, tear gas and other means of excessive force as a method of crowd control. The city must recognize that protesters are exercising their first amendment rights and should not be met with police aggression or violence. Our community is disappointed and outraged about what happened to Derrick Sanderlin during last week's protests. He acted as a peacekeeper during protests and was seriously injured by a rubber bullet in an egregious misuse of force by police. The militarization of our police has no place in our society and has not been proven to reduce crime.

During the San Jose protests, police aggression has only served to escalate tensions. My wife and I know this because we live near City Hall and have witnessed it firsthand during the last 12 days. Militarization of police does not make our community safer. It is excessive and the funds could be redistributed to social programming that is proven to strengthen our neighborhoods.

I believe the city council has the power to create meaningful change by reallocating funds to social and public programs that will educate and keep our communities safer. I am urging you to revise the city budget for this next fiscal year to deemphasize funding to the SJPD and focus on the true needs of the people you serve.

Thank you for considering our community's requests!

Glenn Jacob-Oviatt

From: Crystal Carroll

Sent: Tuesday, June 09, 2020 6:57 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Agenda Item Number Item 3.6

?



# [External Email]

Hello, I am writing regarding reduction of force policies, strengthening oversight, and reimaging civil society and the way our tax dollars are spent.

I was happy to see that San Jose is looking to add the 8 Can't Wait policies.

However, I am equally much concerned about abolishing policies that limit the accountability of officers who do not follow existing policies and/or for civilian complaints. I find the percentage of complaints that are not found in favor of civilians as listed in San Jose's police scorecard to be highly suspect, and indicate that even though we have an independent auditing body, these auditors are not given the needed tools to perform their function. <a href="https://policescorecard.org/?city=san-jose">https://policescorecard.org/?city=san-jose</a>

Policies that could interfere with accountability include:

#### California Public Safety Officers Procedural Bill of Rights Act

**Disqualifies Complaints:** Section 3304.d.1: "Except as provided in this subdivision and subdivision (g), no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency's discovery by a person authorized to initiate an investigation of the allegation of an act, omission, or other misconduct."

I have significant issues with the idea that a complaint about a police officer, which is investigated by a division of the police force, becomes invalid after a year if not brought to resolution. Far from being dropped, complaints that are not resolved should be brought to an independent auditing body for further analysis and fast tracking to resolution.

#### California Public Safety Officers Procedural Bill of Rights Act

Restricts or Delays Interrogations of Officers: Section 3303.b "All questions directed to the public safety officer under interrogation shall be asked by and through no more than two interrogators at one time." Section 3303.e: "The public safety officer under interrogation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action. No promise of reward shall be made as an inducement to answering any question"

I appreciate this is a bill of rights, but every policy that I am familiar with has a section about how failure to comply with policies may be subject to consequences. I.e., punitive action. An officer who has potentially broken a policy should have the consequences clearly articulated. These consequences must include: unpaid leave, suspension, demerits which cumulatively could lead to other consequences, and finally firing. Somewhat separately there needs to be a review if these consequences are ever applied, because if they aren't, I can tell you as someone who has QAed a lot of software, that doesn't mean there are no bugs. It means you're not catching them.

Also, I see no reason a reward, such as retaining benefits or employment, should not be made to induce testimony to clarify a complaint and get at the truth.

Having this kind of language leads me to think that the purpose of the interrogation isn't to come to a conclusion, but a proforma process. We should not have processes that are compliance theater. That's not how compliance works.

# California Public Safety Officers Procedural Bill of Rights Act

**Gives Officers Unfair Access to Information**: Section 3303.g: "The public safety officer being interrogated shall have the right to bring his or her own recording device and record any and all aspects of the interrogation."

This is incredibly problematic. This allows an officer being questioned to take a recording of what they said, study it themselves to ensure that they don't have a variance between what they say one time and during a subsequent interview. Also, problematically it means that an officer could share that recording with another officer to ensure that all testimony agrees with each other. If something is true, the officers subject to the complaint should be able to handle it like every other person does, by remembering the facts. If they can't, then maybe they aren't remembering facts, but a story meant to appease the public they are meant to serve.

