



COUNCIL AGENDA: 06/08/2021

ITEM: 4.1

FILE NO: 21-1323

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: SEE BELOW

DATE: June 8, 2021

SUBJECT: Police Reforms Work Plan: Reimagining Community Safety Status Report

Recommendation

As recommended by the Public Safety, Finance and Strategic Support Committee on May 20, 2021, accept a status report on the Police Reforms Work Plan: Reimagining Community Safety work.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (City Manager)

[PSFSS Committee referral 5/20/2021 - Item (d) 1.]



Memorandum

TO: PUBLIC SAFETY, FINANCE AND STRATEGIC SUPPORT COMMITTEE
FROM: Angel Rios
SUBJECT: POLICE REFORMS WORK PLAN: REIMAGINING COMMUNITY SAFETY STATUS REPORT
DATE: May 12, 2021

Approved

Date

5-13-12

RECOMMENDATION

1. Accept a status report on the Police Reforms Work Plan: Reimagining Community Safety work.
2. Cross-reference this memorandum to the June 8, 2021 City Council meeting.

OUTCOME

The purpose of this report is to provide the Public Safety, Finance and Strategic Support (PSFSS) Committee with an update on the implementation of the Reimagining Community Safety effort as part of the Police Reforms Work Plan. This report provides an overview of the genesis of the Reimagining Community Safety effort, an account of the formation of the Reimagining Community Safety Advisory Group, an update on its current status, a description of concerns with the current process expressed by Advisory Group members (which in some cases have led to resignations from the group), and an outline of next steps.

BACKGROUND

This Background section provides an overview of the origins and development of the Reimagining Community Safety effort.

Black Lives Matter Protests and City Response

On May 25, 2020, George Floyd, a black man, was murdered by a white Minneapolis police officer. In response to this murder and other police killings, street protests arose across the country expressing outrage at specific acts of police violence and the broader approach to policing and systemic racism in the United States. Protests began in San Jose on May 29, 2020 and continued into early June. The City's response to these protests and to concurrent incidents of civil unrest quickly attracted strong criticism from community leaders and the broader public.

At the June 9, 2020 City Council meeting, in response to the events of the preceding days and strong community concern, the City Council added an item to the agenda to discuss actions related to policing in San José. The Council continued this discussion at a special meeting on June 12, 2020. At these meetings, the Council heard extensive public testimony regarding concerns about specific City actions related to recent protests as well as broader concerns about policing. After hearing this testimony and extensive Council discussion, the Council took action to direct the City Manager, Independent Police Auditor, and City Attorney to pursue a range of proposals related to policing in San Jose. The Council provided additional direction on these matters as part of its action on the Mayor's June Budget Message at its June 16, 2020 meeting and at the Council meeting on August 18, 2020.

Police Reforms Work Plan

The Council's direction to staff at the June and August 2020 meetings covered a broad range of topics. Some of the actions responded to recent events and immediate community concern. For example, the Council provided direction aimed at transparency around the City's handling of the Black Lives Matter protests (such as release of video of incidents that occurred during the protests) and on police policy and oversight (such as direction to amend the Police Department Duty Manual on topics of interest and concern.) In addition to these specific actions, the Council also provided direction to engage the community in a broader effort to develop recommendations on the future of policing in San Jose. The Reimagining Community Safety work seeks to carry out this direction.

The Administration collected the Council direction provided to the City Manager into one tracking document, known as the Police Reforms Work Plan, and is overseen by the Assistant City Manager, Jennifer Maguire. The purpose of the Work Plan is to track progress in implementing Council direction and to keep the Council and public updated on staff's efforts. The work plan was originally released in July 2020, with the most recent update provided in an informational memorandum released on March 17, 2021.¹ The Reimagining Community Safety work is listed as item 12 on the Work Plan, as detailed in Attachment A to the March 2021 memorandum, and this effort is overseen by a team in the City Manager's Office under my direction.

Reimagining Community Safety Council Direction

As mentioned above, the Reimagining Community Safety effort seeks to implement Council direction to engage the community on Reimagining Community Safety. This direction is comprised of recommendation language from four Council memorandums, as follows:

¹ <https://www.sanjoseca.gov/Home/Components/News/News/2624/5167>

- Memorandum from Councilmember Peralez dated June 11, 2020 (issued for the June 12, 2020 City Council meeting under Item 3.1):²

“Accept the recommendations in the memorandum dated June 5, 2020 , amending recommendation 6 to establish not only a process to review our use of force policies, but to also include a process that broadly engages our community on what the future of policing should look like in San José.”

- Memorandum from Vice Mayor Jones dated June 16, 2020 (issued for the June 16, 2020 City Council meeting under Item 3.3):³

“Allocate an additional \$100,000 to 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. (Source: Police Overtime Budget).

