blair beekman. sj city council. August 11th, 2020. Item 4.1

E	3B
b. beekman <	
Reply all	
Mon 8/10/2020 8:03 PM	
To:	
Agendadesk	
[External Email]	

Dear community of San Jose, and city govt,

A thank you, to the city manager staff, those within city government, and San Jose elected officials, who I am sure, all worked together, and contributed to, these policy change ideas.

I hope, you can be working with, the efforts and ideas, of the entire community.

sincerely, blair beekman

Fw: 4.4 Department Duty Manual Amendments

City Clerk

Tue 8/18/2020 11:54 AM

To: Agendadesk <

Office of the City Clerk | City of San José

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

How is our service? Please take our short survey.

From: Brian Parkman < Sent: Tuesday, August 18, 2020 10:50 AM To: City Clerk < Subject: 4.4 Department Duty Manual Amendments

[External Email]

Hello Council Members

These are some things that citizens want added to police duty manuals: End qualified immunity; Residency requirements. No pay or desk duty for suspended cops; Do not hire cops with records of misconduct. Remove police certification after misconduct has been proven (California is one of two states that currently does not decertify cops.) No destruction of misconduct records and no secret misconduct records. Do not allow cops to appeal firings for misconduct. Remove time protections after misconduct, e.g. Police cannot be questioned for 48 hours after an event, giving police time to plot the best story to explain their actions and receive coaching by their union. Police are under no obligation to follow recommended disciplinary recommendations. Give the IPA some teeth and power to push back on police entitlement. Require police follow the disciplinary recommendations by the IPA and other oversight boards. Thank you for your time, Brian Parkman

Re: Public comment of Ladoris Cordell for San Jose City Council Meeting

Agendadesk

Tue 8/18/2020 9:24 PM Sent Items To:Pereira, Paul <

Thanks Paul, it will be posted.

Agenda Desk

City of San José | Office of the City Clerk 200 East Santa Clara St. – Tower 14th Fl. San José, CA 95113-1905

Live updates of City Council Meetings can be found on Facebook and Twitter.



Good evening

Judge Cordell wanted to speak tonight but was having connection issues likely related to the rolling power outtages. She asked to submit this dfor the record on her behalf as part of public comment for Agenda items 4.1 - 4.4

Thank you

Paul Pereira Office of Mayor Sam Liccardo

Please consider the environment before printing this email

From: ladoris cordell < Sent: Tuesday, August 18, 2020 9:01 PM To: Pereira, Paul < Subject: Public comment of Ladoris Cordell for San Jose City Council Meeting

[External Email]

PUBLIC COMMENT OF Ladoris Cordell FOR SAN JOSE CITY COUNCIL MEETING: 18 AUGUST 2020

While I address my brief comments to the proposal concerning the IPA office, I want you to know that I am enthusiastically supportive of all of the recommended actions.

During the five years that I was the IPA, the office did the best it could to hold officers accountable for misconduct, but we always had our hands tied because when complaints were made, the police investigated themselves and made their own findings.

With this proposal, accountability for police misconduct takes a giant, and long overdue leap forward. It will be the IPA office, and only that office, that will investigate all complaints of misconduct ---courtesy, neglect of duty, bias-based policing, force, procedure, search & seizure, and conduct unbecoming--- all of them. And as importantly, the IPA will make the findings for all allegations of misconduct. No longer will the police police themselves in San Jose.

Here's just one example of what happens when the SJPD investigated complaints of misconduct: Of the <u>430 complaints</u> alleging bias-based policing between 2010 through 2018, <u>only one</u> based on race was sustained, with the great majority of the complaints labeled "unfounded" by the Department.

So, this one change, if approved, will do a great deal to build the community's trust in holding police accountable.

I urge the council members and the community to support this proposal. It is not anti-police; quite the contrary, it is pro-accountability, which benefits us all.

