

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** David Sykes  
Shivaun Nurre

**SUBJECT:** POLICE REFORMS PROCESS AND  
TIMELINE

**DATE:** September 18, 2020

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## **RECOMMENDATION**

Accept the update on actions related to:

- a. The sequencing and coordination of major Police Reforms Work Plan elements, including the use of force review and reimagining community safety work, with the recruitment efforts for a new Chief of Police;
- b. Framing the use of force and reimagining community safety community engagement process; and
- c. Consultant timing to conduct a use of force review and make recommendations on additional amendments to the San Jose Police Department Duty Manual or other protocols that further align San Jose with 21<sup>st</sup> Century Policing best practices.

## **OUTCOME**

That the City Council will be informed about the plans of the City Manager and Independent Police Auditor to sequence and coordinate the use of force review and reimagining community safety elements of the Police Reforms Work Plan with the new Chief of Police recruitment, conduct community outreach related to use of force and reimagining community safety, and procure a consultant to conduct a use of force review.

## **BACKGROUND**

In response to City Council direction over several City Council meetings in June 2020 regarding police reforms, the Administration assembled the various referrals made by the Council into a Police Reforms Work Plan to guide the organization's collective work. The Work Plan was released as an informational memorandum on July 13, 2020<sup>1</sup>, but has since been updated with additional referrals made by the City Council in August. The updated Work Plan is included as Attachment A to this memorandum. The Work Plan includes a list of tasks with responsibility

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<sup>1</sup> July 13, 2020 Police Reform Work Plan Informational Memorandum  
<https://www.sanjoseca.gov/home/showdocument?id=61498>

shared between the City Manager's Office, the Independent Police Auditor (IPA), the Police Department and the City Attorney's Office. Among many others, the following items were included on the work plan:

- **Use of Force Review:** Establish a process, consistent with that advocated by the Obama Foundations' My Brother's Keeper Alliance Mayoral Action Pledge, to review the San José Police Department's use of force policies, engage the community on proposed changes, seek the feedback of our community on the findings, and produce recommendations to reform those policies.
- **Public Safety Community Process and Relations/Future of Policing (Reimagining Community Safety):** Create a Public Safety Community Process tasked with evaluating and recommending new ways in which our police department intervenes with social issues and reduces social conflicts that are noncriminal in nature.

Although not included in the Police Reforms Work Plan, the Administration is undertaking another significant effort related to the Police Department, as follows:

- **Chief of Police Recruitment:** On August 3, 2020, Police Chief Eddie Garcia announced his retirement in December 2020. The Administration is currently undertaking an executive recruitment process to select his successor. The recruitment process will be informed by engagement with the workforce, community, and City Council.

On August 18, 2020, the City Council directed the IPA and the Administration to provide more details on the above three efforts and to coordinate scheduling and outreach between them. The Council direction is listed below.

- Direct the City Manager and Independent Police Auditor to confer on sequencing of the use of force review, reimagining public safety, and selection of a new Chief of Police to determine the best possible timeline and potential to involve the same consultant(s) for community engagement aspects of all of these portions of the workplan.
- Direct the City Manager to return to Council by September 25, either through a report to Council or information memo, with an outreach plan for community engagement specific to reimagining policing. This should include, but not be limited to:
  - Create a timeline and sequence for outreach that includes a process and a clear strategy for including neighborhoods that have historically endured high rates of crime and poverty.
  - Incorporate the selection of a new Chief of Police into the timeline to ensure that the new Chief will be engaged directly in that community dialogue.
  - Explore partnerships with San Jose State University and recommendation-neutral community-based institutions that have familiarity with SJPd and the San Jose community, as an additional "high touch" strategy to reach out to communities that may not be heard through digital platforms currently used.

- Direct the IPA and City Manager to return to Council by September 25, either through a report to Council or information memo, with a timeline and update on the release of a request for proposal (RFP) to select a consultant to conduct a Use of Force review and recommendations on additional amendments to the SJPD Duty Manual or other protocols that further align San Jose with 21st Century Policing best practices.

This memorandum provides responses to this City Council direction.

## **ANALYSIS**

San José and many other cities across the United States are engaged in conversations about what public safety means and how it is best achieved. The recent events surrounding the murder of George Floyd coupled with the pandemic have sparked dialogue and debate about racial inequities. As such, it is an opportunity to analyze the root causes of racial disparities like incarceration, education, health, economic opportunity, etc. and to reexamine the definition of community safety.

The new City Manager's Office of Racial Equity will be an important partner in this effort, as it will be responsible for building the capacity of all departments to embed racial equity into the analysis of policies and programs. The City will lean on the Office of Racial Equity to help support an inclusive and equitable process that brings forth all perspectives and apply racial equity principles to reimagining community safety that will lead to better outcomes for all. As emotionally charged as this community process is expected to be, it will be crucial that we create the space to hear and learn from those representing all sides of the issues. It will be imperative that we capture the range of community and police voices as both share a strong desire for procedural justice and community safety.