### **Police Union Contract**

Limits to Oversight and Discipline

Section 25.8.6: "An employee challenging a suspension, demotion, dismissal or disciplinary transfer shall have the option of choosing between the dispute-resolution provisions of this Agreement, or appeal to the Civil Service Commission. Any employee who wishes to preserve the right of appeal to the Commission must comply with the time requirements for filing such appeal as specified in the Civil Service Rules. Within twenty (20) days of the date of a Notice of Discipline, the employee may file an appeal with the Civil Service Commission or pursue the grievance procedure or both. The grievance procedure shall begin at Step IV Arbitration for this process."

I realize that this is a contractual issue, and will need to wait until the next time police contracts are negotiated. However, I cannot conceive a reason why any officer should be able to overturn any disciplinary action through arbitration. Policies are only as good as the consequences to failure to comply with those consequences.

Section 43.1: "The City agrees that an Officer suspected of misconduct may be ordered to answer questions, notwithstanding the officers constitutional rights, upon penalty of discipline, if advised that such answers may not be used in any criminal proceedings against the officer. Provided, however, only Internal Affairs investigators or command staff may so direct an Officer."

This clause prevents civilian oversight structures from having the power to subpoena police in misconduct investigations, which removes a critical tool from those oversight structures.

Section 43.2: "No photo of an Officer under investigation for criminal violations or disciplinary matters shall be made available to any media."

This clause prevents the identity of officers who are under investigation from being released to the public/media, which is highly problematic given the issues with accountability. Simply require that the media observe the same due process as they would for any investigation.

### **Requires City Pay for Police Misconduct**

Section 27: "An officer involved in any on-duty incident in which the officer causes serious bodily injury or death, or involved in any other incident as determined by the Chief, shall be placed on at least forty (40) consecutive hours of paid administrative leave (or other paid leave, if applicable). Within the initial administrative leave period, the Department and the officer shall meet, after which the leave may be extended at the option of the Department."

To put things bluntly, if there were a financial consequence for police killings, officers might be a little less liberal with use of force.

# **Independent Audit and Compliance**

Moving beyond policies, I understand that we have an independent auditor in San Jose. <a href="https://www.sanjoseca.gov/your-government/appointees/independent-police-auditor">https://www.sanjoseca.gov/your-government/appointees/independent-police-auditor</a> However, if I read this statement correctly,

"IPA has independent oversight of the administrative investigation conducted by the Internal Affairs Unit. The Department's administrative investigation determines whether the officer acted within SJPD policy." This means review of incidents is conducted by Internal Affairs and then reviewed by the independent oversight. There needs to be ability for more direct action by the Independent auditor.

Perhaps when reimagining this body, it would be a good idea to follow a proposal out of Chicago to make the Auditors themselves accountable to the people by making these elected positions. <a href="https://chicago.legistar.com/LegislationDetail.aspx?ID=4169358&GUID=D06677DA-F7F0-4036-B525-F577D7A1E849&Options=Advanced&Search="https://chicago.legistar.com/LegislationDetail.aspx?ID=4169358&GUID=D06677DA-F7F0-4036-B525-F577D7A1E849&Options=Advanced&Search="https://chicago.legistar.com/LegislationDetail.aspx?ID=4169358&GUID=D06677DA-F7F0-4036-B525-F577D7A1E849&Options=Advanced&Search="https://chicago.legistar.com/LegislationDetail.aspx?ID=4169358&GUID=D06677DA-F7F0-4036-B525-F577D7A1E849&Options=Advanced&Search="https://chicago.legistar.com/LegislationDetail.aspx?ID=4169358&GUID=D06677DA-F7F0-4036-B525-F577D7A1E849&Options=Advanced&Search="https://chicago.legislationDetail.aspx?ID=4169358&GUID=D06677DA-F7F0-4036-B525-F577D7A1E849&Options=Advanced&Search="https://chicago.legislationDetail.aspx?ID=4169358&GUID=D06677DA-F7F0-4036-B525-F577D7A1E849&Options=Advanced&Search="https://chicago.legislationDetail.aspx?ID=4169358&GUID=D06677DA-F7F0-4036-B525-F577D7A1E849&Options=Advanced&Search="https://chicago.legislationDetail.aspx?ID=4169358&GUID=D06677DA-F7F0-4036-B525-F577D7A1E849&OptionSearch="https://chicago.legislationDetail.aspx?ID=4169358&GUID=D06677DA-F7F0-4036-B525-F577D7A1E849&OptionSearch="https://chicago.legislationDetail.aspx?ID=4169358&GUID=D06677DA-F7F0-4036-B525-F577D7A1E849&OptionSearch="https://chicago.legislationDetail.aspx?ID=4169358&GUID=D06677DA-F7F0-4036-B525-F57D7A1E849&OptionSearch="https://chicago.legislationDetail.aspx?ID=4169358&GUID=D06677DA-F7F0-4036-B525-F57D7A1E849&OptionSearch="https://chicago.legislationDetail.aspx?ID=4169358&GUID=D06677DA-F7F0-4036-B525-F57D7A1E849&OptionSearch="https://chicago.legislationDetail.aspx?ID=4169358&GUID=D06677DA-F7F0-4036-B525-F57D7A1E849&OptionSearch="https://chicago.legislationDetail.aspx?ID=4169358&OptionSearch="https://chicago.legislationDetail.aspx?ID=416