Thank you. REMARKS OF LADORIS CORDELL FOR SAN JOSE CITY COUNCIL MEETING: 18 AUGUST 2020

FW: 8/18 City Council Item 4.4 Public Comment

Le, Nancy

Fri 9/4/2020 2:06 PM

To:City Clerk	
Cc:Agendadesk	

Please see another letter from YWCA for item 8/18 4.4 and 9/15 item 4.3. Thank you.

Nancy Lê Deputy Chief of Staff City of San Jose | Office of Councilwoman Sylvia Arenas – District 8 O: 408.535.4964 | E: 200 East Santa Clara Street – 18th Floor, San Jose, CA 95113

From: Lindsey Mansfield [mailto: Sent: Friday, September 4, 2020 2:00 PM To: Le, Nancy < Subject: FW: 8/18 City Council Item 4.4 Public Comment

From: Lindsey Mansfield			
Sent: Tuesday, August 18,	, 2020 4:26 PM		
To: 'councilmeeti	< <u>councilmee</u>	ti	
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Subject: 8/18 City Council Item 4.4 Public Comment

Hello Councilmembers,

Unfortunately I was unable to be present to comment on item 4.4 today. As someone with 15 years in the anti-gender based violence movement, I wanted to strongly express my support of Councilmember Arenas' memo for the duty manual changes.

The suggestion to align outcomes across community service providers as well as law enforcement gives us the 'bigger picture' and helps us to identity gaps and trends. It is useful for CBOs, LE, and other entities to come together and share this information in a redacted form so that we can better align responses.

Secondly, I appreciate the offering of requiring officers to provide police reports upon request to survivors of domestic violence, child abuse, sexual assault, and human trafficking. It is vital for survivors to have the option of filing a report in the moment they want to rather than being routed to the police station. Any delay in the reporting process may create a barrier to survivors coming forward.

Lastly, I believe it is absolutely vital to provide survivors with the information and a connection to advocates at the time of incident regardless of if an advocate is requested by the survivor. Of course it is up to the survivor if they choose to engage with services, but it should be a standard practice to offer it across the board.

Thank you for your consideration of these matters.

Respectfully,

Lindsey Lindsey Mansfield | Associate Director of Support Services Pronouns: She/Her/Hers

P: E:

Email Confidentiality Notification



August 18, 2020

San Jose City Council City of San Jose 200 E. Santa Clara Street, 18th Floor San Jose, CA 95113

Re: Item 4.4 Police Department Duty Manual Amendments

Mayor Liccardo and San Jose City Councilmembers,

I write to support the memorandum put forth by Councilmember Arenas regarding amendments to the Police Department Duty Manual.

As a service provider for survivors of violence, abuse and trauma, we often see the communication gap between law enforcement and our communities, especially communities of color, immigrants, and limited English speaking families. System response to gender-based violence has become even more critical during COVID, when survivors are trapped in their home with the person who is harming them.

At AACI, requests for hotel and restraining orders have doubled, and more survivors than ever are calling our hotline seeking support for their mental health and housing needs. Our diverse communities face too many barriers to seeking help. Studies show that as many as 55% of API women report experiencing intimate violence in the U.S., but only 5% of local domestic violence felonies involve Asians. Our criminal justice system sees the 5%, and our victim service agencies see the other 50%. To see the full picture of family violence in our city, we need more proposals like one offered today: providing a path forward, together, through a data-driven coordinated community response, involving culturally responsive community advocates, and emphasizing long-term policy change for underrepresented survivors and their families.

Please vote to support these amendments. AACI thanks the Council for its consideration, partnership, and shared vision for improving law enforcement interactions with survivors of violence, abuse, and human trafficking.

Sincerely,

Sarita Kohli AACI President & CEO San Jose City Council

September 14, 2020

Re: Proposed Changes from Councilmember Arenas' August 17, 2020 Memo to the SJPD Duty Manual

In 2003 several community-based organizations came together to address the unique needs of human trafficking survivors in the South Bay. The South Bay Coalition to End Human Trafficking emerged from these efforts. Since 2005 San Jose Police Department have been a core partner of with the South Bay Coalition working to combat trafficking in terms of identifying victims, holding traffickers accountable, preventing trafficking and enhancing partnerships. Over the years, Coalition agencies have coordinated resources, strengthened local capacity, responded to human trafficking, and provided training and education to professionals and the community.