As directed, the City Administration will enlist the support of neutral community-based institutions that have familiarity with the Police Department and the San Jose community, such as local academia, practitioners from mental health, public health, violence prevention and other relevant disciplines, and organizations like the National League of Cities to help research best practices and inform the work. In addition, over the next two months, the City will convene a start-up community advisory group to advise the Administration. It will be comprised of diverse stakeholders and will assist with timely outreach tasks, such as providing feedback on the recruitment of a new Chief of Police. The advisory group will also identify stakeholders who will be convened to develop and implement community engagement strategies for the use of force review and reimagining community safety elements of the plan.

In accordance with City Council direction, this memorandum responds to the Council directives delineated in the August 18, 2020 memorandum cited above. It is important to note that while the phrases "Future of Policing" and "Reimagining Public Safety/Policing" have been used interchangeably in previous City Council memos, the Administration will refer to that work as "Reimagining Community Safety" from this point forward.

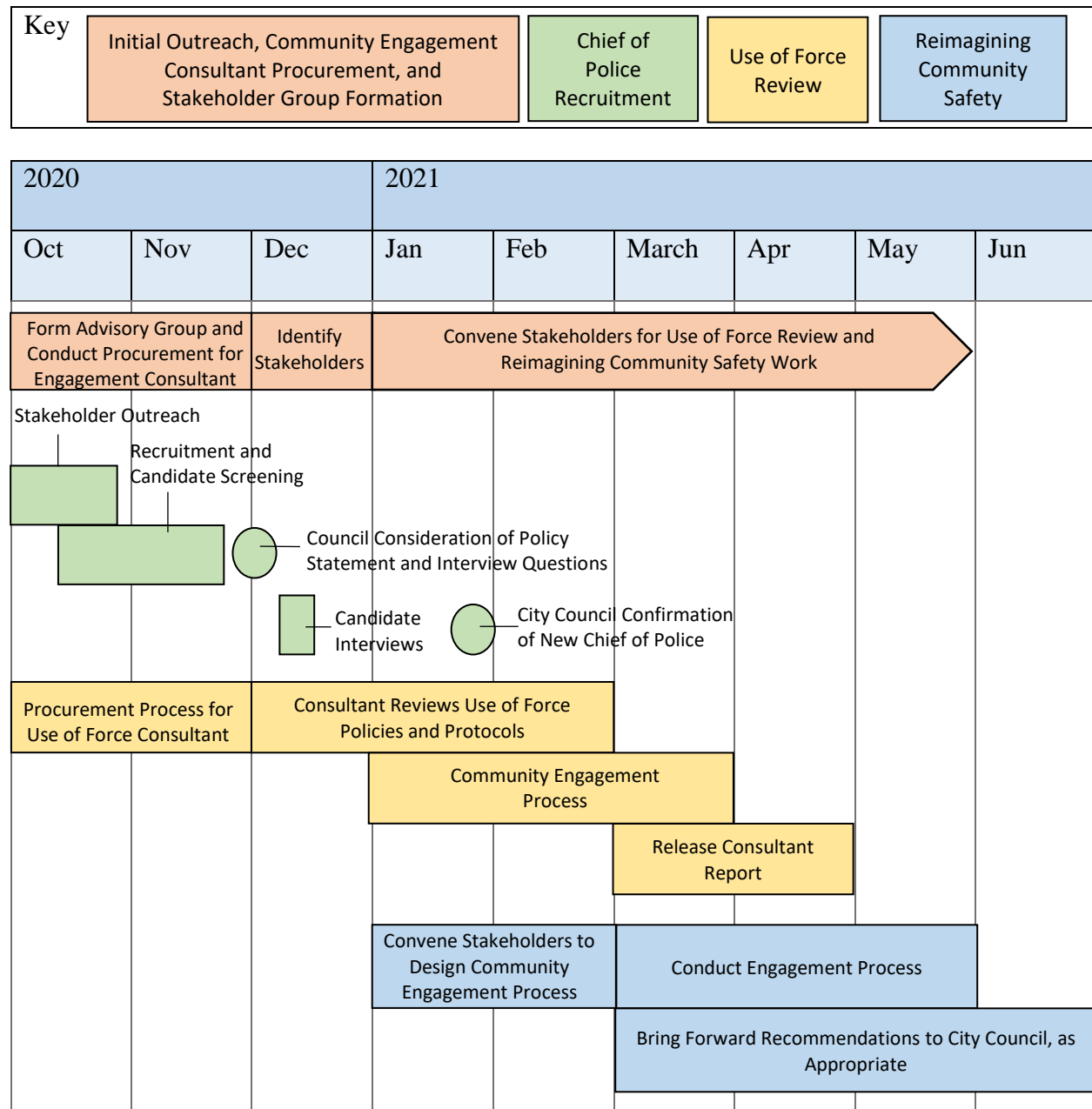
1. *Sequencing of the Chief of Police Recruitment, Use of Force Review, and Reimagining Community Safety work; and Community Outreach Coordination Between These Efforts.*

The Chief of Police recruitment, use of force review, and reimagining community safety work are all key, interrelated efforts in the larger police reform effort. Per City Council direction, the City Manager and IPA have conferred on the sequencing of these tasks and have developed a projected timeline for these activities. A summary of this timeline is included as Figure 1 below. A detailed timeline can be found in Attachment B.