Additionally, I want to talk a bit about how Compliance works in regulated industries. Internal auditors come in once a year to review compliance. A company looking to maintain its accreditation must provide copies of policies, and evidence that policies have been met. The auditors randomly select what evidence they will review to ensure compliance with policies. There are hours and hours of interviews over days in which auditors ask the same questions over and over in different ways. This is a technique I'm sure police are familiar with for getting at what's actually going on. Auditors identify non-conformities (i.e. ways policies aren't followed), which must be resolved, and opportunities for improvement (i.e., implementation could be better). Then companies go through that again with accredited external body. In this case, companies may get major or minor non-conformities with policies. Major non-conformities must be resolved in 30 days or there are consequences. Minor by the time of the next audit, or they become major in the next audit. Each year, the auditors expect that there has been on-going improvement to processes. I have a hard time understanding why we don't have something this rigorous where there are lives on the line. At a minimum something like this should be conducted regularly by IA, which would then be reported to elected Review Board auditors on a regular basis to ensure the health of the compliance program.

#### Reimaging a more Civil Society

Yes, defunding, which sounds scary until you understand it simply means have police focus on policing, leave other aspects of civil society to the experts, and necessarily reduce police budgets. Right now police are asked to be a swiss army knife when they are a hammer. I have multiple relatives in law enforcement, I do understand the mindset. A hammer has a specific role. But when you are a hammer, everything looks like a nail. But if I want a set of tweezers a hammer is not the best tool. Our civil society deserves to have a full tool set.

There are many situations where community organizations respond more successfully to emergencies for: people experiencing a public health crisis, unhoused, mental health crisis, substance abuse, sexual assault and rape, and people involved in natural or climate disasters (fires/mudslides). We keep doubling down on police (while defunding other programs to pay for the escalation) and wonder why the situation keeps getting worse.

There are many cases where involving police officers increases individuals' feelings of threat, while adding unnecessary costs including the time spent by the responding officers. The presence of armed officers can unfortunately quickly escalate a crisis. In worst case scenarios, officers use force in response to a person in crisis, resulting in unnecessary and unjust deaths and serious bodily injury to those who simply need the care and support of trained professionals. This doesn't need to be an either or.

Now broadly speaking I would like us to support some of the programs that the currently proposed CISES Act (should it pass) would help fund.

https://a54.asmdc.org/news/20200603-crises-act-would-allow-community-organizations-respond-mental-crises-and-other

#### https://www.lamag.com/citythinkblog/crises-act-ab-2054-police/

The types of programs we could work on implementing immediately are as follows.

A program similar to the Cahoots program in Eugene OR, where 911 calls regarding mental health issues cause a mental health team to be sent to respond to the emergency.

https://whitebirdclinic.org/cahoots/

https://whitebirdclinic.org/when-mental-health-experts-not-police-are-the-first-responders/

This would relieve the police of a burden that functionally they aren't trained for, reduce the possibility of incidents as a result of a hammer being asked to do the job of a blanket. I am particularly concerned about this because after nearly 20 years of war, we have so many veterans suffering PTSD. The last thing I want is the reward for service to our country to be an unfortunate, and avoidable, altercation with police.