A crucial collaboration has been between service providers and law enforcement. Agencies providing services to survivors of human trafficking, sexual assault, and domestic violence recognize that it is extremely important to connect a survivor to services as soon as possible to ensure stability and safety. This stability provides law enforcement with the best opportunity to hold abusers and exploiters accountable and minimizes adding to the trauma a victim suffers.

San Jose Police Department has dedicated officers and units focused on special victims, and these officers proactively partner with community-based organizations to offer services to victims of human trafficking, domestic violence, and sexual assault. There is immense value in operationalizing these practices by including them in the duty manual, thereby scaling these practices across the entire police department to ensure there is consistency in a victim-centered approach. In addition to the policies, law enforcement should receive training to learn about the value of services and a victim centered approach.

It is especially important during these times that law enforcement utilize and enhance partnerships with agencies who can respond to situations where victims who have suffered trauma and would benefit from trauma informed services are offered them by an authority figure. Ensuring officers have the resources and tools to let victims know about available services equips officers to be victim centered. This policy will set a tone in our community that safety is not just situational, but about the ability to connect vulnerable persons to services to develop personal protective factors to violence and exploitation.

The community members and community-based organizations signing below are part of the South Bay Coalition to End Human Trafficking and strongly support the *City of San Jose Councilmember Arenas' proposal on the August 17, 2020 Memo* to operationalize San Jose Police Department polices that support victims of gender-based violence.

Thank you for your time and consideration, Sincerely,

Sharan Dhanoa Director Strategic Development South Bay Coalition to End Human Trafficking*

The following South Bay Coalition to End Human Trafficking Member Agencies* Support the Proposed Changes to the San Jose Police Department's Duty Manual Proposed in Councilmember Arenas' Memo on August 17, 2020:

Erin O'Brien	9/14/2020 President/CEO
Community Solution	ons
	9/14/2020
Karen Schulz	Executive Director
Step Forward Four	ndation
	9/14/2020
Sarita Kohii	President & CEO
AACI	
Ruth Silver Taub	
Wage Theft Coal.	Coordinator
Rosemary Everett	9/14/2020
Sisters of the	Holy Names
Catarina Chu	9/14/2020

* The South Bay Coalition to End Human Trafficking is a collaborative of agencies and not a formal legal entity. As such, the Coalition as a whole cannot endorse policies, but can encourage individual member agencies to do so, as is reflected above.

Fw: Ban on Rubber Bullets

City Clerk

Tue 9/15/2020 9:56 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>;

Office of the City Clerk | City of San José

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

How is our service? Please take our short survey.

From: Bruce T. Akizuki < Sent: Tuesday, September 15, 2020 9:51 AM To: City Clerk <city.clerk@sanjoseca.gov> Subject: Ban on Rubber Bullets

[External Email]

This is a defining moment in our history due to the numerous callous and brazen deaths and violence against African Americans and people of color due to police brutality and violence. You need to do what is right and best for our entire community. Rubber bullets should not be used at all. Do not cave into special interests.

>

Bruce Akizuki San Jose Nikkei Resisters

Fw: Public Comment: 4.3 - Police Department Duty Manual Amendments.

City Clerk

Tue 9/15/2020 9:56 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>;

Office of the City Clerk | City of San José

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

How is our service? Please take our short survey.

From: Erica Boas
Sent: Tuesday, September 15, 2020 9:51 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Public Comment: 4.3 - Police Department Duty Manual Amendments.

[External Email]

Please accept the following as public comment on 4.3 - Police Department Duty Manual Amendments.

I support Mayor Liccardo's ban on the use of rubber bullets. I oppose the SJPD's effort to weaken the ban. SJPD has hurt individuals and communities even when using so-called "harmless" weapons such as rubber bullets. These hurt and maim, and I oppose their use under any circumstance.

I live in San Jose, I'm a mother of a young child, and I'm active with a grassroots organization called San Jose Nikkei Resisters.