This schedule is arranged to facilitate coordination between these processes. The hiring of a new Chief of Police, currently anticipated for Council confirmation in late January 2021, is a key milestone in ensuring leadership continuity for the Police Department. The new Police Chief is anticipated to be in place in advance of the commencement of the reimagining community safety engagement process in March. The outreach phase of the recruitment of a new Chief of Police will complement and align with the initial community engagement efforts, but will also include outreach to the workforce and City Council. Because there are benefits to ensuring the use of force review and reimagining community safety process are coordinated, the use of force consultant and the community engagement consultant will work together. The community engagement consultant will facilitate the engagement process for both the use of force and reimagining public safety efforts. The use of force consultant will participate in the outreach process as a technical expert to engage the community. This engagement will elicit community input regarding the Police Department's use of force policies and protocols and provide feedback on any recommend changes to those policies and protocols pursuant to the consultant's review and analysis.

As the timeline for the reimagining community safety work indicates, the Administration will bring forward recommended reforms to the City Council throughout the reimagining community safety process phase, as appropriate. The Administration proposes this approach for two reasons. First, it will allow individual reforms that do not require extensive staff work to be brought forward more quickly, soon after they have been reviewed by stakeholders, instead of waiting until the end of the effort to bring forward all the reforms at once. Second, it is important to acknowledge that the Police Reforms Work Plan is a substantial body of work for the Administration. Bringing forward individual reforms to the City Council as work on them is completed will allow for the prioritization of reforms and orderly sequencing of work over time. Work will be prioritized according to Council guidance, feedback from community stakeholders through the outreach process, and the Administration's management of staff work assignments to ensure work is completed in a timely and efficient way.

**Figure 1: Chief of Police Recruitment, Use of Force Review, and Reimagining Community Safety Timelines\***



\*If circumstances arise that require significant deviations from this timeline (for example, delays in consultant availability), the Administration and/or the IPA will return to the City Council via information memorandum or a Council agenda item to provide an update on the timelines for these items.

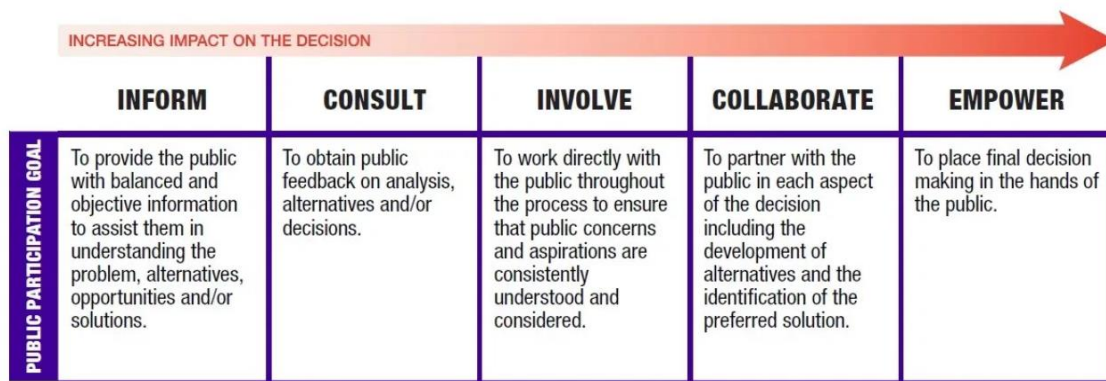
Per City Council direction, the City Manager and IPA have also conferred on coordinating the community outreach and engagement work between these three projects, using the engagement framework described below.

2. Outreach plan for community engagement

The Administration's and IPA's goal is to carry out an effective and inclusive community engagement process that is transparent, yields high participation, and builds strong and sustainable relationships and partnership. This will require the following:

- a) **Shared definition of community engagement and explicit identification of public participation goals:** The City will employ the International Association of Public Participation (IAP2) spectrum which helps define the expectations and aspirations of the public participation process. The spectrum, as shown in figure 2 below, includes five levels of potential public involvement goals. Establishing shared language and clear expectations of roles and responsibilities will facilitate greater trust between government and community and a more productive outcome for doing community engagement differently.

**Figure 2: Public Participation Goals**



- b) **Expertise in inclusive community engagement and meeting facilitation:** The Administration and IPA will seek a consultant that demonstrates extensive experience in inclusive community engagement and power dynamics, strong meeting design and facilitation skills, and proven track record for effective engagement that integrates community perspectives into decisions. The City will also build the capacity for effective community engagement.
- c) **Select and convene a start-up community advisory group:** Select representatives with diverse perspectives and experience to form a start-up community advisory group. This group will advise the Administration and assist with initial outreach tasks, such as providing input on the Chief of Police recruitment process. The advisory group will also work with the consultant to identify members for a stakeholder group, which will include the following representatives: faith leaders, social justice advocates, leadership within communities of color, criminal justice experts, the police union, the police rank-and-file, private sector representatives, the Mayor's Gang Prevention Task Force, and youth

groups. Once convened, the stakeholder group will work with the Administration and IPA to provide input on the use of force review and to develop and implement community engagement implementation strategies for the reimagining community safety work.