I would also like an investigation into implementing improved programs for Social Workers and housing for the homeless, which per the study referenced in the article below, would relieve this labor from police, who don't really have the ability to do anything other than move homeless around or arrest them. While at the same time actually helping homeless get off the streets and into better situations. Also, as it happens it would be more cost effective.

https://www.businessinsider.com/santa-clara-homelessness-study-2015-5

Stop having police respond to drug abuse calls. Send medical professionals that have experience with drug rehabilitation. Criminalizing these cases hasn't helped our society. Rather the reverse.

Just to reiterate, I'm requesting that you reimagine Civil Society where police aren't asked to do all sorts of tasks. Police should focus on police work. Not acting as dog catchers or school monitors or whatever. Investing only in hammers does not improve the safety of our beloved community.

And finally, I have read the memorandum regarding the proposed study for the use of force in crowd control. <a href="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&GUID=1407547B-E80F-440A-9E0E-7980C747C67D&Options=&Search="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&GUID=1407547B-E80F-440A-9E0E-7980C747C67D&Options=&Search="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&GUID=1407547B-E80F-440A-9E0E-7980C747C67D&Options=&Search="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&GUID=1407547B-E80F-440A-9E0E-7980C747C67D&Options=&Search="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&GUID=1407547B-E80F-440A-9E0E-7980C747C67D&Options=&Search="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&GUID=1407547B-E80F-440A-9E0E-7980C747C67D&Options=&Search="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&GUID=1407547B-E80F-440A-9E0E-7980C747C67D&Options=&Search="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&GUID=1407547B-E80F-440A-9E0E-7980C747C67D&Options=&Search="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&GUID=1407547B-E80F-440A-9E0E-7980C747C67D&Options=&Search="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&GUID=1407547B-E80F-440A-9E0E-7980C747C67D&Options=&Search="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&GUID=1407547B-E80F-440A-9E0E-7980C747C67D&OptionSearch="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&GUID=1407547B-E80F-440A-9E0E-7980C747C67D&OptionSearch="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&OUID=1407547B-E80F-440A-9E0E-7980C747C67D&OptionSearch="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&OUID=1407547B-E80F-440A-9E0E-7980C747C67D&OptionSearch="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&OUID=1407547B-E80F-440A-9E0E-7980C747C67D&OptionSearch="https://sanjose.legistar.com/LegislationDetail.aspx?ID=4555285&OUID=1407547B-E80F-440A-9E0E-7980C747B-E80F-440A-79

and look forward to seeing the results. However, I am concerned about this phrasing, "the like have forced our exhausted police officers to take actions to respond to violence and destructive activity while ensuring that protesters can safely continue to express themselves," which indicates that the results of the study may become tainted by some form of bias.

Please address what steps may be taken to ensure that community activists are an engaged part of the review process. If you frame the actions taken by police as actions that were out of their control, i.e., "forced" and as somehow a necessary activity to ensure first amendment rights, then you are missing the point of the need for review.

We've all read about the San Jose police shooting your own anti-bias trainer in the genitals resulting in potentially long term consequences. That's not a "forced" action. That's a deliberate action. When you conduct your review, you must account for the decisions that lead to the well reported incidents that have occured. Now it's possible the answer is hammers were brought in to solve a problem they weren't suited to, but you need to make sure you have the right mix of experts to get to conduct the root cause analysis. Because if you don't, you won't fix the problem that resulted in non-conformities with your own policies, and it'll just happen again.

There is this concept in compliance work that the system should always be under continual and on-going improvement. I urge you to embrace this concept and be open to a wide range of options. Where we are right now is not tenable. But it doesn't have to be this way.

This is a wonderful vibrant community. Our civil society needs to reflect that as does how we spend the resources of our taxpayers.

Thank you for considering these requests.

Sincerely,

Crystal Carroll

From: Alex McGregor

Sent: Tuesday, June 09, 2020 6:53 AM

To: City Clerk <city.clerk@sanjoseca.gov>

Subject: Public Comment Today re: Police Force

?