Sincerely, Erica Boas

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

	City Clerk
	Tue 9/15/2020 11:51 AM
	To:Agendadesk <
(Office of the City Clerk City of San José
ź	200 E. Santa Clara St., Tower 14 th Floor
¢	San Jose CA 95113

San Jose, CA 95113 Main: 408-535-1260 Fax: 408-292-6207

How is our service? Please take our short survey.

From: Chester Peterson < Sent: Tuesday, September 15, 2020 11:23	AM	
To: City Clerk <	District5 <	Carrasco, Magdalena
Subject: Re: City Council Agenda Items 4.	2, 4.3, 4.4, September 15, 2020	

[External Email]

Dear Councilmember Carrasco,

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

The release of the police videos of the named incidents has been delayed beyond all justification. The city needs to conduct a **thorough and impartial investigation into why the San Jose Police Department has failed to produce these videos** for months following the requests.

4.3: Banning Use of Rubber Bullets

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

4.4: Preliminary After-Action Report:

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

a. <u>The SJPD's Lack of Preparedness:</u>

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

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

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

b. The SJPD's Militarized/Racialized Response

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

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

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

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

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

c. <u>The SJPD's Inconsistency in Reporting Accurately Some of the Protests</u>

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

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

d. The SJPD's Failure to Follow Established Procedures

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

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

Our Ongoing Demands:

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

• Community engagement in the hiring of SJPD's new chief: from the revision of the job description to match 2020 awareness; to a nationwide search for a new chief; to community representation on the hiring panels and more

• A commitment at all levels of SJPD and City governance to the condemnation and elimination of racist ideas, language, and behavior in our police department: City officials must commit to establishing criteria that define racist actions in police officers, to firing officers whose actions fit that criteria, and to inscribing these criteria into all upcoming contracts with the POA so that these officers cannot be rehired.

• The strengthening of the Independent Police Auditor's role to allow for independent civilian investigation of police actions and misconduct

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

Sincerely,

Chester Peterson

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

City Clerk

Tue 9/15/2020 11:55 AM

To: Agendadesk <

Office of the City Clerk | City of San José

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

How is our service? Please take our short survey.

From: Harriet <	
Sent: Tuesday, September 15, 2020 11:5	2 AM
To: District7 <	Esparza, Maya <
Cc: City Clerk <	
Subject: PACT Beloved Community Team	Response to Items 4.2-4.4 TODAY

[External Email]

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

Dear Councilmember Esparza,

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

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

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

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

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Sincerely, Harriet Wolf

Fw:

City Clerk

Tue 9/15/2020 11:54 AM

To: Agendadesk <

Office of the City Clerk | City of San José

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

How is our service? Please take our short survey.

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

[External Email]

Dear Mayor Liccardo and Councilmember Peralez,

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

• Community engagement in the hiring of SJPD's new chief: from the revision of the job description to match 2020 awareness; to a nationwide search for a new chief; to community representation on the hiring panels and more

A commitment at all levels of SJPD and City governance to the condemnation and elimination of racist ideas, language, and behavior in our police department: City officials must commit to establishing criteria that define racist actions in police officers, to firing officers whose actions fit that criteria, and to inscribing these criteria into all upcoming contracts with the POA so that these officers cannot be rehired.

• The strengthening of the Independent Police Auditor's role to allow for independent civilian investigation of police actions and misconduct

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

Sincerely,

Rev. Rowan Fairgrove



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

City Clerk

Tue 9/15/2020 11:54 AM

To: Agendadesk <

Office of the City Clerk | City of San José

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

How is our service? Please take our short survey.

From: Nancy Palmer Jones		
Sent: Tuesday, September 1	5, 2020 11:46 AM	
To: The Office of Mayor San	n Liccardo <	Liccardo, Sam
<	Nancy Palmer Jones <	Pereira, Paul <
City Clerk <	Jones, Chappie <	
Subject: Urgent: Beloved Co	ommunity Team's Response to Items	4.2-4.4 on Today's City Council Agenda

[External Email]

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

Dear Mayor Liccardo and Vice-Mayor Jones,

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

The release of the police videos of the named incidents has been delayed beyond all justification. The city needs to conduct a **thorough and impartial investigation into why the San Jose Police Department has failed to produce these videos** for months following the requests.