- Memorandum from Councilmember Arenas dated June 15, 2020 (issued for the June 16, 2020 City Council under Item 3.3):³

“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.”⁴

- Memorandum from Councilmember Carrasco dated June 16, 2020 (issued for the June 16, 2020 City Council meeting under Item 3.3):³

“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.”⁴

Taken together, this direction seeks provides for community engagement on two broad policy areas, summarized below:

1. The memorandums from Councilmembers Peralez and Jones focus on how the City can respond differently to issues that currently fall under the responsibility of the Police Department. This effort includes identifying alternative, non-police programs or services

² <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4565592&GUID=6EE064EC-0255-4D38-913A-B7AF0F7C3D85&Options=&Search>

³ <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4551090&GUID=1F386228-E7FF-425F-BE26-D8DFDA1AE6F4&Options=&Search=>

⁴ The memorandum from Mayor Liccardo mentioned in the recommendation language from both Councilmembers Arenas and Carrasco is a reference to the Mayor’s June Budget Message for the 2020-2021 fiscal year, which can be found at the following address: <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4551090&GUID=1F386228-E7FF-425F-BE26-D8DFDA1AE6F4&Options=&Search=>

that could address calls for service currently handled by the police, with the goal to reduce social conflicts that are noncriminal in nature.

2. The memorandums from Councilmembers Arenas and Carrasco focus on improving the relationship between the Police Department and the community. They request recommendations on improving community/police relations and providing opportunities for ongoing community feedback.

Reimagining Community Safety Implementation

At the September 29, 2020 City Council meeting, the City Manager and Independent Police Auditor (IPA) brought forward a memorandum outlining a community engagement plan based on the above direction and direction provided to the IPA regarding a Use of Force Review.⁵ In this memorandum, staff proposed forming a Reimagining Community Safety Advisory Group to assist with community outreach and develop policy recommendations. Based on the memorandum and subsequent Council discussion, the Advisory Group was planned to have representation from a broad cross-section of the community, including faith leaders, social justice advocates, leadership within communities of color, criminal justice experts, police representation, private sector representatives, youth representation, and neighborhood representatives, among others.

Since that time, staff has reached out to a broad range of community members interested in contributing to this process and appointed a final membership with representation from a broad cross-section of the San José community. The group's membership was announced in a March 17, 2021 informational memorandum.⁶ The original membership roster is included in this memorandum as Attachment A. Note that due to recent resignations from the group, some members that appear on the original roster have left the group. These resignations are discussed in greater detail below.

Based on the Council direction outlined above, staff developed the following goals for the Advisory Group:

1. Creating a shared vision of community safety;
2. Engaging community stakeholders in a dialogue and community process that evaluates and recommends new ways in which the police department and non-law enforcement sectors intervene with social issues and reduce social conflicts that are non-criminal in nature, and
3. Carrying out an effective and inclusive community engagement process that is transparent, yields high participation from all sides of the issues, and builds strong

⁵ <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4641745&GUID=A7118EE1-B847-4CCB-8BAA-4506A0D79FEC&Options=&Search=>

⁶ <https://www.sanjoseca.gov/Home/Components/News/News/2624/5167>

sustainable relationships and partnerships between community and police.

4. Generate recommendations that enable the vision of community safety.

Staff also conducted a procurement process to select an outreach and facilitation consultant to assist with this effort. The procurement resulted in the selection of a facilitation team from Kearns & West. Kearns & West is under contract with the City and has been assisting staff with preparation for and facilitation of the Advisory Group meetings and engagement with Advisory Group members on process development. The initial meeting of the Advisory Group was held on March 18, 2021, and two subsequent meetings were held on April 9, 2021 and April 22, 2021, as discussed in greater detail in the Analysis section below.

ANALYSIS

This section provides an overview of the Reimagining Community Safety process to-date, a description of concerns with the process expressed by Advisory Group members, and next steps to address these concerns, including identification of issues where staff would benefit from guidance from the PSFSS Committee and the City Council.

Advisory Group Meetings and Current Status

Three Advisory Group meetings have been held to-date. The third meeting was followed by resignations from multiple advisory group members based on concerns with the current process. A brief summary of these meetings is provided below along with a summary of the current status of the process in light of the resignations.