[External Email]

Dear City Council,

My name is Robert Alexander McGregor. I live in San Jose, in the 95124 zip code. I am father, teacher, basketball ball coach. I have no criminal record, and I am a peaceful person.

May 29 at San Jose City Hall was the first protest I ever attended. I am no agitator or radical. But I was hit by one of your rubber bullets and shot at by tear gas at very close range so I deserve to be heard.

I was peacefully protesting at San Jose City Hall on Friday May 29 at approximately 6:10 and stayed for a total of maybe 12 minutes.

I took video on my phone but I am also the unique position that a lot of what I witnessed was being broadcast live on KPIX CBS 5. I was standing just a few feet from one of their cameramen and I can literally watch news footage of me me and the people around me being shot at by officer GAONA and others of the SJPD at very close range, sometimes less than 6 feet away.

I was shot in the arm by a projectile and have a plate size bruise still visible 11 days later. I shudder to think what would have happened should someone have been hit in the eye. My bruises are fading but my memories are vivid. I can't sleep and I realize I am now suffering symptoms of PTSD at the hands of SJPD.

I'm 45 years old, 6'2" 190 pounds: I witnessed young female college students half my age, a foot shorter than me, and 80 pounds lighter than me being pushed by billy clubs, and shot at by rubber bullets that whizzed mere inches by their heads. The only protection they had were homemade cardboard signs.

The result of all this is I have been traumatized and radicalized. I will become politically active to defund the police. My family and friends have already begun to mobilize.

My children (ages 7 and 11) no longer trust the police. When my 7-year old son saw my bruise, he became upset, "Police are supposed to protect people," he cried. What am I supposed to tell him?

The worst I saw protesters do was toss a couple of half empty water bottles.

### Badge numbers:

- 1. I would like to give commendations for: G. GON, badge number 4776. He treated protesters with respect and did not seek to injure.
- 2. Officer GAONA, no badge number. He was wearing a vest reading 'VCET' in red letters. He endangered everyone around him by shooting many projectiles at unarmed protesters at close range.
- 3. Jared Yuen: He was acting in a juvenile manner, using threatening and taunting body language. However, the real threats were Officer Gaona and all those shooting into crowds of unarmed protesters.

I can submit a photo of my bruise, a screenshot of me being shot at from KPIX News, a video shot on my iPhone that shows officer Gaona shooting projectiles into the peaceful crowd, and a photo of the offending officer.

From: Rachna Mandalam [

**Sent:** Tuesday, June 09, 2020 5:16 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: Thoughts on Agenda Item 3.6 Regarding "Police Use of Force and Crowd Control Measures"

?



To the City of San Jose Councilmembers and City Clerk Taber,

My name is Rachna Mandalam and I am a registered voter and lifelong resident of San Jose. I am writing to express my thoughts on Agenda Item 3.6 in regards to "Police Use of Force and Crowd Control Measures" as well as my thoughts on the city's budget.

I believe that funding should be reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut the budget towards education, libraries, parks, housing, and transportation while funneling \$5M into improving the San Jose golf courses. Furthermore, even though 30% of city funding goes towards the SJPD, our city's crime rates are 12% higher than the national average, demonstrating that the budget is ineffectively being utilized. We need to refocus the way that we protect <u>all</u> of our residents and foster an approach that supports community wellbeing. I look forward to joining the June 15th budget meeting to further discuss community based solutions.

Until then, I believe that it is important for the City Council and the City of San Jose to ban the inhumane use of rubber bullets, tear gas, and other means of excessive force as a method of crowd control. The city must recognize that protestors are exercising their First Amendment Rights and should not be met with police violence. San Jose is home to prominent civil rights activists who have championed for reform, including Olympians Tommie Smith and John Carlos and Caesar Chavez. The excessive force practices of the SJPD and other police departments across the country are inhumane and dishonor the legacy of the advocates who came before us and all that they have worked for. These actions do not reflect the San Jose that I know. The city needs to be better by protecting and listening to the community, not turning against them.

