



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Esparza

**SUBJECT:** SEE BELOW

**DATE:** 06/11/2020

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Approved *Maya Esparza*

Date: 6/11/2020

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**SUBJECT: DISCUSSION AND ACTIONS RELATED TO POLICE USE OF FORCE  
AND CROWD CONTROL MEASURES**

## **RECOMMENDATION**

1. Accept the recommendations from the Mayor, Vice Mayor Jones, Councilmembers Peralez, Carrasco, and Diep and:
  - a. Clarify in the recommendation item #6 that the San Jose's review of use of force policies will produce recommendations for reforms and presented to the Council for adoption.
  - b. Include review of policies including: duty to intervene, exhaust all alternatives before shooting, require officers to report when they point a firearm, and all other policies on the Police Use of Force Project's list not currently adopted.
2. Direct the City manager to return with a recommendation on a process for random audits of officer-worn body camera footage.
3. Expand San Jose Police Department's participation in the GARE Process, in coordination with the Office of Racial Equity. Among the goals SJPd participation in the GARE Process should be:
  - a. Producing internal policies to support diverse recruitment and policies that remove barriers to promotion for officers of color.
  - b. Ongoing improvements to community policing and community relations.
4. Direct the City Manager to expand commitment for full implementation of the Office of Racial Equity, beyond the \$200,000 over two years proposed in the Mayor's June Budget Message, for the purpose of developing and carrying out a strategic plan to study and address systemic inequities within our City, including within our Police Department.

5. Direct the City Manager to include in the workplan of the Office of Racial Equity substantial updates to San Jose's Budget Policies to address racial inequity through the budget process.
6. Direct the City Manager to explore and return to Council with recommendations on initiatives to help improve community/police relations and opportunities for taking ongoing community feedback as a continuation to the My Brother's Keeper process as referenced in the Mayor's memo.

## **BACKGROUND**

In the wake of the massive, nationwide protests over the killing of George Floyd by police officers in Minneapolis, and over the persistent, systemic racism in law enforcement and other institutions throughout our country, the residents of San José have vociferously and rightfully demanded change in how we allocate resources, and in how our Police Department interacts with our community.

We must first address the recent interactions of our police officers with protestors during Black Lives Matter protests. I recognize that there are policies that need to be adopted and or implemented that will produce improved crowd control interactions between community and police officers. Improvements to crowd control measures are just the beginning of the conversation. We must continue the conversation by discussing reform and efficiencies of internal systems to achieve institutional transformation.

Real change is going to require significant investments throughout our organization to bring forward reform and racial equity into our local policies. Policies produce outcomes for our city. We need to fix our sight on changing policies to change outcomes for our community and this merits a more substantial investment in the Office of Racial Equity. I appreciate that the Mayor has included the long overdue creation of an Office of Racial Equity within our City Administration of \$100,000 per year for the next two years. This is insufficient to take on the extraordinarily important work that our communities are demanding, and that is required to affect real, lasting change within our organization and within our communities.

At the core of the national calling to defund the police is a call for equitable investment of resources in our communities, recognizing that for so many cities, it has been easier to simply invest in policing of our disadvantaged and marginalized communities, rather than rising to the challenge of addressing those communities' needs through sustained investment in resources. But I believe that this effort need not be an "either or" scenario—particularly for San José, which already has one of the most thinly staffed Police Departments of any major city in the country. The result of divestment in our Police would be greater strain and hardship on the very communities that supporters of this movement seek to protect and uplift. What is sorely needed is the substantive investment in equity necessary to uplift our communities of color. That is the only way we can meaningfully address the root causes of this national cry for change.

I believe that the work plan for the Office of Racial Equity needs to include a comprehensive review of the structural inequities within our own City government, including examination of the structure, operations, and culture of our Police Department. This work should result in concrete recommendations to Council on how to address these internal inequities, as we cannot hope to gain the public's trust in these matters if we do not, as an organization, lead by example.

Our Department needs more concrete policies or programs to ensure diversity in recruitment, and diversity in promotion. We need to make significant procedural and policy changes necessary to ensure that the diversity of our communities is reflected at every level of our Police Department.

This means developing concrete policies, procedures, and programs to achieve diversity in recruitment, in how we promote diversity in our evaluation and staff development processes, as well as achieving diversity in our promotional process. This also means that community input should be recognized, actionable, and a component of promotional advancement. We need officers who have dealt with the injustices and challenges of growing up in an underserved community first-hand, that is the only way to ensure empathy from our officers, and in turn receive empathy from the community. There is no shortcut to achieving this trust, and the longer we wait to take action, the more credibility we lose in the eyes of our residents. I recognize that these reforms serve as merely a starting point of a much longer conversation if we are to achieve the institutional transformation that our communities demand and deserve. And I understand that the residents we serve will hold us accountable to deliver this change.

I add my recommendations to my support for the action items in the Mayor's memo. I also provide additional requests to his Item 6 to ensure the processes the Mayor outlines will lead to reform recommendations to Council, as well as leading to ongoing conversations that can continue the work of building trust in our community.