- **March 18, 2021:** This was the introductory meeting for the Advisory Group. Members introduced themselves and provided thoughts on what reimagining community safety meant to them. A variety of themes emerged from the introductory discussion, including a desire to recognize and address root causes to social problems, the importance of understanding systemic racism and oppression, the desire for an inclusive community engagement process, the importance of data, questions about whether the Advisory Group's recommendations would be taken seriously by the City, the importance of engaging neighborhoods and the need to understand and hear from specific populations, among others.
- **April 9, 2021:** This meeting was a continuation of the introductory meeting. It included introduction of the Kearns & West facilitation team and discussion of the Advisory Group framework, including guiding values, racial equity principles, methodology, and process. During discussion of the framework, questions arose about the scope of the Advisory Group's work. Some members expressed a desire to include the issues of police accountability and oversight into the group's scope. In particular, members expressed interest in addressing police misconduct and changing the culture within the

Police Department. These issues are not clearly within the scope of the direction provided by the City Council, as described on page 3 of the Background section.

- **April 22, 2021:** The April 22, 2021 meeting agenda included an opportunity for reflection on the verdict in the George Floyd murder trial, which had occurred a few days earlier, and a staff presentation on the Advisory Group's scope in response to questions about scope that arose at the previous meetings. The discussion on the George Floyd verdict included an exchange of differing opinions about race and policing that was distressing and painful for many members. During the staff presentation regarding the group's scope, staff explained that based on Council's direction, issues of police reform, such as police accountability and oversight, are not the primary focus of the group's work. Some members expressed a strong desire to focus the group's work on police reform. These members also expressed opposition to a City-led reform effort, out of concern that the City Manager's Office or Police Department would filter the group's recommendations. They advocated for an autonomous, community-led process. Various other questions and concerns about the process were also raised, with some members providing specific suggestions on how to advance or improve the process.
- **Current Status:** In a letter dated April 27, 2021 sent by the Black Leadership Kitchen Cabinet and the NAACP, several Advisory Group members resigned from the group. The letter, which was also signed by community leaders not on the Advisory Group, laid out concerns with the process as currently constituted, echoing concerns these same members expressed at the April 22, 2021 meeting. On May 3, 2021 additional members of the Advisory Group submitted a resignation letter, expressing solidarity with the members who had resigned in the April 27, 2021 letter. Both letters expressed willingness to re-engage with the process if their concerns were addressed. Given the number of resignations and the desire of some members to expand the group's scope beyond what is provided in the current Council direction, the Administration put the Reimagining Community Safety process on pause until staff had the opportunity to provide an update to the PSFSS Committee and the City Council.

Concerns and Feedback

It's important to note that the Advisory Group includes members from diverse backgrounds and perspectives, and as such there are a diversity of perspectives about the current process. As mentioned above, some of the Advisory Group members have expressed their concerns and recommendations through letters. Those letters are attached to this report for the Committee's reference. They include the following:

- A letter from Advisory Group member Poncho Guevara dated April 22, 2021 recommending several measures to improve and advance the Advisory Group process. (Attachment B)

- A letter from the NAACP and Black Leadership Kitchen Cabinet dated April 27, 2021 communicating the resignation of several members. (Attachment C)
- A letter from several Advisory Group members and other community leaders dated May 3, 2021 expressing solidarity with the April 27, 2021 letter and communicating additional resignations. (Attachment D)

Other members have not put their viewpoints in writing. In order to give all members a chance to express their thoughts and interests in a setting where they are comfortable, the facilitation team from Kearns & West, the City's consultant, has organized a series of small group meetings to hear from interested members outside of the large group setting. City staff has also made themselves directly available to all Advisory Group members and has dedicated time over the past few weeks to phone calls and small meetings to take feedback. Taking into account all sources of feedback on the process to date, the below themes have emerged:

1. **Scope:** Members have a variety of viewpoints on where the Advisory Group should focus its efforts. Interest from members is organized into three broad categories:
 - a. Alternatives to Policing: Some members are eager to explore alternative means of addressing calls for service that currently fall to the police.
 - b. Neighborhood Safety: Some members are concerned with improving and maintaining the safety of their neighborhoods.
 - c. Police Reform: Some members are interested in focusing on police reform, such as issues of police accountability and oversight.

Item a, alternatives to policing, falls directly within the scope established by the Council and item b, neighborhood safety, is an important consideration in service model changes that may be proposed under item a. Item c, however, is not squarely within the Advisory Group's current scope as provided by the current Council direction as outlined on page 3 of the Background section.