- d) **Variety of alternative methods for engagement:** The Administration will work collaboratively with the community and the consultant to design and create various methods to engage the public, such as but not limited to: virtual meetings, focus groups, texting platforms, surveys, polls, etc.
- e) **Accessibility considerations such as language, culture, abilities:** Ensure that opportunities to engage are culturally responsive, in threshold languages, and for all abilities.
- f) **Partner with diverse groups and sectors that are trusted by community:** Collaborate with groups that reach historically impacted communities, as well as previously unreached populations and neutral parties.
- g) **Funding for stipends to groups and individuals that reach impacted communities:** Administer small grants for groups that can assist in reaching and engaging impacted communities, as needed.
- h) **Time:** Effective community engagement requires time and patience.

In addition, it is important to acknowledge the hundreds of public comments related to policing expressed verbally and in writing at various City Council meetings since June 2020. The Administration and the IPA will also consider these comments as we move forward with our police reform efforts.

As discussed above, the timeline outlined in Figure 1 anticipates that the new San Jose Police Chief will be in place and able to join the community conversations about what public safety means, and how it is best achieved, as part of the reimagining community safety work.

- 3. *Timeline and update on the release of a request for proposal (RFP) to select a consultant to conduct a use of force review and recommendations on additional amendments to the SJPd Duty Manual or other protocols that further align San Jose with 21st Century Policing best practices.*

The IPA, in coordination with the City Manager's Office, will engage a consultant to evaluate the San Jose Police Department's use of force protocols. The evaluation will specifically focus on two elements:

(1) The use of force evaluation will address department culture, policies, procedures, training, tools, reporting, accountability, and investigative processes.

(2) An evaluation of San Jose Police Department policies and protocols to make recommendations on additional amendments to the Police Department Duty Manual or other protocols that further align San Jose with the best practices outlined in the Final Report of the President's Task Force on 21<sup>st</sup> Century Policing.

The use of force evaluation will include a thorough review of all Police Department policies and procedures relating to use of the force. It will examine department reporting, documentation, and supervisory roles and responsibilities in use of force incidents. Tactics and training will be assessed. The Final Report of the President's Task Force on 21<sup>st</sup> Century Policing, issued in 2015, identified 38 Recommendations and 50 Action Items directly related to law enforcement. The consultant will identify those Task Force recommendations/action items that have not already been adopted by the Department and recommend options for implementation, as appropriate. As discussed earlier, the consultant will also work with the community engagement consultant as a technical expert to engage the community to hear their concerns and provide input regarding the Police Department's use of force policies and protocols as well as any changes to the same as a result of the consultant's review and recommendations.

The procurement process for the selection of the use of force consultant and execution of agreement will be undertaken in October - November 2020 (the consultant contract will be brought forward for City Council approval if necessary.) A final report will be produced and released in March - April 2021. The use of force report is separate from the Independent After Action Report that will be coordinated by the IPA to review the Police Department's law enforcement response to the public protests and civil unrest in late May and early June 2020.

## **CONCLUSION**

Our Police Department has made tremendous efforts over the past few years to modernize and make improvements to their policies and practices, but, as they acknowledge, there continues to be much more work to do. The Police Reforms Work Plan projects described in this memorandum, as well as the many other items on the Work Plan as directed by the City Council, provide the opportunity to continue to make those improvements as well as rebuild community trust. To accomplish these goals, the Administration and IPA will continue their close coordination according to the timelines and community engagement processes set out in this memorandum. The Police Department is committed to this work, and the Administration has complete confidence and trust that both our Police Department leadership and rank and file will continue to embrace any needed changes.



### **EVALUATION AND FOLLOW-UP**

The Administration and IPA will be following the timelines as noted in this memorandum for the use of force review and reimagining community safety elements of the Police Reforms Work Plan as well as for the new Chief of Police recruitment. If any significant deviations are required, the Administration and/or the IPA will return to the City Council via information memorandum or a Council agenda item to provide an update on the timelines for these items. The Administration and IPA will also return to the City Council with Police Reform updates and/or recommendations as the work continues over the next year and beyond. As noted in the analysis section, the Police Reforms Work Plan entails a substantial body of work for staff. By bringing forward individual recommendations over time, the Administration will facilitate the prioritization and sequencing of this work.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the City of San José Council meeting to be held on September 29, 2020.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office.

### **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation or input is associated with this item.

### **COST SUMMARY/IMPLICATIONS**


The 2020-2021 Adopted Operating budget includes \$150,000 for the IPA to undertake a use of force review and \$100,000 is allocated for the reimagining community safety outreach process. Given that the Police Reform Work Plan has expanded since budget approval in June, the Administration will explore the establishment of a City-Wide Expenses appropriation as part of the City Manager's 2019-2020 Annual Report reallocated from Police Department savings in 2019-2020 that would support both personal services and non-personal services expenditures for both the Administration and IPA, to ensure that the projects outlined in this memorandum and

other items in the Police Reforms Work Plan have adequate funding. The 2019-2020 Annual Report is scheduled for release on September 30, 2020 and reviewed and approved by the City Council on October 20, 2020.