It is my sincere belief and hope that City Council and San Jose residents must work together to create community based solutions that address the issues in our local and global vicinity. I would like to remind you of your duty to represent your constituents and I urge you to listen to the demands to recenter the San Jose 2020-2021 budget towards social and public programming. Change starts with us - I look forward to working together to address these issues and create impactful solutions that benefit the entire community.

--

Rachna Mandalam Interdisciplinary Studies (Business, Technology, Legal Studies) University of California, Berkeley | 2020 From: Josefina Molina

**Sent:** Tuesday, June 09, 2020 3:22 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: agenda item 3.6

?



[External Email]

Hello,

My name is Josefina Molina and a resident of San Jose. I attended a peaceful protest and marched to the police station on Tuesday 6/2 where we asked officers to kneel and pray in solidarity, they declined. Are San Jose Police officers able to stand in solidarity without repercussions? Can this be a more peaceful method for crowd control and is it something the San Jose Police Department would consider doing?

From: Sophia Shin

**Sent:** Tuesday, June 09, 2020 3:41 AM **To:** City Clerk <city.clerk@sanjoseca.gov>

Subject: agenda item 3.6

Hello,

My name is Sophia Shin, I am a resident of San Jose, and a teacher. I am here to demand that funding is reallocated from SJPD to social and public programming that takes place in our communities. It is unethical to cut budget towards education, libraries, parks, housing, and transportation while funneling \$5M into improving the San Jose golf courses. It is also an outrage that over 30% of city funding goes towards the Police Department. The SJPD has seen a rise in overtime pay which, more often than not, is paid out to officers responsible for harassing the unhoused, and Black, Indigenous, and people of color.

We stand the calls of those across the country and demand that the City Council defund and disband the SJPD similarly to Minneapolis. We demand a budget that adequately and effectively meets the needs of at-risk San Jose residents during this trying and uncertain time, when livelihoods are on the line. We demand a budget that supports community wellbeing, rather than empowers police. A change needs to happen for those at-risk San Jose residents. We would be failing as a city if we did not try this method. We are asking you to look at the reallocation of funds to really help the future generation. If you are not willing to try this change what difference will it make to the community that will probably distrust the SJPD even more now. The civilians need to know their mayor is listening and try with us to help the kids. By budgeting towards education, libraries, parks, housing, and transportation instead of about 40% of the budget going to SJPD. The communities need resources to help them with basic needs and keeping the budget for cops and "promising reform" is not going to do that. There is a great divide right now and trust needs to be rebuilt and that means more than just police reform. Please listen to your people in asking for a reallocation of the budget.

In the meantime, it is important to ban the use of rubber bullets, tear gas and other means of excessive force as a method of crowd control. The city must recognize that protestors are exercising their first amendment right and should not be met with police violence. I understand Sam Liccardo stated on "The Forum" of NPR that the officers showed admirable restraint on Friday's (May 29th) protest, however as civilians in this city that statement in itself does not bode well. It gives reason to believe the police could have done worse since they were apparently showing "admirable restraint" and still used rubber bullets and tear gas. I also understand that Sam LIccardo stated that there was fear on both side since we are all human, the police were scared and the protestors were scared. I can tell you, as being part of a protest in that weekend, I have never felt fear from a cop until that day. Seeing the police lined up with all their guns, whatever alternative weapons they had on them, and slowly as a line getting closer and closer to the side walk as we marched peacefully around the block of city hall 8 times. I have never felt more unsafe for my life from the people that are supposed to keep us safe. I have never had to face rubber bullets or tear gas before nor did I feel it necessary for the peaceful protest that was occurring that day. I saw the policy that was tweeted out by SJPD and paid attention to the section of " Projectile Impact Weapon Policy Change." The biggest concern I had with the wording is " or when an armed agitator poses a threat to officers or other peaceful protestors," because I really hope in this policy and training change, that you thoroughly define and go through real life examples of what "armed" means and what "agitator" means because that seems to be a vague statement to have in place to justify the use of rubber bullets.

I see that the city council hopes to create a process that includes the community and it starts here, by listening to your community. It is your duty to represent your constituents. I am urging you to completely revise the San Jose city budget for 2020-2021 fiscal year. Public opinion is with me.