4.3: Banning Use of Rubber Bullets

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

used under any circumstances.

4.4: Preliminary After-Action Report:

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

a. <u>The SJPD's Lack of Preparedness:</u>

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

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

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

b. The SJPD's Militarized/Racialized Response

•

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

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

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

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

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

c. <u>The SJPD's Inconsistency in Reporting Accurately Some of the Protests</u>

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

d. The SJPD's Failure to Follow Established Procedures

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

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

Our Ongoing Demands:

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

• Community engagement in the hiring of SJPD's new chief: from the revision of the job description to match 2020 awareness; to a nationwide search for a new chief; to community representation on the hiring panels and more

• A commitment at all levels of SJPD and City governance to the condemnation and elimination of racist ideas, language, and behavior in our police department: City officials must commit to establishing criteria that define racist actions in police officers, to firing of officers whose actions fit that criteria, and to inscribing these criteria into all upcoming contracts with the POA so that these officers cannot be rehired.

 \cdot The strengthening of the Independent Police Auditor's role to allow for independent civilian investigation of police actions and misconduct

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

Sincerely,

Rev. Nancy Palmer Jones

Co-author with Karin Lin of *Mistakes and Miracles: Congregations on the Road to Multiculturalism* Available at: <u>https://www.uuabookstore.org/Mistakes-and-Miracles-P18521.aspx</u>

"Justice is what love looks like in public." -- Cornel West

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

Pereira, Paul

Tue 9/15/2020 12:25 PM

To:Agendadesk <Agendadesk@sanjoseca.gov>;

Paul Pereira Office of Mayor Sam Liccardo

Please consider the environment before printing this email



[External Email]

Tuesday, September 15, 2020

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

Dear Mayor Liccardo,

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

4.2: Release of Police Videos

The release of the police videos of the named incidents <u>has been delayed beyond all justification</u>. The city needs to <u>conduct a thorough and impartial investigation</u> into why the San Jose Police Department has failed to produce these videos for months following the requests.

4.3: Banning Use of Rubber Bullets

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

4.4: Preliminary After-Action Report:

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

A - The SJPD's Lack of Preparedness:

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

• **Section 3**, ""Intelligence Before Protests Began" (p. 34) In the last paragraph of this section (p. 36) "While the Dept. was aware of these events happening throughout the country, there was no specific intelligence the protest planned for May 29th would become a large scale incident". This describes the <u>SJPD's attention to the national protests immediately following the murder of George Floyd. Why, then, was a thorough Operations Plan not put in place sooner, allowing for all contingencies?</u>

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

B - The SJPD's Militarized/Racialized Response

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

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

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

• In **Recommendation K**, the report speaks <u>of "prisoner processing during large-scale events." The SJPD</u> <u>calls the protesters whom they arrest "prisoners"?</u> This is another **incendiary** term.

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

C - The SJPD's Inconsistency in Reporting Accurately on Some of the Protests

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

D - The SJPD's Failure to Follow Established Procedures

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

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

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- The strengthening of the Independent Police Auditor's role to allow for independent civilian investigation of police actions and misconduct

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

Sincerely, Lareen Jacobs



SAN JOSE POLICE OFFICERS' ASSOCIATION

1151 North Fourth Street • San Jose, California 95112 Telephone 408-298-1133 • Facsimile 408-298-3151 • info@sjpoa.com

September 14, 2020

VIA ELECTRONIC MAIL ONLY

Honorable Sam Liccardo Mayor of the City of San José 200 East Santa Clara Street San José, CA 95113 E-Mail: mayoremail@sanjoseca.gov

San José City Council 200 East Santa Clara Street San José, CA 95113

Re: Changes to San Jose Police Department Duty Manual

Dear Honorable Mayor Liccardo and City Councilmembers:

Our Union is in receipt of City Manager Sykes' two memoranda regarding proposed changes to the San Jose Police Department Duty Manual.