**CEQA**

Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City Action.

  
DAVID SYKES  
City Manager

  
SHIVAUN NURRE  
Independent Police Auditor

For questions, please contact Shivaun Nurre, Independent Police Auditor, at 794-6226, Jennifer Maguire, Assistant City Manager, at 535-8185, or Angel Rios Jr., Deputy City Manager, at [angel.rios@sanjoseca.gov](mailto:angel.rios@sanjoseca.gov).

Attachment A: Police Reforms Work Plan Major Tasks (Updated as of September 15, 2020)

Attachment B: Chief of Police Recruitment, Use of Force Review, and Reimagining Community Safety Timelines

## ATTACHMENT A: Police Reform Work Plan Major Tasks

Updated as of September 15, 2020

(Shaded tasks are complete)

Tasks	Description	Source of Direction	Who
1. Independent Police Auditor Expansion of Authority and Scope	Return to Council by the first week of August with ballot language articulating the expansion of authority for the Independent Police Auditor. This language should provide a higher level of transparency and accountability over “use of force” investigations and access to police records, including body worn camera footage, as achieved through negotiation with the Police Officers’ Association. Further explore additional expansion of IPA authority within the legal parameters mandated by the California Supreme Court’s decision in Seal Beach Peace Officers Association v. Seal Beach. This can include language to allow for future expansion of authority through a meet and confer process that doesn’t require a Charter Amendment.	06/09/20 City Council Memorandum (Liccardo, Jones, Peralez, Diep, and Carrasco); Item 3.6, #7  06/16/20 City Council Memorandum (Mayor); Item 3.3, Page 6	City Manager’s Office/ City Attorney’s Office
2. Police Council Items on Regular Agenda	Require that all future Council actions approving SJPD requests, such as the purchase of new equipment or acceptance of equipment from the Pentagon, be agendized on the regular agenda rather than the consent calendar.	06/12/20 City Council Memorandum (Diep); Item 3.1, #2	City Manager’s Office

Tasks	Description	Source of Direction	Who/What/Timeline
3. Santa Clara County Board of Supervisors/District Attorney Letter	<p>Write a letter on behalf of the Mayor and City Council directed to the Santa Clara County District Attorney Office and the County Board of Supervisors with the following requests:</p> <ul style="list-style-type: none"> <li>• Consider a non-punitive approach towards resolving cases in which peaceful demonstrators from the George Floyd protests ended up detained and in police custody due to the San Jose curfew violations.</li> <li>• Consider the creation of an Independent Investigation Bureau similar to that of San Francisco's District Attorney's Independent Investigations Bureau, which seeks to bolster community trust through transparency and accountability.</li> <li>• Consider developing a restorative justice process that seeks to build trust and mutual understanding between our police and community.</li> <li>• Acknowledge the importance of our County's District Attorney's Office role in responding to allegations of officer misconduct in a manner that supports public safety and builds community trust.</li> </ul>	06/12/20 City Council Memorandum (Jimenez); Item 3.1, #5	City Manager's Office

Tasks	Description	Source of Direction	Who
4. Video Clips Release and Review	<p>To provide greater transparency to the public and accountability:</p> <ul style="list-style-type: none"> <li>For the approximately half-dozen video clips that have raised substantial public concern on social media regarding potential SJPD misconduct or possible unlawful use of force, release to the public any videos in possession or readily available to SJPD that provide a fuller picture of the incident, such as longer duration (particularly the period prior to the video clip in question), alternative view angles, etc., within two weeks, so long as consistent with what is allowable under California state law. Those videos should include, at a minimum, <ul style="list-style-type: none"> <li>a. The incident involving the collision between the police motorcycle and the running pedestrian, and</li> <li>b. The incident involving a physical altercation between police and a male who is pulled back behind the police line by multiple officers, and subjected to repeated blows by police, and</li> <li>c. The incident involving an officer responding to a protestor with expletives.</li> </ul> </li> <li>At the earliest opportunity for public hearing – whether at our upcoming Independent Police Auditor use of force review or for the after-action report public hearing, present to the Council and public, the IPA and SJPD findings relating to investigations and investigation reviews of each of those clips.</li> </ul>	06/09/20 City Council Memorandum (Liccardo, Jones, Peralez, Diep, and Carrasco); Item 3.6, #5	Police Department/City Manager's Office/City Attorney's Office/Independent Police Auditor