2. **Community Leadership and Autonomy:** Many members feel that the Advisory Group membership should have a strong role in guiding the group's work; however, opinions vary as to the degree of autonomy the group needs. Some members have recommended establishing a steering committee that can plan and coordinate meetings in collaboration with City staff. Others have proposed that the group be fully autonomous from the City. These members have expressed concern that the group's recommendation will be filtered by the City Manager's Office or the Police Department and will not be directly heard by the City Council. Some have also suggested that members of the Police Department should not participate in the process, or should participate in a more limited and structured way.
3. **Group Organization:** Members have made various suggestions on how to organize the group to do its work. Suggestions include:

- a. Forming subgroups to work on specific issue areas
 - b. Organizing outreach to specific communities that are most affected
 - c. Establishing a steering committee or committee chair to allow members to guide the process, as discussed above.
4. **Respect and Common Understanding:** Given the difficult topics related to race and policing that have arisen as part of the Advisory Group discussion, members with diverse perspectives on these issues have expressed a desire that the group be able to conduct its work openly and honestly on the basis of respect and common understanding.
5. **Communication and Accountability:** Some members have asked how the City Manager and City Council will communicate with the Advisory Group about their thoughts on the Advisory Group's work and recommendations. Members have asked for opportunities to hear feedback from the City Manager and City Council prior to a final decision by either party. Members have also asked how the City will be accountable for implementing recommendations after they are adopted.

As noted above, the Advisory Group is host to a diverse set of perspectives on these issues. The above summary cannot capture every nuance and opinion, but it provides an overview of the most common themes from feedback on the current process.

Next Steps

Staff acknowledges and appreciates that issues of systemic racism in our government and society have gone undiscussed and unaddressed for centuries. With the emergence of the Black Lives Matter movement and other efforts for racial justice and equity, government institutions are now beginning to grapple with these issues. The Administration embraces advancing racial equity and ending systemic racism as a core part of the City's mission. In pursuing these goals through the Reimagining Community Safety work, staff is committed to an approach of openness and humility, to listening to all feedback and criticism and working collaboratively with our community to find a path forward.

In that spirit, staff believes that many of the concerns outlined above can be addressed through thoughtful, focused and collaborative work between City staff and the Advisory Group. For example, staff agrees that the formation of subgroups to work in specific issue areas is necessary to the success of this effort, and that Advisory Group members should have a strong hand in guiding the process according to their values and interests, such as through a steering committee that works in collaboration with staff. However, staff believes that two of the concerns outlined in the previous section—the process scope and the group's autonomy from the City—would benefit from input and direction from the Committee and the Council. These issues both implicate Council direction and are central concerns to many who have resigned from the group.

- 1) On the issue of scope, the current Council direction does not include issues of police reform, such as police accountability and oversight, within the Reimagining Community Safety

effort. Additional Council direction would be necessary to include these issues as major focuses of the group's work.

- 2) On the issue of autonomy, staff is ready to give the Advisory Group a strong hand in guiding its work, in collaboration with staff, through a steering committee or other means, but would need Council guidance on participation in a process that is fully autonomous from the City, or which does not include participation by the Police Department, as some have requested. On this latter issue, the Administration believes that the Police Department is a critical participant in this work, as recommendations may entail operational changes to the current policing model that the Department would be charged with implementing.

Given the need for guidance on these issues, staff is recommending that this report be cross-referenced to the City Council meeting on June 8, 2021 for consideration by the full Council.

CONCLUSION

As noted above, staff is committed to advancing this work in collaboration with the community. Although the process is currently paused, many of the members who have resigned have signaled a willingness to reengage with the process if their concerns are addressed. With guidance from the Council on the outstanding issues of scope and autonomy, and through collaboration with Advisory Group members to structure the work in a way that is meaningful and productive for them, staff will seek to recommence the process and continue this important work.

EVALUATION AND FOLLOW-UP

Staff recommends that this item be cross-referenced to the June 8, 2021 City Council meeting. Based on the feedback and guidance provided by the Committee and the City Council and taking into account all of the feedback staff has heard from Advisory Group members, staff will develop a revised work plan and project timeline for this project in collaboration with the Advisory Group. Staff will also evaluate whether additional budget resources are needed to implement this project given any changes in project structure and scope.

CLIMATE SMART SAN JOSE

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

PUBLIC OUTREACH

The information provided in this memorandum is the product of extensive engagement with community members who sit on the Reimagining Community Safety Advisory Group, both as part of the group's public meetings and through small group meetings, telephone conversations

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and written correspondence. This memorandum will be posted on the City's Agenda website for the Public Safety, Finance and Strategic Support Committee meeting to be held on May 20, 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 action.

CEQA

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

/s/
ANGEL RIOS, JR.
Deputy City Manager

For questions, please contact Angel Rios, Deputy City Manager, at (408) 535-4884.

Attachments:

Attachment A: Original Advisory Group Membership List

Attachment B: Letter from Advisory Group member Poncho Guevara dated April 22, 2021

Attachment C: Letter from the NAACP and Black Leadership Kitchen Cabinet dated April 27, 2021

Attachment D: Letter from several Advisory Group members and other community leaders dated May 3, 2021