



Memorandum

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: Councilmember Raul Peralez

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

DATE: June 11, 2020

Approved by:

Date: June 11, 2020

A handwritten signature in blue ink, appearing to be "Raul Peralez".

RECOMMENDATION

Accept the recommendations in the memorandum dated June 5, 2020¹, 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.

DISCUSSION

The focus of the joint memo dated June 5, 2020 was on the recent protests and the use of force and police response to those protests. And while it is still of great importance that we address those issues head on, it has become clear the interest of many in our community is to go beyond an examination of just these isolated incidents. Since then, my office has received hundreds of requests calling for radical changes in how we police and prioritize city resources. At Council, we heard dozens more, and likely will hear many more at the continuation hearing. It is important to acknowledge these requests and thus why I am requesting a broadened engagement process that seeks community input to help define and shape the future of policing in San José.

Having grown up Chicano in San José, regularly cruising on weekends down Santa Clara St. to King Rd. and then Story Rd., I lived the first 25 years of my life not having a great deal of trust in the culture of policing. But, I knew that if I wanted to do good for my

¹ <https://sjd3.com/wp-content/uploads/2020/06/KIP-FINAL-MEMO.pdf>

community and change some of the stigmas and narratives I grew up with, then why shouldn't someone like me apply to be an officer. I was fortunate that the San José Police Department felt the same. And after having served as a San José Police Officer for eight years, today I am in a unique position to use that personal experience to help lead in efforts to not only reimagine the future of policing in our communities but to help build stronger mutual trust in the process.

I have personally responded to many of the thousands of calls for service that come into our police department every year, ranging from property crimes to domestic violence, child abuse, homicides and other forms of violence. But, I am also very familiar with the many calls that simply by default get placed on our police department, like drug use incidents, homeless abatements, mental health crises, and K-12 schoolyard disputes.

For too long, many people, including police officers, have questioned why the police have become the primary service dispatched to address these social issues. I recall the frustration of realizing failures in our systems were using officers as a catch all safety net, often feeling as though I was doing the job of a teacher, a counselor, or a social worker, without the proper training. I saw first hand how our men and women in uniform are expected to face violent crime on one call and then act with the expertise of a social worker on the next.

I am also now much more aware of the implicit and sometimes explicit bias that lives within us all and the long-standing history of oppression and racism within the profession of policing throughout our Country. At the root of these problems rests decades of underinvestment by our governments in low-income and communities of color, often denying and ignoring inequities leading to poverty, lack of access to education, homelessness, mental illness, and health and racial disparities.

Calls to reimagine policing have a wide range of meanings to the many voices demanding change, but the goals seem more universal. Christy E. Lopez, a professor at Georgetown Law School describes needed changes in policing:

“Be not afraid. Defunding the police is not as scary (or even as radical) as it sounds, and engaging on this topic is necessary if we are going to achieve the kind of public safety we need ... To fix policing, we must first recognize how much we have come to over-rely on law enforcement. We turn to the police in situations where years of experience and common sense tell us that their involvement is unnecessary, and can make things worse.”²

Reimagining policing and investing in our community do not have to be mutually exclusive. The lack of funding prioritization for social programs must be addressed for there to be redirection in how police budgets are designed and how officers are utilized, but they don't have to come at the expense of one another. Police officers and policing

² <https://www.washingtonpost.com/opinions/2020/06/07/defund-police-heres-what-that-really-means/>

itself serve an essential function and it's worth acknowledging that San José has the most thinly staffed police department of any major city in the Country. Not a week goes by without community members asking my office for better or more police enforcement to combat crime in their neighborhood. Additionally many of the social service needs of our community are supposed to be met with resources from our County and other government agencies, and not just from the resources within our City. In the end we should feel comfortable knowing that all local government agencies, including the County, have invested adequately and equitably in all areas of need, including mental health care, affordable housing, and expanding the use of mediation and trained social workers. This prioritization of resources may actually be what ends up best for both our community and our police officers.

If we are truly open to a dialogue on the future of policing, then we have to be open to the idea that it could end up different from what we know today. We can not dismiss this tremendous opportunity to discuss what the future of policing in San José could look like.