Tasks	Description	Source of Direction	Who
5. Public Disclosure of Body Worn Camera Footage and Other Videos/Audios	<p>To enable Council to evaluate how and whether to mandate expedited public disclosure of body-worn camera footage of incidents of substantial public concern, such as major protests or controversial uses of force:</p> <ul style="list-style-type: none"> <li>Return to Council in closed session to receive assessment from the City Attorney of the requirements of POBAR and other state legal restrictions on release of evidence, and of any legal risks to the City and City taxpayers;</li> <li>Return to Council in open session to discuss resources required to rapidly reproduce video that complies with legal requirements, i.e., privacy mandates to obscure faces and identities of people other than the police officers involved in the incident.</li> </ul> <p>Evaluate and set up process, as appropriate, for release of all department generated videos (e.g. body worn camera and helicopter) where there are incidents of significant public concern rather than holding videos back due to ongoing investigations.</p> <p>Within 2 weeks of Council vote on this item (<i>by September 29</i>), the City Manager shall release body-worn camera or other City-generated video and audio clips regarding each of the incidents of extraordinary public interest identified in paragraph 1 (<i>a. the incident involving the collision between the police motorcycle and the running pedestrian, and b. the incident involving a physical altercation between the police and a male who is pulled back behind the police line by multiple officers, and subjected to repeated blows by the police, and c. the incident involving an officer responding to a protester with expletives, including “shut up, bitch.”</i>) under the following conditions:</p>	<p>08/18/20 City Council Memorandum (Mayor, Jones, Diep, Carrasco); Item 4.3, #7</p> <p>08/18/20 City Council Verbal Direction (Mayor); Item 4.2</p> <p>08/26/20 Rules Committee Memorandum (Mayor); Item G.4, #2, #3</p>	Police Department/City Manager’s Office/City Attorney’s Office

Tasks	Description	Source of Direction	Who
	<ul style="list-style-type: none"> <li>• All video sources shall be provided, but where multiple such sources exist and production of all sources would unduly consume time and labor, the City shall identify the three videos that most clearly and fully capture the event;</li> <li>• At least ten minutes of footage prior to the actual interaction or event shall be provided in each case, to ensure the viewer has the benefit of the full context of the incident;</li> <li>• Provision of this video shall be limited only by the exceptions outlined in state law under SB 748 for responses to Public Records Act requests for video of “critical incidents,” mandating disclosure except where doing so would “substantially interfere” with an ongoing criminal or administrative investigation, such as “endangering a witness’ or confidential source’s safety,” as demonstrated by clear and convincing evidence.</li> </ul> <p>Return to Council with an ordinance or Council Policy requiring release of body-worn camera footage under similar conditions similar to those described in Paragraph 2 (<i>Paragraph 3 above</i>) for all incidents that the Council deems to be “police incidents of extraordinary public interest,” unless Staff recommends different conditions based on public input and Staff’s experience.</p>		
6. Recent Protests: Police Department After Action Report	Develop and agendize for City Council consideration a Police Department After Action Report of the recent protests	Police Department/ City Manager’s Office	Police Department/ City Manager’s Office

Tasks	Description	Source of Direction	Who
7. Recent Protests: Independent After Action Report	Produce an independent after action incident report of the recent protests. (\$150,000)	06/16/20 City Council Memorandum (Perez); Item 3.3, #3  06/16/20 City Council Memorandum (Carrasco); Item 3.3, #3	Independent Police Auditor
8. Police Duty Manual Amendments	<p>Adopt the following items into the San Jose Police Duty Manual. If any of the items are subject to meet and confer, the City Administration is directed to begin the adoption process immediately:</p> <ul style="list-style-type: none"> <li>• Create a policy that establishes a minimum age at which minors can be placed in handcuffs.</li> <li>• Restructure the San Jose Police Hiring Protocols and Standards to meet the following goals: <ul style="list-style-type: none"> <li>a. An emphasis on hiring well-rounded, experienced officers that range in age, have high educational attainment, and come from diverse backgrounds and demographics.</li> <li>b. Establish a policy within Section C 1418.5 of the Duty Manual that prohibits the practice of hiring recruits with body art that is considered racist and/or associated with hate groups.</li> </ul> </li> </ul> <p>Explore amending the SJPd duty manual to explicitly:</p> <ul style="list-style-type: none"> <li>• Prohibit officers from covering their badge and requiring officers to provide their name and badge number upon request.</li> <li>• Prohibit the use of “no knock” entries where a warrant has been required, unless there is a reasonable and articulable belief that evidence may be destroyed by knocking. By default, officers must announce themselves.</li> </ul> <p>Amend the SJPd Duty Manual to prohibit the use of kinetic impact projectiles (KIP), i.e., rubber or foam bullets, within a dense crowd as a measure of crowd control, and to make this action immediate.</p>	<p>06/12/20 City Council Memorandum (Jimenez); Item 3.1, #2a, #2b</p> <p>06/12/20 City Council Memorandum (Diep); Item 3.1, #1a, #1b</p> <p>06/17/20 Rules Committee Memorandum (Liccardo, Jones, Perez, Diep, Carrasco); Item G.7, #1</p>	Police Department/ City Manager’s Office