**TO:** Mayor and City Council **FROM:** Citizens for Environmental and Economic Justice (CEEJ) 501.3c

**DATE:** 6/8/20

SUBJECT: Council Meeting 6/9/20 Agenda Item 3.6

# RECOMMENDATION

1. Direct staff to work with community groups to evaluate if current leadership methods are appropriate to policing the City and results in fair and equal treatment.

- 2. Direct staff to analyze leadership decisions, including the City Manager and Police Chief, for actions taken in the Agenda's Recommendation A) numbers 1-5 and the institution of the City curfew.
- 3. Direct staff to work with community groups to identify if unlawful, biased, and racist conduct in policing is systemic to the current institution or a failure in hiring.
- 4. Direct staff to examine alternatives to current policing system to solve societal problems and inequities such as, homelessness and mental health issues, and provide them to the public and City Council by August.

# **DISSCUSSION**

# **Current Leadership Model**

The failure in current city leadership and leadership methods can be seen in the actions of Jared Yuen. Police would have considered his behavior aggressive and intimidating if it was being directed at them. At no time did other officers or a superior officer correct the conduct. The City of San Jose should identify a leadership model that emphasizes technical competency and mission clarity, such as leading with intent. Each officer should have been evaluating whether the actions being taken were safe and the right thing to do, not merely justifiable. They should have also been empowered to disobey orders that do not meet those criteria and propose alternatives. While Officer Yuen's behavior is unbecoming, to lay all fault at the individual does not address the core problem; he was permitted to behave that way. Implicitly, leadership and fellow officers condoned Yuen's actions.

# Leadership Decisions in as it Relates to Recommendation A. 1-5

An explanation of why each decision was made and what alternatives were rejected will give the public and Council a better understanding of leadership's philosophy and data gaps. The current recommendation simply calls for examination of thresholds and not the underlying analysis, thought process, and conditions behind the decisions. This approach should also be applied to the justification of the curfew.

# Unlawful, Biased, and Racist Conduct by Officers

Residents constantly hear that problems in the police department are due to a few 'bad apples.' But history shows that systemic and racist policies have plagued police departments. It is vital that the City and community groups receive transparency on the causes of internal and external racism. The public

has the right to know whether the City is either hiring the wrong people in our police department or if the department through leadership and training, promotes, encourages, and creates 'bad apples.'

# **Alternatives to Current Policing**

It is generally accepted that we are asking police to address too many social issues. The City should identify, examine, and consider alternative options that will provide better outcomes and reduce the dependency on police services. Issues of homelessness, mental illness, and non-violent crimes especially warrant adequate economic resources. Until a full analysis is completed, it is not known if diverting funding from police to social programs will lead to further inequities. City staff and community groups should collaborate to analyze possible alternative funding strategies that meet the safety needs of the city and present the findings to the public. This is an opportunity for the city to create a collaborative platform to move forward and begin to rebuild build trust. Therefore, a collaborative analysis would provide valuable information which can help the City and stakeholders find a meaningful path forward by identifying alternative resources that can relieve current social, economic, and health disparities.

# **CLOSING**

CEEJ is a 501.3c non-profit that supports community groups and residents of San Jose with Land Use, Environmental, and Environmental Justice issues. The recent events have deeply affected us and the community, and we are committed to finding meaningful options that will fundamentally change the policing in San Jose. All of us at CEEJ have had positive and negative experiences with SJPD. We have witnessed abuses that include demeaning homeless individuals to challenging residents to a fist fight. We agree with many other community groups that simple reforms or re-examinations of policy will not be enough. In the future, children of color will face the same threats and fears that residents in our community feel at this moment.

Holding individual officers accountable is only the first step. An honest and unbiased examination of how we police is the only way forward. What we have proposed is not comprehensive but should be explored in collaboration with city staff and community groups. We hope this leads us to meaningful solutions.

CEEJ also acknowledges that police policy is just one reform of many that needs to be addressed before we can start to see equity and equality in our disadvantaged communities.

Respectfully, CEEJ requests to be involved and informed of any community outreach the City conducts in accordance with recommendation 'F'.

Disillusioned but fighting,

CEEJ
Board of Directors

Ada Marquez

Joshua McCluskey

Lydon George