

From: Nancy Palmer Jones [REDACTED]
Sent: Wednesday, January 10, 2018 11:34 AM
To: City Clerk; Taber, Toni
Cc: [REDACTED]

Subject: Urgent: Community (PACT) Submission of Questions for Study Session on IPA/Police Oversight

MEMO

To: City Clerk of San José
From: PACT's Beloved Community Team
submitted by the Rev. Nancy Palmer Jones and the undersigned
Date: January 10, 2018
Subject: Questions for the January 16, 2018 Study Session
re IPA/Police-Oversight Models

This memo (attached and copied below) includes:

- **A statement of the problem being addressed**
- **Links to supporting articles**
- **Questions to be asked at the Study Session**

Statement of the Problem Being Addressed:

- **People of color, houseless people, low-income people, families experiencing mental health issues, and young people are most affected by lack of trust and transparency between police officers and community members. The Study Session—and the resulting implementation of improved oversight models for San José—will demonstrate that these traditionally marginalized communities are central to the health and well-being of our entire community—police officers, elected officials, and community members alike.**
- **When the San José Office of the Independent Police Auditor was established in 1993, it was recognized as a national model. But over the past 25 years there have been many advances in the field, and **our model has fallen behind with its very limited scope.****
- **When, in October-November 2017, we PACT community members polled downtown and East San José voters about immigration, housing and policing, **88% of over 1,000 voters said they wanted increased transparency from SJPD.****
- **Every Beloved Community Dialogue—each located in communities of color (Latinx, African American, Asian American)—has drawn 200-300 people to focus on increasing transparency and accountability with the police. **Consistent high attendance on weekday evenings over the past three years indicates the desire and need for these improvements.****

- Crucial understandings of 21st-century policing practices show that **expanded oversight increases the** transparency and accountability essential for community trust, safety, and justice.
- The Study Session offers the rare opportunity for the City Council, Mayor, police, and community members to become informed about **best practices in police-community collaboration for increased transparency and accountability.**

Supporting Articles:

1. “Professional civilian oversight of law enforcement agencies can transform organizational culture in a positive way.... Across the United States, however, policing has changed, and professional civilian oversight could be exactly what is needed to regain legitimacy, boost morale, increase the hiring of diverse candidates ... improve public safety ... and increase trust in the communities that they serve.”
<http://www.policechiefmagazine.org/can-professional-civilian-oversight-improve-community-police-relations/>

2. Issues of concern for the communities we PACT leaders serve:

a. “San Jose has paid more than \$19 million in damages from 2004 through 2016 for claims of excessive force by police.”

<https://www.mercurynews.com/2017/07/31/videotape-by-neighbor-leads-jury-to-side-with-man-against-san-jose-cops-who-thrashed-him-with-batons/>

b. “The (UTEP) study of over 80,000 reports between 2013 and 2016 also reaffirmed previous analysis that once stopped in their cars, blacks were nearly three times as likely as whites to be ordered to sit on a street curb — an oft-critiqued practice by civil-rights groups — and are nine times more likely than whites to be given a field interview. Latino drivers were more than three times as likely as whites to get a field interview, and both groups were more than twice as likely to get a criminal citation at the end of the stop.”

<https://www.mercurynews.com/2017/02/17/race-study-disparities-in-stops-persist-but-sjpd-fares-better-than-expected/>

c. Body-worn camera policy highlights the need for stronger policy-making and accountability. Despite IPA recommendations and significant community input (PACT and others), the BWC policy allows officers to access to BWC footage before preparing their reports. Police should write reports based on their actual experiences and memory of the incident and what motivated them to act in specific ways, not based on what they learn from the footage that would then guide them to write their reports to justify their actions. If officers have access to footage before they write their reports, then individuals should also have access before they make

their statements. The current procedures add to the lack of trust among targeted communities.

**Questions for Study Session 01-16-18
From PACT Beloved Community Team as of 01-10-18**

- 1. What is the inspector-general model of oversight and how does it differ from the auditor model? How can these two models work together for more robust recommendations that create a safer community for police and civilians alike?**

- 2. Data Access:**
 - **How could access to records provide critical information and transparency that would both demonstrate the good work of SJPB and identify any issues that might need addressing systemically?**
 - **How does the IPA's current access—only to complaints and other restricted information—limit its capacity for proactive systemic assessment and improvement?**
 - **What information is protected by the Police Officers' Bill of Rights (POBOR)? What records/data would be helpful for increasing transparency and identifying systemic issues and improvements and successes and are not limited by POBOR? For example:**
 - a. **What records are needed to review de-escalation?**
 - b. **What records are needed beyond GBI (great bodily injury) use of force to have “a complete data source”?**
 - **What limits and advantages are there to the new Use of Force Systemic Analysis for independent oversight?**

- 3. What oversight models (and what actual jurisdictions) have roles in policy decision-making? How do those compare to the IPA role of making policy recommendations?**
 - **Please address how both independent professionals and community members can play important roles in policy decision-making.**
 - **How can current practices of IPA-SJPB communication around policy development be institutionalized and/or improved?**

4. What oversight models (and what actual jurisdictions) have roles in investigations? How does that system of independent accountability and transparency improve community trust in police?

- **What is the value to oversight offices having subpoena power?**

5. What oversight models (and what actual jurisdictions) have roles in discipline decision-making? How does that system of independent accountability and transparency improve community trust in police?

6. What hybrid models of oversight have been shown to be most promising—like those used by BART, Denver, Pasadena, Anaheim? Please explain.

Respectfully submitted,

**Rev. Nancy Palmer Jones, Robert Aguirre, Yeme Girma, Frank Richardson,
and Derrick Sanderlin
for PACT's Beloved Community Team**



SAN JOSE POLICE OFFICERS' ASSOCIATION

January 11, 2018

Honorable Mayor and City Council
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

RE: Independent Police Auditor Study Session – January 16, 2018

Dear Mayor and Council,

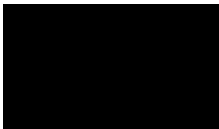
The San Jose Police Officers' Association is looking forward to your scheduled study session and discussion around the appropriate role of the Independent Police Auditor (IPA). It is important to remember that any policy formulated after this study session should be founded upon facts, data, and experiences generated from the City of San Jose. All too often in discussions surrounding police and community relations incidents or data from other parts of the country are utilized to point to problems that do not exist here in San Jose.

The current IPA, prior to measuring for new curtains in his office, has been clamoring for expanded power to oversee a solution in search of a problem. The recent public release of use of force data clearly shows that we have no crisis here in San Jose that would necessitate a wholesale change in how police officers are investigated for alleged wrongdoing. We are opposed to a "one size fits all" accountability model that is being peddled by some.

In fact, the data contained in the Scales use of force report validates that there is no disparate use of force amongst any particular segment of our population and certainly not against our residents of color. Although this information does not fit what many want to believe, the data speaks for itself; San Jose police officers target behavior, not skin color.

We support an honest and robust dialogue based upon the circumstances in San Jose, not what has occurred in other parts of our country. We believe the current system in place, including the use of force public portal, provides adequate transparency and the appropriate level of accountability the public demands of the SJPD.

Sincerely,



Paul Kelly, President
San Jose Police Officers' Association