Tasks	Description	Source of Direction	Who
9. Community Engagement Processes	<p>Return to discuss how to commence community processes—informed by experts, consultants, and research—to:</p> <ul style="list-style-type: none"> <li>Publicly review use of force policy in the Duty Manual, and explore potential reforms, and</li> <li>Reimagine public safety response, such as by supplanting SJPd response to many non-criminal matters with civilian response.</li> </ul> <p>Return to Council by September 29, either through a report to Council or information memo, with an outreach plan for community engagement specific to reimagining policing. This should include, but not be limited to:</p> <ul style="list-style-type: none"> <li>Create a timeline and sequence for outreach that includes a process and a clear strategy for including for including neighborhoods that have historically endured high rates of crime and poverty.</li> <li>Incorporate the selection of a new Chief of Police into the timeline to ensure that the new Chief will be engaged directly in that community dialogue.</li> <li>Explore partnerships with San Jose State University and recommendation-neutral community-based institutions that have familiarity with SJPd and the San Jose community, as an additional “high touch” strategy to reach out to communities that may not be heard through the digital platforms currently used.</li> </ul> <p>Confer on sequencing of the use of force review, reimagining public safety, and selection of a new Chief of Police to determine the best possible timeline and potential to involve the same consultant(s) for community engagement aspects of all of these portions of the workplan.</p>	<p>08/18/20 City Council Memorandum (Mayor, Jones, Diep, Carrasco); Item 4.3, #5</p> <p>08/18/20 City Council Memorandum (Mayor, Jones, Diep, Peralez, Carrasco); Item 4.3, #2, #3</p>	City Manager’s Office/ Independent Police Auditor

Tasks	Description	Source of Direction	Who
10. Use of Force Review	<p>Establish a process, consistent with that advocated by the Obama Foundation's My Brother's Keeper Alliance Mayoral Action Pledge, to:</p> <ul style="list-style-type: none"> <li>Review our "use of force" policies, engage our community on proposed changes, seek the feedback of our community on the findings, and produce recommendations to reform those policies consistent with the best thinking nationally.</li> <li>Include in the review of policies: 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.</li> <li>The process should engage the entire community, including faith leaders, social justice advocates, leadership within our communities of color, criminal justice experts, the police union, the police rank-and-file, the Chief of Police, and the Independent Police Auditor.</li> <li>Engage San Jose youth in the reform process, including, but not limited to, already established City committees, programs, Mayor's Gang Prevention Task Force, and youth groups within the City's jurisdiction.</li> <li>Present findings and recommendations for reforms to the Council for adoption.</li> </ul> <p>Return to Council by September 29, either through a report to Council or information memo, with a timeline and update on the release of a request for proposal (RFP) to select a consultant to conduct a use of force review and recommendations on additional amendments to the SJPD Duty Manual or other protocols that further align San Jose with 21<sup>st</sup> Century Policing best practices. (\$150,000)</p>	<p>06/09/20 City Council Memorandum (Liccardo, Jones, Peralez, Diep, and Carrasco); Item 3.6, #6</p> <p>06/12/20 City Council Memorandum (Jimenez); Item 3.1, #3</p> <p>06/12/20 City Council Memorandum (Arenas); Item 3.1, #1a, #1b</p> <p>06/12/20 City Council Memorandum (Esparza); Item 3.1, #1a, #1b</p> <p>06/16/20 City Council Memorandum (Mayor); Item 3.3, Page 5, 6</p> <p>08/18/20 City Council Memorandum (Mayor, Jones, Diep, Peralez, Carrasco); Item 4.3, #1</p>	Independent Police Auditor/ Police Department/ City Manager's Office

Tasks	Description	Source of Direction	Who
11. Less-Than-Lethal Uses of Force Options	Utilize funding from the SJPd budget to investigate, explore, and report back to the Council about any emerging less-than-lethal options that could reduce the need for police to rely upon the use of a baton, projectiles, or firearms.	06/16/20 City Council Memorandum (Mayor); Item 3.3, Page 6	Police Department/ City Manager's Office
12. Public Safety Community Process and Relations/ Future of Policing (Reimagining Community Safety)	<p>Create a Public Safety Community Process tasked with evaluating and recommending new ways in which our police department intervenes with social issues and reduces social conflicts that are noncriminal in nature.</p> <p>Establish a process that broadly engages our community on what the future of policing should look like in San Jose.</p> <p>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. (\$100,000)</p>	<p>06/16/20 City Council Memorandum (Jones); Item 3.3, #1</p> <p>06/12/20 City Council Memorandum (Perez); Item 3.6</p> <p>06/12/20 City Council Memorandum (Arenas); Item 3.1, #6</p> <p>06/12/20 City Council Memorandum (Esparza); Item 3.1, #6</p>	Police Department/ City Manager's Office /Independent Police Auditor
13. Police Department Participation in GARE Process/Racial Equity	<p>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:</p> <ul style="list-style-type: none"> <li>Producing internal policies to support diverse recruitment and policies that remove barriers to promotion for officers of color.</li> <li>Ongoing improvements to community policing and community relations.</li> </ul>	<p>06/12/20 City Council Memorandum (Arenas); Item 3.1, #3</p> <p>06/12/20 City Council Memorandum (Esparza); Item 3.1, #3</p>	Police Department/ City Manager's Office