We share the City's goal of ensuring our Police Department provides the best services and best practices in keeping our community safe. The City Manager's memoranda raise important ideas and issues. As always, ensuring that our policies are the best requires the input of the men and women charged with implementing them.

In that vein, in due course, the Union will seek to engage in discussions to ensure our members have input and can offer advice.

Many of the changes proposed are overdue. For example, our officers have no desire to handcuff twelve-year old children so long as provisions exist, as they do in the City's proposal, for exigent circumstance.

On tattoos and body art, we agree with the City's goal of prohibiting the practice of hiring recruits with body art that is considered racist and/or associated with hate groups (although we do not believe this has happened). But why stop there? If the City is serious about hiring a greater diversity of police

Honorable Sam Liccardo San José City Council September 14, 2020 Page 2

officers, it should loosen up its policies on body art and facial hair, etc. Facial hair and body art are increasingly popular in our country. If we hope to recruit from a broad and diverse talent pool, we should look to modernize our previous "norm" so our ranks will reflect the community we serve.

Issues like No Knock Entry and Crowd Control tactics are critical in light of public controversies over these issues. These changes impact officer safety concerns—as the 120 of our officers who were injured enforcing the City's ill-fated Curfew ordinance can attest to. We hope that the debacle surrounding the hurried passage of that ordinance causes the City to place more value on the input of its officers.

We applaud the City Manager's intention to place more emphasis on hiring. SJPD has a dire need to hire more officers and we should be identifying ways we can expand hiring while not compromising our high standards to reach those goals. Police work is becoming more complex, not less, with each passing month. Our residents deserve for us to compete for the best candidates possible.

Our Union looks forward to robust and collaborative discussions over how to move our Department forward.

Sincerely,



Paul Kelly, President San Jose Police Officers' Association

cc: Dave Sykes, City Manager Dave Knopf, Acting Chief of Police Jennifer Schembri, Director of Human Resources Sean Pritchard, Vice-President, SJPOA Tom Saggau, Consultant Gregg Adam, SJPOA Counsel

Fw: 9/15 City Council Item 4.3 Support for Councilmember Arenas memo

City Clerk

Tue 9/15/2020 2:10 PM

To:Agendadesk <Agendadesk@sanjoseca.gov>;

Office of the City Clerk | City of San José

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

How is our service? Please take our short survey.

From: Le, Nancy <Nancy.Le@sanjoseca.gov>
Sent: Tuesday, September 15, 2020 2:06 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: Ritter, Mary <</pre>

Subject: 9/15 City Council Item 4.3 Support for Councilmember Arenas memo

Please see the attached letter of support from Mary Ritter from the Center for Child Protection for 9/15 City Council item 4.3.

Nancy Lê Deputy Chief of Staff City of San Jose | Office of Councilwoman Sylvia Arenas – District 8 O: 408.535.4964 | E: <u>Nancy.Le@sanjoseca.gov</u> 200 East Santa Clara Street – 18th Floor, San Jose, CA 95113

From: Ritter, Mary Sent: Friday, September 11, 2020 6:32 PM To: Le, Nancy <Nancy.Le@sanjoseca.gov> Cc: Sturm, Marlene <

I write in support of Councilmember Arenas' memo calling for continued attention to issues of abuse and provision of advocacy for victims. Our Center for Child Protection clinic at Santa Clara Valley Medical Center does medical exams for child sexual abuse. Our referrals went down in April and May, but we are back to pre-COVID numbers in August and on course to see more than usual in September. We must stay focused on responding to abused children in these troubled times. Mary Ritter, CHA, PA-C

Center for Child Protection, Pediatric SART Santa Clara Valley Medical Center From: kathryn hedges
Sent: Tuesday, September 15, 2020 6:55 PM
To: CouncilMeeting <CouncilMeeting@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>
Cc: Nancy Palmer Jones < Subject: Police Agenda items 4.2-4.4</p>

Dear Mayor and City Council Members:

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

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

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

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

Kind regards, Kathryn Hedges