Tasks	Description	Source of Direction	Who
14. Rules of Professional Conduct for Officers	Begin the process creating Rules of Professional Conduct for SJPd officers – like the rules that govern the legal and medical professions – consisting of specific and objective standards by which San Jose residents can expect officers to behave and be judged.	06/12/20 City Council Memorandum (Diep); Item 3.1, #3c	Police Department/ City Manager's Office
15. Internal Database: Police Officer History Database	Engage with the San Jose Police Officers' Association to either join an already established database that tracks officers with histories of misconduct and use of force, or take leadership in creating one.	06/12/20 City Council Memorandum (Jimenez); Item 3.1, #4	Police Department/ City Manager's Office
16. Public Database: Police Officer Actions	<p>Work to create a public, searchable database that allows the public easy access to information on when SJPd officers are involved in serious uses of force, sexual assault, and dishonesty related to investigations, consistent with what is now legally accessible to the public via Public Records Act requests per SB 1421.</p> <p>Begin a conversation with the Police Officers' Association to identify what other information on police misconduct may be included in this database in light of the Police Officer's Bill of Rights.</p>	06/12/20 City Council Memorandum (Diep); Item 3.1, #3a, #3b	Police Department/ City Manager's Office
17. Body-Worn Camera Footage Audits	<p>Return with a recommendation on a process for random audits of officer-worn body camera footage.</p> <p>Note: Los Angeles recently adopted random audits</p>	<p>06/12/20 City Council Memorandum (Arenas); Item 3.1, #2</p> <p>06/12/20 City Council Memorandum (Esparza); Item 3.1, #2</p>	Police Department/ City Manager's Office

Tasks	Description	Source of Direction	Who
18. Labor Negotiations	Return to Council in Closed Session to direct City negotiators to commence labor negotiations, to the extent required by the Meyers-Milias Brown Act and related provisions of state law, with the POA and any other relevant bargaining units.	08/18/20 City Council Memorandum (Mayor, Jones, Diep, Carrasco); Item 4.3, #4	City Manager's Office
19. Independent Investigation of Police Misconduct	Provide Council with specific recommendations for how the Independent Police Auditor (IPA) would take over investigations of police misconduct from SJPd's internal affairs that would incorporate the following elements: <ul style="list-style-type: none"> <li>• Reallocating resources to introduce investigatory capacity within the IPA by the conclusion of negotiations;</li> <li>• Enabling the IPA to make factual findings based on its investigations of misconduct allegations; and</li> <li>• Enabling the IPA to continue to report concerns between her factual findings and the Department's disciplinary decisions to the Council and public.</li> </ul>	08/18/20 City Council Memorandum (Mayor, Jones, Diep, Carrasco); Item 4.3, #1	City Manager's Office/ Independent Police Auditor
20. Police Officer Disciplinary Appeal Process	Provide Council with specific recommendations to reform the officer disciplinary appeal process—particularly after a termination decision—to either: <ul style="list-style-type: none"> <li>• Identify and implement an alternative to binding arbitration for disciplinary appeals, and/or</li> <li>• Reform the arbitration process to enable greater accountability and transparency, in: <ol style="list-style-type: none"> <li>a. Arbitrator selection;</li> <li>b. Limitation of the arbitrator's scope of review, such as by requiring deference to the factual findings of the IPA;</li> <li>c. Public disclosure of arbitration decisions;</li> <li>d. Appeal of arbitration decisions to a court of competent jurisdiction; and/or</li> <li>e. Other worthwhile reforms made apparent through discussions with the community and in negotiation with the POA.</li> </ol> </li> </ul>	08/18/20 City Council Memorandum (Mayor, Jones, Diep, Carrasco); Item 4.3, #2	City Manager's Office/ Independent Police Auditor/City Attorney's Office

## Attachment B: Chief of Police Recruitment, Use of Force Review, and Reimagining Community Safety Timelines

Reference	2020			2021					
	October	November	December	January	February	March	April	May	June
1a									
1b									
1c									
2a									
2b									
2c									
2d									
2e									
2f									
3a									
3b									
3c									
3d									
4a									
4b									
4c									

Reference	Project	Timeframe	Task
1a	Initial Outreach, Community Engagement Consultant Procurement, and Stakeholder Group Formation	Oct – Nov 2020	Develop scope of work, roles and responsibilities, and selection criteria for start-up community advisory group. Convene startup advisory group. Conduct procurement process and selection of community engagement consultant, and develop and execute agreement with consultant.
1b		Dec 2020	Identify Stakeholders
1c		Jan – May 2021	Convene stakeholders for use of force review and reimagining community safety work
2a	Chief of Police Recruitment	Oct 2020	Stakeholder Outreach with (1) the community (2) the workforce and (3) the Council.
2b		Oct – Nov 2020	Launch recruiting campaign
2c		Nov 2020	Candidate screening: (1) Review resumes (2) Screening interviews
2d		Early Dec 2020	Council consideration of policy statement and interview questions
2e		Dec 2020	Candidate interviews
2f		Late Jan 2021	City Council confirmation
3a	Use of Force Review	Oct – Nov 2020	Procurement process for the selection of consultant and execution of agreement
3b		Dec 2020 – Feb 2021	Consultant reviews use of force policies and protocols
3c		Jan – Mar 2021	Community engagement process
3d		Mar - Apr 2021	Release consultant report
4a	Reimagining Community Safety	Jan – Feb 2021	Convene stakeholders to design community engagement process
4b		Mar – May 2021	Conduct engagement process
4c		Mar – Jun 2021	Bring forward recommendations to City Council, as appropriate